

## **Joint Press Statement**

**21 November 2021**

### **15 Years of Comprehensive Peace Agreement: Justice still Elusive**

**On the 15th anniversary of the signing of the Comprehensive Peace Agreement (CPA), victims associations and human rights organizations call for an end to the continuing delays and betrayal in the truth and justice process for the thousands of conflict victims in Nepal.**

**The undersigned groups of victims, national and international human rights organizations in Nepal reiterate that the Government of Nepal must undertake immediate and urgent steps towards reviving the transitional justice (TJ) process making it open, transparent consultative, and credible.**

Today, marks 15 years of false hopes, dissatisfaction, and unresolved agony for conflict victims, victim families, and the entire national and international human rights community, as the Government continuously fails to deliver the one of the commitments made in the CPA on 21 November 2006.

The CPA formally ended the decadelong armed conflict and made commitments to make the whereabouts of the ‘forcefully disappeared’ public within 60 days, and to “investigate truth about people seriously violating human rights and those involved in crimes against humanity.” Sadly, 15 years later today victims and their families continue to wait to hear the news of their loved ones and the investigation of truths is mired under a sham process.

The existing Transitional Justice (TJ) Commissions - Truth and Reconciliation Commission (TRC) and the Commission of Enquiry on Enforced Disappearances (CIEDP) – are in stark contrast to what was promised to the citizens of Nepal.

The Commissions’ have been widely perceived to have been formed under political influence under a flawed law which the Supreme Court ordered to amend to disallow amnesty in cases of grave human rights violations. Despite the Supreme Court ruling in February 2015, the Act is yet to be amended in conformity with Nepal’s local and international legal obligations.

Existing TJ mechanisms are dysfunctional and they failed to secure trust and cooperation of stakeholders including the victims. They have rather prevented victims’ access to the regular justice system and they have served to promote impunity for perpetrators. This obstacle to access justice is not only the closes of all doors for victims but has also weakened the rule of law and victim's hope for justice in Nepal.

Evading fundamental responsibility to investigate into incidents of human rights violation and to throw the dust in the eyes of the national and international human rights community as well as conflict victims, the TJ Commissions have been lately issuing "identity cards" to the victims and their kin. Ironically, these cards do not even have the names of the actual victims and these identity cards have not been classified on the basis of plights and losses endured by the victims. Not only does the card fails to classify the facilities made available to the card bearer but also it does not prescribe what concession or facilities the identity card bearer is entitled to. And this is yet another ploy of the puppetized Commissions to make a false public display of their mandate. There is writ filed at the Supreme Court against this controversial move of the Commissions.

We express our deep displeasure at government's failure to initiate a credible TJ process as per the Supreme Court ruling in particular its failure to amend the TRC Act, to initiate a genuinely meaningful consultations with the victims and to initiate an open, fair, transparent and independent process to select the Commissioners on the TJ bodies, to implement the National Human Rights Commission's recommendations.

We are also calling on the international community to have coordinated strategies to press on the Government of Nepal to make tangible progress on TJ without further delays and not be part of the Government's tactics to delay and dilute victims' right to truth, justice and reparation as well as end of impunity and guarantee of non-repetition of abuses. We, the undersigned groups, reiterate our position that we will not engage with the existing Commissions formed under an Act that provides amnesty to perpetrators and also formed under political influence. We demand that the government undertake the following immediate tangible and clear steps to enable the transitional justice process to move forward:

- Make public timeline with clear action plan about transitional justice process in consultation with stakeholders and pledge a tangible commitment to take transitional justice process to a logical end and implement the action plan in letter and spirit;
- Immediately start fresh and meaningful consultations inclusively with all stakeholders to amend TJ law;
- Amend the TJ law in compliance with Supreme Court rulings and international TJ standards and frame necessary fundamental laws;
- Establish competent and independent commissions on the basis of a competitive and transparent process and clear standards under the revised Act that respects victims' basic right to truth and justice;
- Immediately avail financial resources to the commissions to accomplish their duties, facilitate commissions to manage necessary infrastructure, experts, technicians and human resources;

- Ensure recognition, medical support and rights to truth, justice and reparation to victims of rape and sexual violence and common people maimed by the landmines laid during the conflict;
- Immediately address the victims' needs like medical support, ancillary goods and transfer of property.
- Make clear provision of right to reparation in law and ensure social, economic, psychological and legal support to victims.

**Endorsed by:**

<b>Victims' Organizations</b>			
1	Conflict Victims Common Platform (CVCP)	2	Conflict Victims National Alliance (CVNA)
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 the Families of Disappeared 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	Discharged People's Liberation Army Nepal
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	Sindhuli Manilal Memorial Trust, Myagdi	28	Nandalal Koirala Memorial Trust, Gorkha

29	Ra.Si.Pa. Memorial Foundation, Arghakhachi	30	Martyr Jaya Bahadur Rawal Memorial Foundation, Jajarkot
31	Shiva Prasad Bhatta Memorialization, Gorkha	32	Hari Bhakta Memorial Foundation, Rukum
33	Martyr Tikaraj Aran Memorial Foundation, Ramechhap	34	Martyr Dasarath Thakur Memorial Trust, Rajbiraj
35	Martyrs and Disappeared Warrior Children Foundation	36	Martyr Ajablaal Yadav Memorial Trust, Dhanusha
37	Bhupendra Memorial Trust Nepal	38	Conflict Victims Women Network, Banke
39	Bhupendra Smriti Pratisthan Nepal, Banke	40	Conflict Victims' Rights Forum, Myagdi
41	Peace Envisions		

**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	Dalit Network Federation	10	Democratic Freedom and Human Rights Institute (DFHRI)
11	Dignity Media	12	Forum for Protection of People's Rights Nepal
13	Forum for Restorative Justice	14	Forum for Women, Law and Development (FWLD)
15	Forum of Women Journalists and Communicators (Sancharika Samuha)	16	Himalayan Human Rights Monitors- HimRights
17	Human Rights for Justice	18	Human Rights Organizations Nepal (HURON)
19	Human Rights and Justice Centre (HRJC)	20	International Institute for Human Rights, Environment and Development (INHURED International)

21	Human Rights Foundation (HURFON)	22	Justice and Rights Institute Nepal (JuRI- Nepal)
23	Informal Sector Service Centre (INSEC)	24	Legal Aid and Consultancy Centre Nepal (LACC)
25	Jagaran Media Centre (JMC)	26	Nagarik Aawaz (NA)
27	Law and Policy Forum for Social Justice (LAPSOJ)	28	Nepal Law and Policy Centre
29	National Alliance of Women Human Right Defenders	30	Sankalpa
31	National Network for Safe Migration-NNSN	32	Terai Human Rights Defenders Alliance (THRD Alliance)
33	Nepal Peacebuilding Initiative	34	Transcultural Psychosocial Organization Nepal (TPO)
35	Public Defender Society of Nepal (PDSN)	36	Women for Human Rights (WHR)
37	Tarangini Foundation	38	Women's Rehabilitation Center (WOREC)
39	The Story Kitchen	40	Voices of Women Media (VOW Media)
<b>International Organizations</b>			
1	Asian Alliance Against Torture (A3T)	2	Asian Justice and Rights (AJAR)
3	Asian Human Rights Commission (AHRC)	4	International Coalition against Enforced Disappearances (ICAED)
5	International Federation for Human Rights (FIDH)	6	Transitional Justice Asia Network (TJAN)