

Evaluating Nepal's Truth and Reconciliation Commission

Som Prasad Niroula*

Abstract

The Comprehensive Peace Agreement (CPA) was concluded between the Government of Nepal and the Nepal Communist Party of Maoists (CPN-M) in 2006. The management of combatants and the drafting of a new constitution have been accomplished. However, the conflict victims of grave human rights violations are still waiting for justice. The CPA clearly promises that the whereabouts of the disappeared person(s) will be identified within 35 days. The families of people subjected to enforced disappearance are still waiting for their beloved family members.

This paper assesses the role of the Truth and Reconciliation Commission and the Commission of Enforced Disappearances in providing comprehensive justice to conflict victims. It will minutely investigate the three questions: What happened during the armed conflict? How was the mechanism designed to deal with grievances of the past? Why has it failed so far in providing justice to the victims?

The research will generate information and evidence through the archives of published books, articles, and reports. The materials have been taken from both academic and non-academic sources. There has been consulted published stories, narratives, and data from commissions as well as from human rights organizations. The conflict victims are in a helpless situation, as they have lost their family members and also face several obstacles in property transfer. In addition, it is assumed that the legacies of violence will continue if they are not addressed.

Key words: Truth Commission, Transitional Justice, Victims, Conflict, human rights violation

Part –I: Introduction

1.1 Introduction

The discussion and debate on the establishment of Truth Commissions emerged in the 1980s. In this era, many nations shifted away from authoritarian regimes toward liberal democracy, especially after the collapse of the Soviet Union and the fall of the

*MPhil-PhD Scholar, Central Department of Conflict, Peace and Development Studies (CDCPDS), T.U.

Berlin Wall. Additionally, political transitions were observed in several Latin American nations. Ruti (1990) argues that the transitional justice is a process of 'liberalization' of political changes and justice in times of political transition involves legal measures aimed at addressing the misconduct of previous oppressive regimes. It has been widely discussed how to deal with the past human rights violations as countries have been moving towards the prospective democratic transitions. The UN's special Rapporteurs, Louis Joinet (1997) defines the rights to truth as:

This is not simply the right of any individual victim or closely related persons to know what happened, a right to the truth. The right to know is also a collective right, drawing upon history to prevent violations from recurring in the future. Its corollary is a "duty to remember", which the State must assume, in order to guard against the perversions of history..."

About forty Truth Commission have been formed after 1974 as temporary commission through the laws or decision of the government. The mandate of the commission is to explore the truth, nature of conflict and level of violation committed during the conflict (Bleker, 2010). In the context of Nepal, the commission of inquiry has been formed according to the law of 1952 which laid the foundation of these commissions. After the democratic advent of 1990 to 2010, a total of 38 commissions were formed. However, their reports have been hardly implemented . Considering the backdrops of these commissions, the conflict victims and civil society organizations have demanded a strong and effective truth commission to investigate the human rights violation during the armed conflict.

The decade-long internal armed conflict between the government of Nepal and Maoists took the lives of more than 17000 lives, thousands of people disappeared. 250 thousand people internally displaced and destroyed large number of public and private properties. In addition, many young people were forced to enroll as Maoists combatant, sexual abuses by both Maoists and security forces, torture and extrajudicial killings. In different understanding and agreement both government and Maoists agreed to investigate the case of human rights violations during the armed conflict. Specifically, the government and Maoists have signed a comprehensive peace accord (CPA) in 2007 which mentioned that the government will form the commission to investigate the cases of human rights violations during the armed conflict. The Comprehensive Peace Accord (CPA)'s article 5.2 mentioned under the heading of normalization measures, the roadmap of the work to

be done on transitional justice is mentioned (see the provision in annex-1). Despite the provision of formation of the Truth Commissions in the CPA and Interim Constitution of Nepal, 2007, the government enacted a law on formation of two commissions: Truth and Reconciliation Commission and Enforced Disappearance Commission. However, the victims and civil society have strongly condemned raising the concern in laws and formation process of the commissions.

