



# दुन्द पीडित साभा चौतारी

## Conflict Victims Common Platform (CVCP)

केन्द्रिय कार्यालय, काठमाडौं, नेपाल

स्था: २०७१

17 July 2018

***Preliminary Comments of Conflict Victims' Common Platform (CVCP) on proposed TJ draft bill to amend Commission of Inquiry on Enforced Disappearances, Truth and Reconciliation Act, 2014***  
**The CVCP hereby demands the following concerns to be incorporated in the TRC Act amendment bill:**

1. Ensure meaningful participation and involvement of conflict victims in the entire process relating to transitional justice (TJ).  
To CVCP, meaningful participation means:
  - Make the TJ process victim-centric, defining and ensuring victims role in the process,
  - Manage and ensure adequate consultations on draft bill at federal and the most affected district level considering the nature of crimes and their consequences,
  - Ensure that the feedback and suggestions obtained from the consultations are integrated in the draft bill,
  - Ensure a conducive environment for ownership and significant participation of the victims in the process of reforming the commissions until the implementation of recommendations,
  - Publicize a timeline inclusive of action plan that explains consultations and the overall TJ process and plan ahead.
2. Dissolve the existing TRC and CIEDP Commissions and reconstitute both bodies with new commissioners.
3. Define Sexual Violence, Torture, Enforced Disappearance, Genocide, War Crimes, and Crimes against Humanity in the draft bill and ensure prosecution and provisions of retrospective effect penal law on such crimes.
4. Ensure and establish command responsibility on serious human rights violations and prosecute those involved in such crimes.
5. Ensure compulsory jail term to the convicted perpetrators of serious human rights violations. The current provision of community service or open prison as a punishment for those involved in serious violations is unacceptable. Reduced sentencing to those who refuses to provide the truth and do not cooperate with the process is unacceptable.
6. In relation to reparations:
  - Broaden/widen the definition of reparation to include: compensation, relief packages, rehabilitation, psychological counselling, education, health, employment, full satisfaction, identity card, memorialization, dignity, acknowledgement, guarantee of non-reoccurrence and public apology.
  - Interim relief provided by or to be provided by the government should not be counted under the Reparations recommended by the TJ mechanisms. .
7. Clearly specify the mechanisms to be deployed to implement the recommendations of the Commissions.

Bhagiram Chaudhari  
Chairman, CVCP