

Reclaiming Justice: Why Conflict Victims Reject the Latest Transitional Justice Appointments in Nepal

Stand with Us — Victims — and Support Our Legitimate Demands for Justice, Truth, and Reparations

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Your Excellency,

Summary

We have lost confidence in the two Transitional Justice (TJ) Commissions, which were established through a flawed and opaque political process, as detailed in this paper. To advance the process meaningfully, we set forth the following non-negotiable conditions:

Call for a Complete Reset

The current TJ process — opaque, politically controlled, and exclusionary — must be suspended. A new, transparent, inclusive, and victim-led mechanism for appointing independent commissioners should be launched in full consultation with victims and civil society.

Recognize Truth and Justice Are Non-Negotiable Rights

The right of victims to truth, justice, and reparations, including necessary institutional reforms cannot be sacrificed. Flawed transitional justice bodies must not shield perpetrators or replace potential future national and international accountability process.

Victims Must Be Central Stakeholders

Victims are not passive recipients but key actors in shaping and driving the TJ process. The exclusion of victims has already delegitimized recent political appointments and eroded public trust. Meaningful participation of victims is essential to restore credibility.

International Community: Do Not Endorse a Flawed Process

We urge development partners to withhold recognition and support from any TJ commission that lacks independence, diversity, and victim participation. Supporting such bodies entrenches impunity and undermines human rights and the rule of law.

Support for a Credible, Victim-Led Alternative

We call for international backing of a transparent, inclusive, and independent truth-seeking process, one capable of delivering genuine truth, justice, and reform.

A Call for Ethical Leadership

Newly appointed commissioners of the TRC and CIEDP should resign in acknowledgment of the

illegitimacy of their appointment process. Their resignation is necessary to prevent further damage and to rebuild public trust in transitional justice.

Our demands and positions are grounded on three basic principles

Victim-Centered Approach is Non-Negotiable

Any transitional justice (TJ) process that sidelines victims or is shaped by political expediency risks re-traumatizing rather than healing. Victims' meaningful participation reflecting their diversity and dignity must be central. Fatigue or silence must not be mistaken for consent.

Adherence to International Standards

Transitional justice processes are not purely domestic affairs; they are guided by international norms that demand impartiality, independence, and truth-telling. Flawed processes undermine both national credibility and global best practices that development partners claim to uphold. The national roadmap of transitional justice paved by the rulings of Supreme Court of Nepal should be duly implemented.

National Ownership and Long-Term Sustainability

Sustainable justice requires domestic legitimacy, transparency, and public trust not quick, politically driven settlements. Independent, qualified commissioners are essential to maintain openness, credibility, and room for ongoing improvement. While compromise is sometimes necessary, we reject any process that sets dangerous precedents or institutionalizes injustice. A delayed process is painful; but an unjust, compromised process entrenches impunity and causes far greater long-term harm.

Background

For the past 18 years, we, the victims and survivors of human rights violations during Nepal's decade-long armed conflict (1996–2006), have endured an agonizing wait for truth, justice, reparations, and institutional reform. Despite our relentless appeals, the Government of Nepal and major political parties have once again disregarded our voices by appointing commissioners to the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) through a process that is non-consultative, non-transparent, and politically guided and motivated. The Committee formed by the Government of Nepal acted as per the interest of top political leaders of major three parties ignoring the repeated demands for fair, transparent and consultative process for credible appointments.

Alarmingly, many of the appointed individuals lack expertise, experience and clear vision in transitional justice (TJ). While some of the appointees appear to have clear conflict of interests including conflicting past engagements as government employees' others are individuals who are neither known to the victims and other key stakeholders to this process nor command a promising profile having championed for the rights of victims, victim centrist and the TJ and/or other social movements in Nepal. These decisions not only undermine the credibility of the commissions but also betray the principles of centrality of victims, and justice and accountability.

This document outlines the reasons victims are compelled to categorically reject these commissions, calling for scrapping the appointments that lack credibility and legitimacy and making fresh restart of an inclusive, competent, transparent, and victim-centered process to

appoint the transitional justice commissioners, who are key to implement the transitional justice promises of Nepal.

Context

To understand our position in current TJ process, it is important for everyone to understand the context in which we are making these positions. Nepal's TJ process, initiated in the aftermath of the country's decade-long armed conflict has been systematically undermined by political interference, rendering it ineffective in addressing the demands for truth, justice, and reparations. Despite years of advocacy and tireless efforts by victims, civil society organizations, and international allies, the process has been repeatedly co-opted to protect perpetrators and perpetuate impunity.