1.2 Statement of Problem:

The government promulgated an act in 2014 to form Truth Commission and Enforced Disappearance Commission. As a result, the government formed two commissions on February 10, 2015 – Commission of Truth and Reconciliation (TRC) which investigated human rights violations during the conflict and Commission of Investigation on Enforced Disappeared Persons (CIEDP) which investigate the cases of enforced disappearances. The TRC received about 63000 cases and CIEDP received about 2700 cases. However, the conflict victims submitted serious concern before the government of Nepal in the process of nominating the commissioners for the Truth Commissions, as the commissioners have been appointed on a purely political recommendation and victims did not trust to the commissioners and filed writ petition to the court by demanding amendment of law which grants the amnesty in serious crimes of human rights violations. The Supreme Court decision came in favor of the conflict victims and ordered the government to reform the laws. The government took long time to amend the laws, and it was finally amended in 2024. The Nepal Judicial Academy conducted research about implementation status of the court's judgement and it shows that only 24 per cent of the court judgement related to transitional justice implemented . In another ongoing study of Notredam PAM research shows that only 78 per cent of the comprehensive peace accord of Nepal has been implemented . The remaining 28 percent of the work has not been achieved as the truth commission's work has not been seriously implemented over the past 20 years. The conflict victims and civil society have been raising serious concern and demanding about the efficient and affective functioning of truth commission. In this research, the researcher is interested in exploring why the truth commission failed to ensure justice.

1.3 Objectives

The overall objective of this paper is to assess the effectiveness of the truth

commission onto what extent the truth commissions are functional for effective delivery of justice. But its specific objectives are to:

- i. Minutely assess the proceeding of the formation of the Truth Commission and Commission on the Enforced Disappearance People and their functioning;
- ii. Investigate the effectiveness of their function and delivery of justice as well as broader impact of effective justice delivery.

1.4 Scope and limitations of the study

The paper has some limitations in its scope. It covers the effectiveness of the Truth Commission of Nepal after its formation in 2015. It does not cover the causes and consequences of the internal armed conflict. It assesses and analyzes the documents of secondary sources, the published materials/works and literatures. There is not much literature available on the assessment of the commissions. The paper is limited to the two truth commissions as it will have limited time to work with.

1.5 Structure of the paper

The paper is divided into five parts. The first part provides background information on the Truth Commission in the context of Nepal and its objectives. The second chapter offers an overview of existing Truth Commissions and their effectiveness. The third part outlines the methodology used to draft this paper. The fourth section presents the discussion and analysis, and finally, the conclusion and synthesizing.

Part –II: Literature Review

This section gives an overview of theoretical and empirical reviews of literature. In addition, it applies the conceptual framework based on literature review of related acts, regulation, texts, reports and justification of the study.

2.1 Literature review:

There are very limited literatures available on effectiveness and efficiency of truth commissions in the context of Nepal. The scholars and non-government organizations focus on the importance of formation of the mechanisms to address the grievances of the past. Truth commissions are independent, short-term investigative bodies established by governments or international organizations to examine systematic violence within a

country over a specific timeframe, with a primary focus on victims' experiences (Hayner, 2011). In addition, Rotberg (2006) argues that truth commissions play a crucial role in uncovering historical injustices, fostering reconciliation, and promoting justice, but their effectiveness depends on political will, institutional support, and societal engagement. Hoogenboom (2014) focuses on transitional justice should be understood as a dynamic and context-dependent process that balances legal, political, and social dimensions to address past human rights violations while fostering long-term peace and stability. The establishment of truth commissions is to understand the legacies of conflict /violence by revealing the truth, ensuring the justice and reconciliation, reparation to the affected people and guarantee of non-occurrences of conflict in future.

