

Prof. Bernard Duhaine
UN Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence
Geneva, Switzerland

30 April 2026, Kathmandu

Dear Special Rapporteur,

We are writing in response to your call for input ahead of your planned visit to Nepal in June 2026.

As a collective of victims' groups that have campaigned for truth, justice, reparations, and guarantees of non-recurrence ever since the end of the armed conflict between the Communist Party of Nepal (Maoist) and the security forces nearly 20 years ago, we have been hoping for a visit by your mandate holder for a long time.

However, we urge you to take into account the situation in Nepal when conducting your visit. On the one hand, we have a new government which has committed to complete the transitional justice process, but on the other, the current bodies operating with a mandate on TJ do not have the trust of us, victims. We attach a short note setting out the grounds on which we request you to carefully consider your plans.

Yours sincerely,

Undersigned Victim Groups

Conflict Victims Common Platform (CVCP); Conflict Victim Women National Network (CVWN); Centre for Human Rights and Victims of Violations (CHRV); Conflict Victims National Alliance (CVNA); National Network of Disabled Conflict Victims (NNDCV); National Network of Families of the Disappeared (NEFAD); National Network of Victims of Serious Human Rights Violations; Conflict Victims Orphans Society (CVOS); Conflict Victims Society for Justice (CVSJ); Conflict Affected People's Concern Centre, Dang; Committee for Social Justice: Badarmudhe Incident Victims Concern Committee, Chitwan; Bhairab Memorial Foundation, Gorkha; Bhupendra Memorial Trust Nepal; Bhupendra Smriti Pratisthan Nepal, Banke;; Conflict Management and Displaced Concern Centre; Conflict Victim Rights Forum, Myagdi; Conflict Victim Women National Network, Myagdi; Conflict Victim Women National Network, Nawalpur; Conflict Victims and Farmer Rights Society, Kailali; Conflict Victims and Unity Development Centre; Conflict Victims Self-Employment and Skills Training Centre, Morang; Conflict Victims Teachers Society; Conflict Victims Women Network, Banke; Conflict Victims' Society, Koshi Province; Disabled Conflict Victims Association, Dolakha; Ganesh-Ujjan Memorial Foundation;; Hari Bhakta Memorial Foundation, Rukum; Human Rights Network and Peace Working Group; Jhapa Memorial Pillar Park for the Disappeared; Kumbharadda Memorial Park for the Disappeared, Bardiya; Laxmi Acharya Memorial Trust, Jajarkot; Maina Bal Bikash Samiti; Manilal Memorial Trust, Myagdi; Martyr Bashistha Koirala (Sureshchandra) Memorial Foundation, Sindhuli; Martyr Ajablaal Yadav Memorial Trust, Dhanusha; Martyr Jaya Bahadur Rawal Memorial Foundation, Jajarkot; Martyr Tikaraj Aran Memorial Foundation, Ramechhap; Nandalal Koirala Memorial Trust, Gorkha; National Memory Network; National Struggle Committee of Maoist Victims, Nepal; Nepal Maoist Victims Association; Ra.Si.Pa. Memorial Foundation, Arghakhanchi; Guru Luitel Study and Development Centre; Martyrs and Disappeared Memorial Foundation; Committee for Social Justice.

Communication sent via email: ohchr-srtruthcalls@un.org

MEMORANDUM TO THE UN SPECIAL RAPPORTEUR ON TRUTH, JUSTICE, REPARATIONS AND GUARANTEES OF NON-RECURRENCE FROM NEPAL'S CONFLICT VICTIMS

We set out briefly below the key consideration underlying our call for the UN Rapporteur to carefully consider the context surrounding his upcoming visit to Nepal, scheduled for June 2026.

Lack of Trust in Current Transitional Justice Bodies

In our collective view, the current office holders of the two transitional justice (TJ) bodies (the Truth and Reconciliation Commission and the Commission for the Investigation of Enforced Disappearances of Persons, the TRC and CIEDP) do not qualify as independent, competent, and impartially appointed members as required under international law.

After sustained advocacy by victims and civil society organizations, the 2014 TRC Act was finally amended in 2024. Despite the limitations of this third amendment, we were initially encouraged to finally see the TJ process moving forward, particularly with the government's appointment of a Recommendation Committee mandated to select members for the two TJ bodies. To our frustration, however, the Committee operated without transparency and inclusiveness. Victims' representatives were neither consulted nor included despite repeated calls for a consultative process. The shortlisting was conducted in a secretive way, with no open hearings or clearly defined objective criteria for appointments, undermining the credibility and fairness of the selection process.