In 2014, when Colonel Kumar Lama was arrested in the UK under universal jurisdiction, our years of efforts got some fruits as the political parties finally felt the need of enacting legislation on Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act. The bill was tabled in the Parliament. However, the bill contained many problematic provisions. From the outset, we raised serious concerns over the provisions in the law that fundamentally undermined our right to truth, justice, and reparations. Repeated appeals and warnings were issued to the government, major political parties, and parliamentarians to address these flaws before passing the bill. Yet, the bill was hastily approved by the parliament without any substantive consultation, debate and deliberation silencing the voices of both lawmakers and stakeholders including the conflict victims.

We then petitioned at the Supreme Court of Nepal (SC) to amend the flawed transitional justice law. Despite our calls to wait for the appointments of the commissioners to the CIEPD and TRC until a ruling from the SC, the Government proceeded one-sidedly. Desperate for truth about our disappeared loved ones, reparations, and justice, we reluctantly decided to critically engage with the two commissions established in 2015 giving commissions a benefit of doubt. We registered our complaints, provided information they requested. However, the commissions failed to complete inquiry into a single incident of violation in its seven years' period of operation.

Already on 26 February 2015, the Supreme Court had ordered amendments of the TJ law finding of many provisions in the law being unconstitutional and violating Nepal's international human rights obligations. Despite the court orders, our repeated calls to amend the law and appoint competent, independent commissioners, the government once again resorted to the similar failed approach, appointing new sets of commissioners. After years of wasted resources and broken promises, many victims passed away without seeing justice, while countless others remain in anguish and frustration, and in miserable situation for lack of treatment, assistive devices, recognition and waiting for answers. We had to fight for 10 years to finally amend the law as ordered by the Supreme Court.

Our current position about the Commission is informed by those experiences which many do not even understand and in result complacent to the party's tacit policy of dallying the process to defuse, delay and deny victims' truth, justice and reparation.

In August 2024, Parliament finally amended the transitional justice law. While the revised legislation addressed some long-standing concerns, several critical issues remain unresolved. Our international partners rushed to welcome the passing of the law. We were told by many including many of our allies that put aside the agenda of further amending the law but prioritized the selection process. Despite reservations about certain provisions, we welcomed the amendments in August 2024, hoping they would pave the way for the appointment of qualified, independent, and competent commissioners through a transparent and credible process believing that credible appointments would pave the way for a progressive interpretation and application of the law, consistent with international human rights and humanitarian obligations, as well as established jurisprudence.

Contrary to our legitimate expectations, the subsequent appointment process undermined these hard-won efforts. Political interests once again overshadowed justice, with victims excluded from the meaningful participation in the decision-making process, directly contradicting the government's hollow claims of adopting a "victim-centric" approach. Political interference has overshadowed the appointment process, with political loyalty prioritized over merit, expertise and integrity. Our position regarding the commissioners is shaped by above mentioned lived experiences. We believe those people who lobby and take the position as the commissioners even in the process that victims and civil society organizations, working relentlessly in promoting comprehensive TJ process raise serious concerns about the process being flawed, they are already compromised, have no integrity and we have no hope or confidence in such commissioners.

Compromised selection committee

In August 2024, the TRC Act was amended to restructure the recommendation committee responsible for nominating commissioners. On 18 October 2024, the committee was established under the leadership of former Chief Justice Om Prakash Mishra, with members including Arjun Karki, Stella Tamang, Khamma Bahadur Khatri, and Manoj Duwadi from the National Human Rights Commission (NHRC).

We engaged in the process as we were eagerly waiting for the credible Commissions. However, the committee failed to recommend any candidates and declared itself defunct, citing a lack of consensus. Shockingly, the same individuals (excluding Duwadi, who attributed revealing the failure to the committee members' lack of neutrality) were reappointed.

We had serious reservation about the role that the NHRC's representative (who was called to replace Duwadi) [Lily Thapa](#). She appeared to act more as a spokesperson for the government than as an advocate for international human rights standards, measures, and best practices, expectations commonly associated with NHRC membership, and so deeply felt by the victims' groups. We had hoped she would serve as our voice within the Committee complying with the constitutional mandate of NHRC and representation of victims and civil society voices. Instead, we found her public remarks disparaging victims and civil society organizations as a betrayal of the NHRC's mandate ignoring the victims concern of meaningful participation. In response, we

organized a sit-in protest at the NHRC office on 11 May 2025, demanding her removal and a formal investigation into her conduct. However, the NHRC's leadership took no action.