Gibson (2009) argues that the success of truth commissions relies on two key factors: (1) their ability to capture the interest of the people they serve and (2) the public's perception of their legitimacy. The truth commission should capture the people's confidence and trust to be effective and efficient in their work. The ICTJ has further defined the legitimacy and independence of the commissions as the commission should follow the 'consultative approach to strengthening legitimacy', 'political and operational independence of the commission', financial autonomy, and procedures to select the commissioners. Moreover, UN secretary general highlights that the transitional justice plays a vital role in establishing lasting peace by aiding victims, families, and communities in recovering from the injustices of war. However, it is an intricate and sensitive process. Its effectiveness relies on inclusivity, comprehensiveness, and a victim-centered approach—emphasizing truth, reparation, and justice. Ensuring women's full participation and providing meaningful redress for all victims are key to fostering reconciliation and addressing past grievances (UN, 2024). The Amnesty International (2007) highlighted the minimal requirement for the effective truth commission as competent, independent and impartial authority, clear mandate and power, respect, protection and promotion of the rights of the victims and their families, adoption of a fair procedures and finally public information: final report and recommendation.

The truth commission of Nepal formed in 2015 and these commission are not effective and efficient. The several studies have highlighted the causes and consequences of ineffectiveness. Several scholars highlight the persistent obstacles to achieving meaningful justice. Sharma (2021), Singh (2019), and Gurung (2013) emphasize political obstruction and institutional inefficiencies as key barriers preventing victims from receiving justice.

Similarly, Toro Sánchez (2017) and Bhandari (2015) argue that the absence of a clear political transition and weak enforcement mechanisms hinder accountability for past human rights violations.

Victim-centered justice remains a crucial yet neglected aspect of Nepal's reconciliation efforts. Selim (2015) and Sapkota (2009) point out that victims struggle to assert their agency and have their narratives recognized, while Billingsley (2018) specifically highlights how children's experiences are marginalized. Sidhu (2021) and Balaz-Munn (2019) further extend this discussion by examining alternative avenues for remembrance and justice; Sidhu focuses on Instagram as a space for digital memorialization, while Balaz-Munn critiques Nepal's technocratic approach for sidelining deeper social and political transformations. Sarkin and Bhandari (2020) argues that while truth commissions have become a global norm for addressing past atrocities, their effectiveness depends on legitimacy, credibility, and adherence to democratic principles, with Nepal serving as a case study highlighting how political interference in appointment processes undermines transitional justice efforts. These scholars argue that Nepal's transitional justice process remains contested, with reconciliation efforts often undermined by structural barriers, political manipulation, and inadequate victim-centered approaches.

2.2 Conceptual framework

The above-mentioned studies have clearly outlined existing problem of the truth commission in Nepal. The paper will further explore in the next section how these issues undermined the effective and efficient function of the truth commission in Nepal.

- Laws and policies to address human rights violation in the past
- Delayed and Political manipulation in appointment of commissioners
- Peace vs. Justice debates
- Trust, Accountability and transparency of truth commissions
- Allocation resources (financial and human resources)

The truth commission will work effectively and efficiently by facilitation and fulfilling the certain preconditions as mentioned above.

2.3 Justification for the study

The paper explores how Nepal's truth commission functions, specifically established in 2015 to investigate human rights violation cases during the armed conflict.

Several empirical studies by non-governmental organizations have examined the causes and consequences of the internal armed conflict. However, very few studies have focused on the function and role of truth commissions. This paper explores the causes and consequences of ineffective and inefficient truth commissions. It will further contribute to understanding the hindsight of the truth commission in Nepal from legal, political, social, and victims' perspectives.

