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Public consultations on TRC Bill must not be cut short – OHCHR-Nepal

OHCHR-Nepal is concerned that a Truth and Reconciliation Commission (TRC) might be established before essential, broad-based public consultations can be completed. The Office has confirmed that the Ministry of Peace and Reconstruction is planning to submit draft legislation to Cabinet within weeks, a timetable which would not allow for adequate consultations.

OHCHR-Nepal Representative Richard Bennett in a letter to the Ministry on Friday emphasized that the process cannot be rushed, and that without broad nationwide consultations of all stakeholders – including victims – there is a risk that the TRC established would be neither effective nor legitimate.

OHCHR-Nepal urges the Ministry to delay submitting the draft bill and establishing the commission, and encourages the Government to amend the 23-point agreement signed by the political parties on 23 December if necessary to permit the postponement. It also encourages the Government to design and implement a comprehensive strategy for broad-based national consultations. The strategy should be designed with the input of experts and stakeholders such as human rights experts, victims' representatives, community and religious leaders, academics, judges and experts on reconciliation. It should ensure, *inter alia*:

- broad geographic reach, including of both rural and urban areas;
- broad participation of stakeholders, in particular victims and those communities most affected by the conflict, and;
- suitable arrangements to facilitate input from all categories of persons, taking into account confidentiality and security considerations.

Participants at consultations held by the Ministry of Peace and Reconciliation in Palpa district in December raised many fundamental questions about the conceptual framework of the proposed TRC, including on issues such as its composition; its mandate concerning timeframe and subject matter; the scope of reparations; and the place of victims in the process. It was particularly evident that key issues, notably in relation to the amnesty and reconciliation provisions, remain contentious.

“The work of a truth and reconciliation commission can make an important contribution to creating a culture of peace in Nepal based on justice, reconciliation and reparations. But it must be understood and fully supported by the people of Nepal if it is to be credible and effective. Thus, how that TRC is established and how it works are essential matters that should not be rushed,” said Richard Bennett, Representative of the UN High Commissioner for Human Rights. “Full public consultations are essential also if the TRC is to succeed in bringing justice and closure to victims of the conflict and to their families.”