

***Amend the faulty provisions of the TJ Bill immediately.***  
***Commence the discussion on TJ Bill and pass the Bill from the Parliamentary process urgently.***  
***Adopt credible process and establish credible and justice ensuring TJ-Commissions.***

**An appeal from the conflict-victims community to the Government and Parliament for the sincere effort to the correction of the flawed provisions of the Transitional Justice Act Amendment Bill and adopt it without further delay.**

5<sup>th</sup> September, 2022

1. We, the conflict victims community have been cautiously observing the latest development in the transitional justice process. It is a commonly known that the victims' community has been continuously demanding the amendment of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act 2014 (TRC Act) as per the decision issued by the Supreme Court of Nepal in 2015 since its formation

2. With the appointment of an expert in the field of Transitional Justice as the Minister of Law, Justice and Parliamentary Affairs (Ministry hereafter), we had hoped for justice. Accordingly, the victims' community supported the Government in the consultations organized to receive feedback on the TRC Act. However, the Ministry registered the Bill to amend the TRC Act at the Parliament on 15 July 2022, overlooking the suggestions provided by the victims and the precedents established by the Supreme Court. The victims' community, civil society, and the concerned stakeholders have expressed deliberate objection to the faulty provisions in the TJ Bill that jeopardize victims' access to justice.

3. Since the Bill was made public, we have repeatedly raised our concerns around the problematic provisions with almost all the major duty bearers including the Prime Minister, the Minister, the Chairperson of the Law, Justice and Human Rights Committee of the Parliament, top leaders from both the ruling and opposition parties, and the National Human Rights Commission. We have been raising our concerns for the amendment in the TJ bill from the street as well.

4. We urge the government to take notice of the concerns from all dimensions regarding some of the extremely flawed provisions of the Bill such as the wrongful categorization of crimes under "violations of human rights" and "serious violations of human rights" Likewise, the provision of no appeal on the decisions from the Special Court to be constituted to settle the conflict-era crimes is a heavy compromise on constitutional as well as the international guarantee of the right to a fair trial. The short statutory limitation of six months for the Office of the Attorney General to file cases at the Special Court will *ipso facto* render it impossible for many complex cases of rights violations to require a long period of investigation - because of the need for exhumation, forensic and DNA reports, etc. to be litigated at the Special Courts. This provision should be compulsorily corrected ensuring the prosecution can be made after six months as well in the special cases of requiring further investigation.

5. The Bill also provisions that the Special Court will hear only cases of "serious human rights violations" meaning that less serious crimes listed under "human rights violations" cannot be litigated anywhere even if the victims do not consent to reconcile with the perpetrators. It seems

this provision promotes the culture of impunity. Misguiding intention will amount to denying the constitutionally guaranteed right to access justice.

6. Cosmetic changes aimed to deny victims access to justice and shielding perpetrators from accountability not only denigrates Nepal's commitments to international human rights but also pushes the victim's community into further pain and isolation degrading mental health.

7. On 23rd August, the Minister for Law, Justice, and Parliamentary Affairs tabled the Bill Prepared to Amend the Investigation of Enforced Disappeared Persons and Truth and Reconciliation Commission Act, 2071 (the Bill) in the parliament for discussion and approval. Now, the Bill is under the jurisdiction of the Parliament. It's the critical moment of test of the Parliamentarians as the representatives from the people.

8. Do you stand in favor of the victims' right to truth, justice and reparation, or do you stand in favor of giving immunity to those involved in serious human rights violations and abuses that have been rooted for decades? Not only us but the world is watching you closely. It is our wish that you should not let your conscience become a hostage to party interests, ill intention or any other hidden purpose and that you can maintain your self-respect and independent status and that you can confidently go to the people and ask for votes from the people for the next term as well.

9. Conflict victims have been raising concerns that if the current bill is passed in its current form, it will severely undermine the victims' right to access justice and promotes impunity. We have also submitted the issues of the amendment (*Chaar Mahale*) with our concrete suggestions to all the honorable members of both the Houses of Parliament and other concerned authorities. They are the major demands from victims and CSOs. We herewith reiterate that it is only after the amendment of the Bill as per our suggestion that the TJ law will be in compliance with the verdicts of the Supreme Court and Nepal's international human rights obligations.

10. After submitting the Bill to the Parliament, the Ministry of Law, in the presence of the Law Minister and the Attorney General, discussed with the representatives of the victims and human rights community how to amend the controversial provisions of the Bill in an acceptable manner. Including murder, torture, extortion and other serious sexual violence, crimes against humanity in the list of serious crimes that cannot be pardoned, ensuring that the case can be prosecuted after six months from the date recommended by the Commission in special circumstances, in any cases that cannot be reconciled and are not suitable for amnesty, it was agreed that the case could be tried in a special court. Likewise, we would like to remind that it has been agreed that provisions such as providing a special bench to the Supreme Court for appeals against the decision of the special court, leaving it to the court's discretion to reduce or not reduce the sentence by evaluating the circumstances that increase or decrease the seriousness of the crime, etc. will be included in the amendment bill. In the discussion, the victims felt being pressurized to be convinced as the political parties do not agree. We would like to re-emphasize that the law should be amended to pave the way for justice according to the feelings of the victims, as the attempt to amend the law only in terms of not amending these minimum things in the bill and to make it acceptable to the political parties will frustrate the rights of the victims.