Part-III: Methodology

There has not been a long historical legacies of formation of the truth commissions. The truth commission started to form after the 1970s to investigate the causes of human rights violation in times of the political transitions. Hayner highlights that the first characteristics of the truth commissions are to investigate the past crimes, understand a pattern of the abuses of the specific time period, a temporary body establish with specific mandate, established and authorized by the government with assurance of security (Hayner, 2001). The truth commissions are mandated to reveal the truth, document the facts, based on the gravity of the crimes committed in the past – recommend for the prosecution, reconciliation, recommend for the reparation and ensure that the conflict will not recur again in the future. The fairness, legitimacy and transparency of the truth commission are essential parts. The mandate of the commission and moral values of the commissioners are equally important to function well and satisfy the people affected by the armed conflict. The people who are affected in conflict might raise the question if they raise suspicion of particular member's engagement in the commission will jeopardy the justice for the victims. Conflict victims have raised this issues several time.

The truth commission's efficiency and effectiveness measured through the stories and textual presentation. Scholars working in this field for the last 30 years focused more on inductive approach and narration of people who suffered violence during the armed conflict. The ethnographic studies (participatory), critical discourse analysis, textual analysis, translation of individual text, quantitative methods (survey), Mix-methods and examined legal practices are some of the methods applied in study of transitional justice. Each method has its own advantage and disadvantages. However, scholars are also using the quantitative methods such as Human Rights Data Group (HRDAG) . The context and individual have been suffered differently in every places. It is also essential to adopt the multi-methodological approach to better understand efficiency and effectiveness of the truth commissions.

The paper will flow the archival documents related to truth commissions published by the commissions, report of the non-governmental organizations, and newspaper articles etc. The paper review the historical documents to understand the in effectiveness of the truth commissions. The paper will generate numerous documents to analyze. The collected materials will be divided into different themes and codes prior to final analysis. The paper will maintain the individual's confidentiality and will not reveal the name of the victims.

Part- IV: Discussion and Analysis

In this part I will discuss the different challenges that contributed in making the truth commission effective and efficient since its formation. The major contributing factors are: Inadequate laws and policies, Delay in appointing commissioners and political manipulations, the challenges of the armed groups on peace vs. justice, trust of the victims, accountability of the commission and finally allocation sufficient financial and human resources to accomplish the task.

4.1 Inadequate laws and policies

Despite clear mandates in the Comprehensive Peace Agreement (CPA) and multiple Supreme Court rulings (1st June 2007, 2nd January 2014, and 26th February 2015), Nepal's transitional justice (TJ) process faced significant delays due to political inaction and lack of understanding (Supreme Court of Nepal, 2014, 2015). While other aspects of the peace process, such as the rehabilitation of combatants and reconstruction efforts, progressed, addressing past human rights violations remained unresolved, creating challenges for victims and civil society (Office of the High Commissioner for Human Rights [OHCHR], 2014). Under pressure, the government attempted multiple legislative efforts, but its ordinances and laws often failed to meet Supreme Court rulings and international standards (Adhikari & Bastnet, 2014). Despite forming TJ commissions, the government ignored victims' concerns, leading to further legal challenges (Supreme Court of Nepal, 2015). In 2015, the Supreme Court ruled against controversial TJ provisions, affirming that crimes like rape, torture, and enforced disappearances cannot be amnestied and that victims have the right to truth and reparations (Supreme Court of Nepal, 2015; OHCHR, 2015). The conflict victims, civil society organizations national level and international level have pressurized government to amend the law addressing the Supreme Court's decision. Finally, the laws have been amended in 2024. The international communities, victims and civil society organizations has partially accepted the laws. However, the

government has not yet appointed the commissioners.