On 16 December 2024, the Recommendation Committee exhausted two months but failed to complete its mandate. It advised the government to form a new Recommendation Committee.¹ This failure was reportedly due to the NHRC representative's refusal to endorse politically nominated candidates over merit-based selections. The same committee was reconstituted in March 2025, after replacing the NHRC representatives, raising concerns about political interference and predetermined outcome, with application and interview processes appearing largely procedural. Ultimately, commissioners for both the TRC and CIEDP were appointed in May 2025, without any meaningful consultations, based on their political affiliations, rather than their expertise and experience required for the mandate holders.

We, victims and survivors, as well as many CSOs that have been following Nepal's TJ process carefully, fear that the TJ bodies will be unable to address the deep-rooted structural deficiencies that have long hindered Nepal's TJ process. Over the past 11 years, three sets of commissions have been formed, without any tangible results, and not a single case has been resolved. We fear that the TJ process risks entrenching impunity and further eroding public confidence in the TJ mechanisms and the rule of law more generally. The Advocacy Forum report, [Past Impunity is Present Impunity is Future Impunity in Nepal](#) carefully outlines these risks.

In August 2025, more than 330 victims from across the country filed a writ petition before the Supreme Court seeking to nullify the appointments to the TJ bodies and the amendment of the flawed provisions of the law. The petition argues that the composition and functioning of the selection committee is inconsistent with constitutional guarantees of independence and equality. We called on the court to suspend or nullify the appointments made under a flawed process and to direct the Government to re-establish a transparent, impartial, and participatory selection process, including public advertisement, open hearings, and objective appointment. To date, the case remains pending.

You may be aware of the uprising by Gen Z members in our country in early September 2025, which sadly resulted in a loss of many lives, including many at the hands of the police and the Armed Police Force, and damage to a wide range of government buildings. Among the key demands of the protesters were an end to impunity and corruption and restoration of the rule of law.

¹ Amnesty International, Human Rights Watch, and ICJ, "Letter to Prime Minister Oli regarding Appointments of Transitional Justice Commissioners", 17 December 2024, available at <https://www.hrw.org/news/2024/12/17/letter-prime-minister-oli-regarding-appointment-transitional-justice-commissioners> accessed 23 April 2026.

It is essential that the new government of Prime Minister Balen Shah, appointed after 27 March 2026, takes our demands seriously, also with a view to these wider aims of ending impunity and restoring the rule of law. The Rastriya Swatantra Party (RSP) government in its election manifesto, committed to completing the TJ process. We have requested the new government to amend the TRC Act and bring it fully into line with relevant international law and good practice standards. As part of that, we are asking the new government to ask the members of the TRC and CIEDP to resign and subsequently restart the appointment process transparently and inclusively, to ensure they have the trust of us, the victims.²

Victims of Conflict-Related Sexual Violence

We also want to highlight our serious concerns regarding the way victims of conflict-related sexual violence (CRSV) have been treated insensitively by the newly-appointed TRC and CIEDP in the complaint-making process. In our view, this is a key example of how the commissioners lack expertise and commitment to uphold prevailing international standards applicable to their role.

The amended TRC Act reopened the opportunity for filing of CRSV complaints, yet imposed a restrictive, one-time three-month statute of limitations.³ This has already lapsed, and the commissions have not independently registered cases, effectively blocking access to justice. This has been a clear sign of the lack of commitment to TJ among the current office holders. The limited timeframe has been condemned by both victims' groups and civil society actors,⁴ citing violation of international law and Supreme Court jurisprudence.⁵

Victims of CRSV, along with others, sought a six-point commitment from the TRC regarding safety, sensitivity, and confidentiality before survivors of sexual violence would submit their complaints. However, the TRC rejected their proposal. Fearful of them not even being registered as before, the survivors' group registered the number, not the case. Consequently, despite all the best intention to engage with these commissions, giving them the chance to prove has been lost. Survivors state that they did not fully participate in the complaint process because they lacked trust in the Commission's ability to maintain confidentiality and handle their cases with the sensitivity these cases require.

While the amended TRC Act now formally recognises the right to reparations, including interim relief for victims of rape, sexual violence, and torture after a preliminary investigation into such offences,⁶ no CRSV survivors have received redress to date.⁷ Decades after the conflict, many victims continue to struggle to access basic medical and psychosocial services, as well as support for children born of rape, reflecting a deeply frustrating and often miserable reality. This starkly highlights the persistent gap between legal recognition and meaningful implementation.

² 'Maoist insurgency victims urge PM Shah for credible transitional justice' (The Kathmandu Post, 23 May 2026), <https://kathmandupost.com/national/2026/04/23/maoist-insurgency-victims-urge-pm-shah-for-credible-transitional-justice> accessed 29 April 2026.