We [repeatedly urged](#) the government and the selection committee to reflect on past failures and adopt a process that is transparent, inclusive, and accountable. From the outset, we have put forward clear, minimum non-negotiable demands to the selection committee for a credible transitional justice process:

1. A fully transparent and legitimate selection process.
2. Publicly accessible, objective criteria guiding for the appointments.
3. An independent process ensuring that only qualified, experienced and competent individuals also trusted by victims, and civil society is appointed.
4. Meaningful and effective participation of victims and civil society throughout the process.

Instead of responding to our minimum demands, appointments seemingly prioritized political bargaining over competence, expertise and suitability, guided by political motives to serve the interest of alleged perpetrators. By prioritizing political expediency over victims' rights, these actions represent yet another betrayal of those who have been waiting nearly two decades for truth, justice, and reparations. We came to the conclusion that the recommendation committee failed to uphold the fundamental standards required for a credible transitional justice process. Consequently, we were compelled to withdraw our engagement with the selection committee by asking the withdrawal of names of people we recommended.

In our view, the flawed, politically corrupt, heavily politicized process works against the interest of victims, severely undermine the independence, credibility, and effectiveness of the TJ mechanisms. Repeated disregards to our call, demands and concerns for the principles of impartiality and accountability and compels us to stand united and demand a process that honors the sacrifices, sufferings and dignity of victims and their families.

Exclusion of Victims and Civil Society in the Process

From the outset, victims and victim-led organizations were systematically excluded from consultations regarding the appointment of commissioners to the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP). On 5 May 2025, thirty-six victim-led organizations issued a joint public statement condemning the opaque and exclusionary selection process and demanded a fully transparent, inclusive and legitimate selection process including the wider victims and their organizations.

We warned the authorities and actors to not support the process if inclusive and transparent process is not adopted. Despite these demands, the committee proceeded in secrecy, ignoring victims' appeals and refusing all requests for dialogue. Through [press releases](#), [meetings with top and second layer leaders](#) of the major political parties and public statements, we have repeatedly emphasized that Nepal stands at a critical crossroads. When we saw the risk of political bargaining and the selection committee was not committed to appoint credible, independent commissioners jeopardizes the entire transitional justice process. This risks repeating past

failures, we made following key recommendations to the committee, government and leaders of the key major political parties:

- Immediately suspend the current process.
- Engage in meaningful consultations with victims and civil society to revise the selection criteria.
- Reopen the call for applications, allowing adequate time for a fair process.
- Ensure independent, impartial vetting of all candidates.
- Conduct public hearings before finalizing appointments.

We made it clear that failure to adopt these measures would force victims to disengage from the process and explore alternative mechanisms, including the establishment of a parallel Civil Commission (*Nagarik Ayog*) to represent victims with integrity and independence.

Given the government's continued disregard for victims' voices and its pursuit of a process lacking in transparency, legitimacy, and inclusivity, we are left with no choice but to formally withdraw our support and participation in the current transitional justice commissions.

We remain committed to justice, truth, and accountability — but not at the cost of our right and dignity or through processes that exclude those most affected.

Flawed selection process

Despite clear legal mandates under the TRC Act and Supreme Court ruling on 2nd January, 2014 requiring that appointments be based on professional merit, human rights expertise, and broad public consultation, no such credible procedure was adopted. There are also international best practices to adopt a fair, inclusive and expeditious process.¹ None of these principles were considered by the Selection Committee. Following timelines are some of the examples.

- The call for applications lasted only 10 days, including three public holidays, severely limiting participation.
- No background check and study of the candidates was carried out during the preparation of the short list and the final list.
- We nominated candidates whom we trusted, who had long rights experience in human rights work, having track record on human rights advocacy and activism and possessing deep experience and knowledge on the victim-centered approach. However, none of the nominated chairpersons were shortlisted, with only a few members selected for both commissions.
- The committee's selection criteria remain undisclosed, with no justification for candidate choices.
- Most shortlisted candidates (28 out of 34) were recycled from a perceived politically pre-approved list.
- The nomination request lacked clarity on essential criteria such as professional background, experience, and commitment to victims' rights.