4.2: Delayed and Political manipulation in appointment of commissioners

The appointment of Truth Commission members often faces several key issues that can undermine the legitimacy and effectiveness of transitional justice. Nepal's Cabinet formed a Recommendation Committee on April 12, 2024, to appoint officials for the Truth and Reconciliation Commission (TRC) and the Commission for the Investigation of Enforced Disappeared Persons (CIEDP). The committee includes former justices, diplomats, and activists, but the NHRC refused to participate without a legal commitment from the government. While this move follows a Supreme Court order, concerns have arisen that the government may be using it as a pretext to delay the transitional justice process. The human rights organization have raised the serious concern about the appointment of the commissioners such as Amnesty International (AI), Human Rights Watch issues a statement urging Nepal government to maintain transparency and a competitive process to appoint the commissioners. The recommendation committee shortlisted 40 candidates and interviewed for the recommendation. However, the committee failed to recommend to the government for the appointment. The committee members have diverse opinion to nominate a chairperson in the commission. The civil society and victims' groups also raised the concern about the appointment of the chair as the background of the proposed candidate. The victims and civil society have urged government to appoint the commissioners as soon as possible. The government's extended delay, along with unfilled positions in the TRC and CIEDP, has effectively rendered the commissions nonfunctional. This has further deepened the suffering of conflict victims, denied them their right to justice, and caused unreasonable setbacks in the Transitional Justice process.

4.3 Peace vs. Justice debates

The discussion on human rights issues was at the center as it was included in the 12-point agreement between the Seven Party Alliance (SPA) and the Nepal Communist Party of Maoists (CPN-Maoists). The government and the Maoists signed the Comprehensive Peace Agreement in 2006 and agreed to establish truth commissions to investigate cases of human rights violations during the conflict. Civil society and victims are demanding the prosecution of perpetrators who committed serious human rights violations. The Maoists consider themselves change makers, transforming the monarchy into a republic. They argue that there should not be any prosecution and that the issue can be resolved

through reconciliation. It has been quite challenging to establish laws and balance the process. Adhikari (2020) states that prosecuting perpetrators who hold higher political positions might derail the peace process. Thapa (2018) argues that emphasizing justice might deepen divisions between victims and former combatants, hindering reconciliation. The debate continues on whether the focus should be on reconciliation and reparation rather than justice.

Civil society, victims, and international organizations argue that victims of conflict-era abuses, including enforced disappearances and extrajudicial killings, demand truth and accountability (Amnesty International, 2023). Nepal has formed numerous fact-finding commissions to investigate human rights violations; however, neither have their reports been published nor have prosecutions taken place. ICTJ (2020) clearly states that without prosecutions, perpetrators remain unpunished, undermining the rule of law. Additionally, the UN (2015) asserts that war crimes and crimes against humanity are not subject to amnesty under international human rights norms. It has been challenging for the Truth Commission to maintain a balanced approach through an effective and credible mechanism that respects and promotes human rights, peace, and justice.

4.4 Trust, Transparency and Accountability of the commissions

The conflict victims have been waiting for justice for the last 20 years. The CPA and constitution of Nepal have guaranteed that the government will ensure justice. The conflict victims have been continuously raising their concern about political interference and failure to deliver justice, limited compensation, and lack of the transparency of the truth commissions. The conflict victims have submitted more than 60,000 cases to TRC and about 3000 cases in CIEDP. Amnesty International (2023) mentioned that many victims feel that the commissions serve political interests rather than truth-seeking and justice. The victims have doubts about maintaining the privacy of the complaint. The victims might have filed a sensitive complaint such as torture cases, sexual harassment cases etc. In addition, HRW (2022) report mentioned that Victims fear that transitional justice is being used as a political tool to grant amnesty rather than ensuring accountability for crimes committed during the conflict. Since the victim community lacks confidence in the current commissions, which were established without meaningful consultation or participation, and have yet to complete a single investigation into conflict-era human rights violations that it is urged to the implementation of a transitional justice process with a clear timeline and action plan. This process should be guided by past experiences,

Supreme Court rulings, and international principles, while also reassessing the ineffective, government- and politically controlled commissions.

5.5 Allocation resources (financial and human resources)

It is the fact that the truth commission has been allocated a minimal budget and lacked trained human resources. The high number of cases, along with their complex nature, has further complicated investigations. Reports from the commission indicate that inadequate funding and a shortage of skilled personnel have significantly affected its work. Additionally, the International Center for Transitional Justice (ICTJ, 2020) reported that the government provided less than 50% of the requested budget, hindering the commission's ability to collect evidence and causing delays due to insufficient funds.

