



## **Press Statement**

### **Nepal: Missed Opportunity to Establish a Legal Foundation for Concluding the Transitional Justice Process**

**15 August 2024**

Accountability Watch Committee (AWC) expresses regret that the House of Representatives has missed a historic opportunity to establish a robust legal foundation to conclude the transitional justice process, which has remained stalled for 18 years. This opportunity could have been realized by amending the law to ensure the victims' right to truth, justice, and reparations.

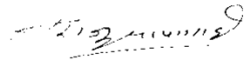
Although some improvements have been made in the legal provisions regarding reparations, the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act (Third Amendment) Bill passed by the House still contains significant flaws that severely undermine the victims' right to justice. The definitions and classifications of human rights violations and serious human rights violations are not consistent with international human rights and humanitarian law standards. The provision allowing a 75 percent "non-judicial reduction" in the sentence for perpetrators of serious violations is regressive. It disregards the fundamental principle that punishment should correspond to the gravity of the crime. Furthermore, it undermines the Supreme Court's established precedents, which have made it clear that amnesty, pardon, or any other form of impunity for serious crimes are unacceptable under any circumstances.

The narrow statute of limitations for filing cases based on the Commission's recommendations, the provision allowing perpetrators to remain in public office without being suspended during investigations, and other similar arrangements seem designed to shield perpetrators from criminal accountability by hook or by crook.

It is essential to recognize that ensuring accountability for serious violations is not just a matter for conflict victims but a legitimate concern for the post-conflict society as a whole. Deterrence through proportionate punishment is necessary to prevent the recurrence of destructive violence, serious human rights violations, and atrocities. It is vital to ensure that future generations do not have to endure such unimaginable sufferings. Failing to establish effective legal provisions to break the cycle of impunity is therefore an injustice to future generations and undermines their right to peace.

It is evident that efforts to address the serious legal flaws through further amendments or judicial interpretation will once again be necessary. Moreover, all relevant stakeholders must remain vigilant to prevent the political manipulation of the commission formation process, as has occurred in the past. The AWC also calls upon stakeholders including the United Nations, international human rights organizations, and development partners including diplomatic missions that have supported Nepal's transitional justice efforts, to actively monitor this critical process.

**On behalf of the AWC,**



Raju Prasad Chapagai (Coordinator), Rajan Kuikel (Deputy Coordinator), Rukmanee Maharjan (Deputy Coordinator), Members: Charan Prasai, Dr. Gauri Shankar Lal Das, Dr. Mandira Sharma, Dr. Gopal Krishna Siwakoti, Dinesh Tripathi, Suman Adhikari, Devi Sunuwar, Baburam Giri, Dr Birendra Thapaliya, Om Prakash Aryal, Janak Bahadur Raut, Indra Prasad Aryal, Mahamunishwor Acharya, Bikash Basnet, Anita Thapaliya, Bhakta Bishwakarma, Badri Prasad Bhusal.