



## Accountability Watch Committee (AWC)

## जवाफदेहिता निगरानी समिति

### Press Statement

#### **Position of Accountability Watch Committee's Regarding the Appointment of the Members of Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons**

19 January 2020

Accountability Watch Committee (AWC) expresses its serious objection to the recommendations made by the Recommendation Committee, headed by former Chief Justice Om Prakash Mishra, including a representative of National Human Rights Commission, to the government of Nepal on 18 January 2020, for the appointment of the officials of Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) completely disregarding the demands and concerns of the victims as well as the human rights community.

In contrary to international standards and the verdict of the Supreme Court of Nepal that these Commissions should be formed in an independent and impartial manner, on 9 January 2020, the spokesperson of the government stated that “the officials of TRC and CIEDP will be decided through a political consensus between the Chairpersons of CPN-UML and the leadership of the main opposition party”. AWC concludes that the decision of the Recommendation Committee of 18 January 2020 to recommend the officials decided by political parties merely ratified the consensus of the political parties, so the Recommendation Committee has completely fallen under the shadow of political influence.

It is objectionable to recommend the officials disregarding the genuine demands of conflict victims, human rights defenders, National Human Rights Commission, United Nations and international human rights community to proceed with the recommendation procedure only after amendment of the laws in accordance with international standards and verdict of the Supreme Court of Nepal. There are no grounds to have faith on the impartiality, independence, autonomy and effectiveness of the Commissions formed upon political bargain. This has increased the likelihood of the legitimacy of the transitional justice process being questioned and the whole process failing as it is clear that the newly-formed Commissions will be under direct political influence, will not be victim-friendly and will be controlled by alleged perpetrators. It is reasonable that the international community will demonstrate serious concerns in light of the current development on the transitional justice process of Nepal.

The interim reports of the former TJ Commissions had concluded that one of the major reasons for the failure of the Commissions was the problematic laws and had also demanded for the amendment of laws in accordance with the verdict of the Supreme Court. But the laws were not

amended even after 4 years of the formation of the Commissions and the Commissions had to be dissolved. Even now, the recommendation of officials who do not have expertise in TJ and human rights, based on political bargaining, makes it clear that the government is denying and sabotaging the conflict victims' right to truth and justice and reparation. Thus, the AWC rejects the Commissions formed with a purpose of undermining the rights of the conflict victims. The AWC also appeals to the victims' community, national and international human rights community, especially United Nations Office of the High Commissioner for Human Rights (OHCHR), to take the matter of denial and obstruction of right to justice in Nepal seriously and support other measures to achieve justice.

AWC would like to reiterate that it will not cooperate with the Commissions formed through this faulty process disregarding the concerns of the stakeholders. Hence, AWC appeals to the government of Nepal to rectify these mistakes and proceed with the transitional justice procedure in a trustworthy manner acceptable to the national and international community, by amending the laws through a broad-based consultation and discussions with stakeholders.

On behalf of the Accountability Watch Committee



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Coordinator

**Collective Initiatives for Accountability**