¹ ICTJ Nepal, *Selecting Commissioners for Nepal's Truth and Reconciliation Commission*, March 2011 at [Microsoft Word - Briefing Note Selecting Commissioners 29 April \(2\)](#)

- The selection committee did not establish clear procedures for vetting nominated candidates.
- Candidates were pre-determined in political sharing and recommendation committee let it be instrumentalized to approve these names through adopting the controlled process. The recommendation committee did not consult, even once, with the conflict victims, the prime stakeholder of the transitional justice throughout the selection process.

Our Three Key Principles

We, as representatives of victims who continue to struggle for a meaningful and principled TJ process, appreciate the concern shown by international development partners in supporting this crucial phase of our country's healing and accountability.

We acknowledge that some groups among the victims' community, out of deep frustration and fatigue, are ready to accept a flawed process with limited justice — fearing that this might be the only opportunity for redress. Such miseries, pain and pragmatism must be respected. However, we must also express clearly and firmly that accepting an unjust or poorly designed process — with compromised commissioners and no guarantee of independent functioning — risks institutionalizing impunity and doing long-term harm to the very people the process claims to serve.

Our position is grounded in three key principles:

A. Sensitivity to Victim Dignity and Trauma:

A process that lacks victim confidence or seems imposed or manipulated for political expediency does not heal — it re-traumatizes. Any TJ mechanism must prioritize meaningful participation of victims. Recognizing the diversity of victim voices means not confusing fatigue with consent.

B. International Norms and Standards:

TJ processes are not just domestic matters. They are guided by international best practices — as seen in Sierra Leone, South Africa, and Colombia — which emphasize impartiality, independence, and truth-telling. Supporting a compromised process not only weakens our national credibility but also undermines the norms that development partners themselves uphold globally.

C. National Commitment and Sustainability:

A just and credible process is more sustainable than a fast but flawed one. Development partners must support a TJ framework that has clear domestic ownership, with public trust and transparency. That means advocating for qualified, independent commissioners and ensuring the process remains open to scrutiny and improvement — not closed in the name of political settlement.

In conclusion, we do not reject all compromise, but we reject a process that sets dangerous precedents. Justice delayed is painful — but injustice institutionalized is far worse. We call on our international partners to be sensitive not only to the divisions among victims but to the long-term implications of what is endorsed in our name. A better process is still possible — and we must not give up on that hope at this stage.

Our Position and Call to Action

Considering the government's disregard for victims and their collective movement, its attempt to divide victims also by mobilizing those so-called human rights activists having deep conflict of interest, our demands are follows:

1. The Case for Resetting the Path Forward

We demand the government immediately suspend the current process and initiate a transparent, inclusive, and victim-centric mechanism for appointing independent and competent commissioners, in full consultation with victims and civil society, who have accompanied this process for long.

2. Our Right to Truth and Justice Is Non-Negotiable

The current formation of transitional justice commissions—opaque, politically controlled, and flawed—must not undermine victims' right to truth, justice, and reparations including institutional reforms and transformation. These bodies must not become shields for perpetrators or substitutes for future national and international legal processes.

3. Victims Must Be Central to the Process

Victims are not passive recipients but key stakeholders in the transitional justice. The exclusion of victims from recent appointments has already delegitimized the process and eroded public trust. Hence, respect the fundamental principle of TJ of centrality and meaningful participation of victims in the process.

4. To the International Community: Do Not Endorse and Support the Flawed Process

We call on international actors not to comprise on the standards and principles of credible and transparent procedure, and centrality of victim, and not to recognize and withhold any support to the commissions lacking independence, diversity, and victim participation. Endorsing these bodies only entrenches impunity, further marginalizes victims voice, undermines human rights and rule of law.

5. Support a Victim-Led, Credible Alternative

Stand with victims by backing a transparent, inclusive, and independent truth-seeking process one grounded in human rights and capable of delivering truth and real justice.

6. A Call for Ethical Leadership

We urge the newly appointed commissioners of the TRC and CIEDP to resign in recognition of the illegitimate process behind their appointment. Their exit is necessary for mitigating further damages and restoring public confidence in the process.

Endorsed by:

Thirty-nine victims and survivors' group from across the country. (The List Attached)

On behalf of Victims Community – Secretariat

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