The commissions also require trained professionals across multiple sectors, including legal experts, forensic specialists, and social scientists, to effectively uncover the truth. However, the commission is severely understaffed. A report by Advocacy Forum Nepal (2022) highlights that the commission has misallocated its budget, failing to prioritize the needs of victims and investing inadequate fund for investigations and reparations.

Nepal's Truth Commission has faced numerous challenges-- making it ineffective and inefficient since its formation. Inadequate legal frameworks, delays in appointing commissioners due to political manipulation, and the ongoing peace versus justice debate have stalled transitional justice efforts. Despite Supreme Court's rulings and international pressure, the government has failed to implement necessary reforms, leading to distrust among victims. Over 60,000 cases have been submitted to the Truth and Reconciliation Commission (TRC) and around 3,000 to the Commission for the Investigation of Enforced Disappeared Persons (CIEDP), yet no significant progress has been made. Reports from Amnesty International (2023) and Human Rights Watch (2022) indicate that victims feel excluded from the process, fearing that the commissions serve political interests rather than truth-seeking and justice. Additionally, financial and human resource constraints have further weakened the commissions, with the government allocating less than half of the requested budget and failing to provide skilled and professional personnel, such as legal experts and forensic specialists, needed for proper investigations related to conflict resulting torture, kidnapping, rape and extrajudicial killings and thereby the grave violation of human rights and international humanitarian laws. Advocacy Forum Nepal (2022) highlights misallocation of resources, with little investment in victim reparations or case resolutions. Without urgent

reforms, increased accountability, and political commitment, Nepal's transitional justice process risks failure, denying victims the justice and truth they have long awaited.

Part-V: Conclusion

The establishment of truth commission has been a global response to addressing past human rights violations, yet their effectiveness remains debated. In Nepal, the formation of the Truth and Reconciliation Commission (TRC) and the Commission for the Investigation on Enforced Disappeared Persons (CIEDP) was mandated by the Comprehensive Peace Agreement (CPA) signed in 2007. However, despite legal provisions and Supreme Court's rulings, these commissions have been struggling due to unnecessary political interference, inadequate resources, and lack of trust on the part of victims. The government's failure to implement court decisions and properly support these commissions has further delayed justice. However, the 2024 legal amendments have addressed some of the concerns, still the challenges persist in ensuring transparency and accountability by truth commissions.

The research aims to contribute to a deeper understanding of Nepal's truth commissions and their role in ensuring justice. The ineffective implementation of transitional justice mechanisms has left thousands of victims without truth and reparations, undermining public confidence in the processes. Moving forward, truth commission must be prioritized allocating sufficient resources, appointing independent commissioners, and committing to a victim-centered approach for establishing the truth, provide justice to the victims –including reparation and recommend individual for appropriate legal action who involved in the grave violation of human rights and extra-judicial killing and rape during insurgency period. Without completing these crucial reforms or actions of the transitional justice process won't be completed and rather risks remain with a symbolic gesture in delivering genuine justice and reconciliation initiatives.

REFERENCES

- Adhikari, A. (2020). *Conflict, Peace, and Justice in Nepal: A Fragile Balance*. Kathmandu: Nepal Institute for Peace Studies.
- Adhikari, S., & Bastnet, M. (2014). *Transitional justice in Nepal: Challenges and perspectives*. Kathmandu, Nepal: Human Rights Watch.
- Advocacy Forum Nepal. (2022). *Challenges in Resource Allocation for Truth Commissions*. Retrieved from www.advocacyforum.org
- Amnesty International (AI). (2007). *Checklist for the establishment of an effective truth*

Commission. URL: <https://www.amnesty.org/ar/wp-content/uploads/2021/08/pol300202007en.pdf>

Amnesty International. (2023). Nepal: Transitional Justice and the Struggle for Accountability. Retrieved from www.amnesty.org

Amnesty International. (2023). Nepal: Transitional Justice and the Struggle for Accountability. Retrieved from www.amnesty.org

Balaz-Munn, C. (2019). Rendering reconciliation and reconstruction technical: Engineering, the rule of law, and depoliticizing effects on disaster recovery and transitional justice in Nepal (Master's thesis, University of Toronto). University of Toronto.

