



Nepal: Extension of transitional justice mechanisms' mandate should just be a start

A mere 24 months after their launch, the transitional justice (TJ) mechanisms of Nepal face closing down. TRIAL International, REDRESS, HimRights, Advocacy Forum and JuRI-Nepal urge the Government of Nepal to extend their mandate and provide them with sufficient resources. The process must be accompanied by legislative changes and guarantees against political interference.

The story of Nepal's TJ mechanisms has been one of delays, political meddling and faulty processes. Contrary to the spirit the Comprehensive Peace Accord, it took nine years for the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) to see the day – yet they were only granted two years to fulfill their colossal mission.

Together, the TRC and the CIEDP have received over 61'000 complaints and cases of rights violations committed during the decade long armed conflict. But inherent flaws have seriously impeded their work from the outset: a lack of consultation with victims in the early stages; politicization of the process to appoint commissioners; loopholes in the existent legal framework; inadequate resources and little government support. Without surprise, neither the TRC nor the CIEDP are close to finishing their tasks.

In fact, they have arguably not even started their core functions: so far nothing more concrete than internal regulations have been adopted. No investigation has been carried out, no case has been recommended for prosecution, no report has been published and no reparative measures have been recommended.

Victims cannot be let down again

Despite these shortcomings, the TRC and the CIEDP remain victims' best chance to access truth and obtain reparations. The tens of thousands who have filed their complaint – in spite of significant hurdles – cannot simply be ignored. They have placed their hopes and trust, and now the onus lies on the government to act swiftly.

For the mechanisms to fulfill their tasks, extending their mandate must go hand in hand with legal improvements: the criminalization and retroactive application of crimes of torture, enforced disappearance and use and recruitment of child soldiers, as well as the lifting of statutes of limitations for rape, murder and torture. Legal ambiguity on the relationship between the criminal justice system and the transitional justice bodies should also be clarified. These changes should be implemented in meaningful consultation with stakeholders, including victims' communities and civil society.

The bodies will also have to clarify their internal policies and processes: under which criteria will cases be recommended for prosecution? Which safeguards are in place to prevent political interference? How will reparation packages operate and what will be their scope? How will victims and witnesses be protected from potential reprisals?

Many questions remain open and the way to justice is still paved with obstacles. Shutting down the mechanisms at this critical juncture, would only alienate the victims further. For their sake, all parties must come together and build at last a credible transitional justice system.

Signatories:

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