11) Transitional justice is not only for the victim community. It should be accepted as a process of very important national importance and national pride that can change the direction and condition of the country itself. Rather, it is important to all the citizens of this country because we

need to collectively heal from the wounds of past conflicts for our collective well-being, progress and progress.

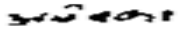
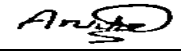


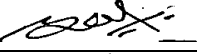
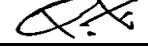
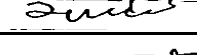
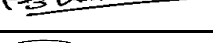
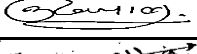
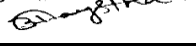


12) The responsibility of amending the amendment bill submitted by the government and passing it to ensure justice has come to the hands of the sovereign parliament. The meeting of the House of Representatives has already decided to send the bill to the parliamentary committee for quarterly discussion. We call upon the parliamentary committee and all the honorable MPs to be sensitive and responsible towards the situation of the conflict victims who have been deprived of knowing the truth about the incidents of murder, disappearance, torture, rape, mutilation etc. on themselves and their relatives for decades, and who are suffering from constant pain and injustice.

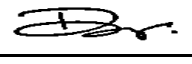

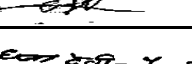
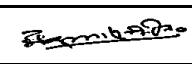

13) It is our joint request to immediately amend the flawed provisions in the transitional justice amendment bill registered in the parliament as per the feedbacks from the consultations and orders of the Supreme Court and not to ignore the minimum demands of the victims and the valid principles of justice, the order of the court.

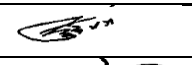
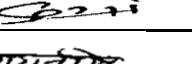
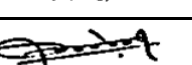
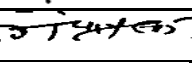
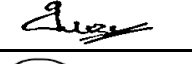
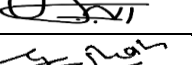
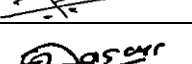
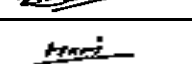
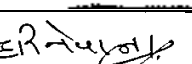
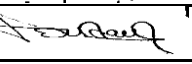
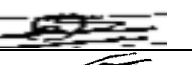
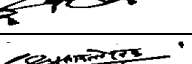
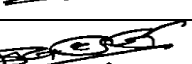

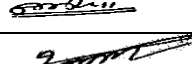
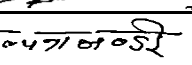
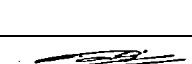
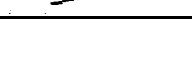


14) We sincerely request all the honorable members of the Parliament and the Government to play a constructive role in passing the amendment of the minimum issues pointed out in the *Char Mahale* document by the victim community in this ongoing session of the Parliament. Also, we appeal to make the bill a law as soon as possible and appoint independent and competent commissioners in the commission through a credible process to pave the way for the remedial work of ensuring the rights of the victims to truth, justice and compensation.

15. Furthermore, we urge all the stakeholders who are involved in this process to play a creative and meaningful role in ensuring the victims' -overdue rights to truth, justice, and reparation.

**Listed below are the signatories of the appeal from conflict victims**

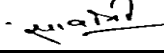
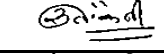
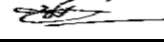
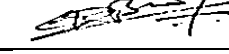
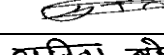
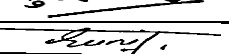
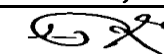
S. No.	Name	District	District
1	Ambika Devi Bhatta	Gorkha	
2	Anita Chaudhari	Dang	
3	Ashok Kumar Sodari	Bardiya	
4	Bajari Devi Chaudari	Kailai	
5	Bal Krisha Shrestha	Parsa	
6	Ballu Lama	Kavre	
7	Bhagawati Devi Gautam	Rukum	
8	Bharat Raj Gautam	Kaski	
9	Bhim Bahadur Rijal	Myagdi	
10	Bijaya Shrestha	Ramechhap	
11	Bimal Chapagain	Illam	
12	Bir Bahadur Godar	Kaski	

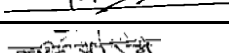

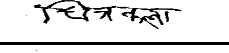
13	Damodar Chapagain	Illam	
14	Dev Bahadur Maharjan	Kathmandu	
15	Devi Bhandari	Kaski	
16	Devi Sunuwar	Kavre	
17	Dhana Devi Chaudari	Kailali	
18	Dilli Rai	Illam	
19	Dinesh Prakash Chataut	Kailali	
20	Dipak Malla	Kailali	