Bhandari, S. D. (2015). The role of national human rights institutions in ending impunity for human rights abuses during conflict: The case of Nepal (Master's thesis, University of Southern Denmark and the Danish Institute for Human Rights). University of Southern Denmark.

Billingsley, K. E. (2018). Children and transitional justice in Nepal: Entrenched violence and marginalized perspectives (Doctoral dissertation, University of Tennessee). University of Tennessee. https://trace.tennessee.edu/utk_graddiss/4945

Bleeker, M. (2010) The Right to know: a key factor in combating impunity. *Politerbis: Dealing with the Past*. P. 31.

Gibson, J. L. (2009). On legitimacy theory and the effectiveness of truth commissions. URL: <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1522&context=lcp>

Gurung, P. (2013). A continuous struggle for transitional justice through truth and reconciliation: A case study of enforcedly disappeared in Nepal (Master's thesis, International Institute of Social Studies). International Institute of Social Studies.

Hayner, P. B. (2011). *Unspeakable Truths: Transitional Justice and the Challenge of Truth Commissions* (2nd ed.). Routledge.

Hoogenboom, D. A. (2014). *Theorizing transitional justice* (Doctoral dissertation, The University of Western Ontario). The University of Western Ontario.

Human Rights Watch (HRW). (2022). Nepal: Delays Undermine Transitional Justice Process. Retrieved from www.hrw.org

International Center for Transitional Justice (ICTJ). (2019). *The Challenges of Transitional Justice in Nepal*. Retrieved from www.ictj.org

International Center for Transitional Justice (ICTJ). (2020). *The Challenges of*

Transitional Justice in Nepal. Retrieved from www.ictj.org

Jeffery, R. (2019, February 12). Nepal's Truth and Reconciliation Commission limps on. Lowy Institute. URL: <https://www.lowyinstitute.org/the-interpreter/nepal-s-truth-reconciliation-commission-limps#:~:text=In%20the%20four%20years%20since,restore%20faith%20in%20their%20independence.>

National Human Rights Commission (NHRC). (2016). Annual report on human rights violations in Nepal. Kathmandu, Nepal: NHRC.

National Human Rights Commission (NHRC). (2017). Recommendations for transitional justice reforms in Nepal. Kathmandu, Nepal: NHRC.

Office of the High Commissioner for Human Rights (OHCHR). (2014). Nepal and transitional justice: A critical analysis. Geneva, Switzerland: United Nations.

Office of the High Commissioner for Human Rights (OHCHR). (2015). Statement on Nepal's transitional justice process. Geneva, Switzerland: United Nations.

Priscilla B. Hayner, *Unspeakable Truths*. New York: Routledge, 2001, p. 14

Rotberg, R. I. (2006). Truth Commissions and the Provision of Truth, Justice, and Reconciliation. In R. I. Rotberg & D. Thompson (Eds.), *Truth v. Justice: The Morality of Truth Commissions* (pp. 3-21). Princeton University Press.

Sapkota, A. (2009). Transitional justice process and the narratives of the victims of enforced disappearance in Nepal (Doctoral dissertation, Tribhuvan University). Tribhuvan University.

Sarkin, J., & Bhandari, R. K. (2020). The importance of truth and reconciliation commissions in processes of transitional justice: Case studies from Nepal and beyond. *Journal of Human Rights Practice*, 12(2), 444–470. <https://doi.org/10.1093/jhuman/huaa001>

Selim, Y. (2015). Contesting transitional justice in Nepal: Interests, victims, and agency (Doctoral thesis, University of New South Wales). University of New South Wales.