³ TRC Act, Third Amendment (2024), Section 13(2)(6)(a)

⁴ Charan Prasai, 'Unfolding Crisis: Transitional Justice in Disarray' (*My Republica*, 27 May 2025). <https://myrepublica.nagariknetwork.com/news/unfolding-crisis-transitional-justice-indisarray-31-45.html> accessed 19 April 2026

⁵ Statutes of limitation for rape also directly violate the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention Against Torture (CAT) jurisprudence and contravene Nepal's obligations under international law to ensure access to remedies for gross human rights violations, see, Advocacy Forum Nepal, 'Submission On Transitional Justice To The 51st Session Of The Working Group On The Universal Periodic Review January - February 2026' (Advocacy Forum Nepal, 17 July 2025), para 34.

⁶ Section 23 (1b), TRC Act (third amendment)

⁷ After signing the CPA, the GoN introduced different schemes for interim relief for conflict victims. However, victims of torture, rape, and sexual violence were largely excluded. The International Center for Transitional Justice (ICTJ), 'From Relief to Reparations: Listening to the Voices of Victims', 2011, available at [From Relief to Reparations: Listening to the Voices of Victims](https://www.ictj.org/publications/From-Relief-to-Reparations-Listening-to-the-Voices-of-Victims) | [International Center for Transitional Justice](https://www.ictj.org/) accessed 23 April 2026.

Economic, Social And Cultural Rights

We are deeply concerned about the insufficient attention paid to our economic and social needs and conditions within the transitional justice law and process. The TRC Act fails to recognize the economic, social, and cultural rights (ESCR) violations we have suffered as a serious violation. While we welcome the recognition of reparations as a legal right, our demands go far beyond monetary compensation. The current approach does not adequately address the structural inequalities and poverty that made us vulnerable in the first place and continue to shape our lives. This lack of attention risks perpetuating long-term socio-economic harms and trapping us in an ongoing cycle of victimhood.⁸

The Role Of the United Nations

We are also concerned that the United Nations, particularly the Office of the High Commissioner for Human Rights (OHCHR), has issued statements⁹ that may be perceived as endorsing or encouraging engagement with the newly appointed commissions. This appears contrary to the spirit of the 2014 Technical Note¹⁰ and subsequent communications from OHCHR and Special Procedures to the Government of Nepal.¹¹ Such messages risk legitimizing a politicized and non-transparent process and undermining the principles of victim-centered, independent TJ. In the context where impunity is entrenched and institutions are deeply politicized, the UN's engagement and validation would severely undermine years of efforts of victims' groups and CSOs. We therefore urge you to plead with the UN and OHCHR to withhold endorsement and any funding support for the commissions until the Commissions are appointed following the consultative process and the sections of the law that undermine international law are addressed.¹²

When you visit the country, we also fear that your visit may be used to give legitimacy to the current TRC and CIEDP - a legitimacy which could undermine victim-centric TJ. We therefore request you to raise your concerns with the Government of Nepal in the strongest possible way and conduct your visit in such a way that your and our concerns can be addressed to the full.

⁸ICJ The place of Economic, Social and Cultural Rights in Nepal's Transitional Justice process, A Baseline Study, March 2026. <https://www.icj.org/resource/nepal-integrating-economic-social-and-cultural-rights-into-nepals-transitional-justice-gaps-challenges-and-the-way-forward/> accessed 23 April 2026.

⁹ 'Conflict victims slam UN support for "flawed" transitional justice bodies' (*The Kathmandu Post*, 2 July 2025) <https://kathmandupost.com/national/2025/07/02/conflict-victims-slam-un-support-for-flawed-transitional-justice-bodies> accessed 29 April 2026.

¹⁰ Office of the United Nations High Commissioner for Human Rights, The Nepal Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation, 2071 (2014): OHCHR Technical Note (2014) https://www.ohchr.org/sites/default/files/Documents/Countries/NP/OHCHRTechnical_Note_Nepal_CIDP_TRC_Act2014.pdf accessed 21 April 2026.

¹¹ Office of the United Nations High Commissioner for Human Rights, Nepal: *OHCHR Position on UN Support to the Commission on Investigation of Disappeared Persons and the Truth and Reconciliation Commission* (16 February 2016) https://www.ohchr.org/sites/default/files/Documents/Countries/NP/Nepal_UN_osition_supportTRC_COIDP_Feb2016.pdf accessed 23 April 2026.

¹² '[Rights organisations say transitional justice process has lost victims' trust and legitimacy](#)', 4 June 2025, and '[Conflict victims slam UN support for 'flawed' transitional justice bodies](#)', (Kathmandu Post, 2 July 2025).