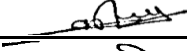
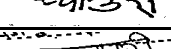
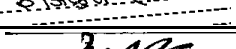

21	Dudh Raj Adhikari	Kaski	
22	Durga Karki	Udaypur	
23	Gagan Singh Luhar	Kailali	
24	Ganesh Bahadur Malla	Kailali	
25	Gaya Prasad Chaudari	Bardiya	
26	Gita Magar	Tanahu	
27	Gita Rasaili	Kavre	
28	Gopal Bahadur Shah	Bardiya	
29	Hari Bahadur Khadka	Sindhuli	
30	Hari Bhatta	Gorkha	
31	Hari Nepal	Illam	
32	Hari Tiwari	Nuwakot	
33	Harikala Kunwar	Parbat	
34	Idrish Siddique	Rautahat	
35	Indra Prasad Lekhak	Kailali	
36	Janak Bahadur Raut	Kapilbastu	
37	Janak Kumari koirala	Gorkha	
38	Janaki Kumari Chaudari	Bardiya	
39	K.P Adhikari	Myagdi	
40	Kalpana Bhandari	Ramechhap	
41	Kalpana Chaudari	Kanchanpur	

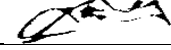
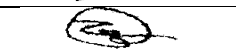

42	Kalpana Dhakal Rai	Udaypur	Kalpana
43	Kalpana subedi	Parbat	Kalpana
44	Kalyan Budhathoki	Ramechhap	Kalyan
45	Kamala Upadhyay	Myagdi	कमला
46	Krishna Bahadur Ghising	Dolakha	Krishna
47	Krishna Prasad Pathak	Syangja	Krishna
48	Kriti Devi Chaudhari	Kailali	Kriti
49	Laxmi Aryal	Rupandehi	Laxmi
50	Lilakhar Adhikari	Kapilvastu	Lilakhar
51	Madhav Prasad Neupane	Bhojpur	Madhav
52	Maina Karki	Jajarkot	Maina
53	Man Kumari Ranjitkar	Banepa	Manika
54	Manju Rawal	Humla	Manju
55	Mina Bhatta	Gorkha	Mina
56	Mohan Pariyar	Dolpa	Mohan
57	Moti Kumar Chaudhari	Bardiya	Moti
58	Nagma Mali	Lalitpur	Nagma
59	Niranjana kumar Chaudhari	Bardiya	Niranjana
60	Padma Devi Bam	Kailali	Padma
61	Parsuram Koirala	Dhading	Parsuram
62	Pavitra Devi Gadaura	Kanchanpur	Pavitra

63	Prema Rijal Kusari	Nepalgunj	Prema
64	Radika Bhattarai	Tanahu	Radika
65	Ram Chandra B.K	Kaski	Ram
66	Rama Dahal	Kavre	Rama
67	Ramesh Bhatta	Gorkha	Ramesh
68	Ramila Joshi	Bhaktapur	Ramila
69	Sabitri Chiluwal	Lamjung	Sabitri

70	Samdev Chapagain	Illam	
71	Sanjay Kumar Gupta	Rupandehi	
72	Sabitri Shtestha	Okhaldhunga	
73	Sita Ghaire (Khaini)	Tanahu	
74	Sobha Bhatta	Kathmandu	
75	Srijana Poudel	Udaypur	
76	Srijana Shrestha	Kathmandu	
77	Suman Adhikari	Lamjung	
78	Sunita Bhattarai	Kaski	
79	Sunita Bohora	Ramechhap	
80	Sunita Ghale	Lamjung	
81	Surendra Khatri	Myagdi	
82	Susheela Bhatta	Gorkha	
83	Sushila Chaudhary	Dang	

84	Tej maya Gurung	Illam	
85	Toyanath Acharya	Illam	
86	Tulasi Darji	Kapilvastu	
87	Tulsi Bahadur Khadka	Ramechhap	
88	Uma K.C.	Ramechhap	
89	Maya Bhattarai	Illam	
90	Nim Bahadur Khadka	Dhailekh	
91	Aatmaram Kaami	Surkhet	
92	Mansara kameni	Dailekh	
93	Prabha Dhakal	Tanahu	
94	Lekh nath Adhikari	Kapilbastu	
95	Sabitri Khadka	Baglung	
96	Chitrakala Khadka	Baglung	
97	Pabitra Khadka K.C	Baglung	
98	Dharma Raj Neupane	Achham	

99	Sital Sing Rathord	Surkhet	
100	Sharmila Regmi	Surkhet	
101	Mana Maya Khadka	Surkhet	
102	Yasodha Kumari Raul	Surkhet	
103	Rajkumari Tharu	Bardiya	
104	Radhika Khatri	Kailali	

105	Aasha Kumari Chaudhari	Kailali	
106	Kumari Lama	Kavre	
107	Gyanendra Aarad	Ramechap	
108	Bhupendra Aarad	Ramechap	
109	Sushila Budha	Bardiya	
110	Durga Shrestha	Kavre	
111	Badri Bahadur KC	Baglung	