Sharma, M. (2021). The complexities of delivering justice and truth simultaneously in transitional justice processes with a special focus on Nepal (Doctoral thesis, University of Essex). University of Essex.

Sidhu, R. (2021). Public memorialization of disappeared persons on Instagram, in the aftermath of the Nepali Maoist Civil War (Undergraduate honors thesis, University of Toronto Scarborough). University of Toronto Scarborough.

Singh, S. (2019). Transitional justice (TJ) mechanisms in Nepal: Victims' needs and

- state responses (Master's thesis, University of Oregon). University of Oregon.
- Supreme Court of Nepal. (2014). Judgment on the validity of transitional justice ordinances. Kathmandu, Nepal: Supreme Court of Nepal.
- Supreme Court of Nepal. (2015). Verdict on the unconstitutionality of the Truth and Reconciliation Act. Kathmandu, Nepal: Supreme Court of Nepal.
- Teitel, R. G. (2003). Transitional justice genealogy. *Harvard Human Rights Journal*, 16, 69–94.
- Toro Sánchez, K. (2017). Transitional justice in absent political transitions: A case study of Nepal (Master's thesis, University of Leuven). University of Leuven.
- United Nations (UN) .(2023). Secretary-General's remarks at the Nepalese Parliament United Nations Human Rights Committee (UNHRC). (2015). Report on enforced disappearances in Nepal. Geneva, Switzerland: United Nations.
- United Nations. (2015). Basic Principles on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law. Retrieved from www.un.org. URL: <https://www.un.org/sg/en/content/sg/speeches/2023-10-31/secretary-generals-remarks-the-nepalese-parliament>

Annex 1:

Provision in formation of Truth Commissions in CPA and in Interim Constitution of Nepal

A. The following provision is made in the sub-clauses of Article 5 of CPA.

- 5.2.1. It is not allowed to collect cash or kind and levy tax against one's wishes and against the existing law.
- 5.2.2. Both sides agree to make public the status of the people in their custody and release them within 15 days.
- 5.2.3. Both sides agree to make public within 60 days of signing of the agreement information about the real name, caste and address of the people 'disappeared' or killed during war and to inform the family about it.
- 5.2.4. Both sides agree to form a National Peace and Rehabilitation Commission to establish peace in the society by normalizing adverse situation generated by armed conflict and to carry out relief for and rehabilitate people victimized and displaced by war, and to carry forward the tasks related to this through the Commission.

5.2.5. Both sides agree to set up a High-level Truth and Reconciliation Commission through mutual agreement in order to investigate truth about people seriously violating human rights and involved in crimes against humanity, and to create an environment of reconciliations in the society.

5.2.6. Both sides pledge to abandon all types of war, attack, counter-attack, violence and counter-violence in the country with a commitment to ensure democracy, peace and progressive change in the Nepali society. There is an agreement between both sides in the matter of assisting one another in peace building and maintaining law and order.

B. Provision in interim constitution of Nepal 2007 on formation of truth commissions under the directive principles of the state :

- (p) to make arrangements for appropriate relief, recognition and rehabilitation for the families of those who died and for persons disabled and made helpless through injury caused during the course of the armed conflict,
- (q) to provide relief to the families of the victims, on the basis of the report of the Investigation Commission constituted to investigate the cases of persons who were the subject of enforced disappearance during the course of the conflict,
- (r) to conduct special programmes to rehabilitate the displaced persons, to provide compensation for damaged private and public property, and to rebuild infrastructure destroyed during the course of the conflict, and
- (s) to constitute a high-level Truth and Reconciliation Commission to investigate the facts about those persons involved in serious violations of human rights and crimes against humanity committed during the course of conflict, and to create an atmosphere of reconciliation in the society.