

Political Situation Update

# Transitional Justice in Nepal

**Victims' Prolonged Wait, Political Interference,  
and Emerging Challenges**

No. 21 | July 2026

**DEMOCRACY**  
**RESOURCE CENTER**

# Transitional Justice in Nepal

Victims' Prolonged Wait, Political Interference, and  
Emerging Challenges

No. 21 | July 2026

**DEMOCRACY**  
**RESOURCE CENTER**

Democracy Resource Center Nepal (DRCN)  
Lalitpur, Nepal

Political Situation Update

# Transitional Justice in Nepal

Victims' Prolonged Wait, Political Interference,  
and Emerging Challenges

No. 21 | July 2026

***Publisher***

Democracy Resource Center Nepal (DRCN)

Lalitpur, Nepal

Phone: 01-5902286

Email: [info@democracyresource.org](mailto:info@democracyresource.org)

[www.democracyresource.org](http://www.democracyresource.org)

All rights reserved © DRCN

This Political Situation Update (PSU) has been produced with the generous support of The Carter Center. The contents are the responsibility of Democracy Resource Center Nepal (DRCN) and do not necessarily reflect the views of The Carter Center.

## TABLE OF CONTENTS

|                                                                          |    |
|--------------------------------------------------------------------------|----|
| 1. Background                                                            | 1  |
| 2. Search for Victim-centered Legislation                                | 4  |
| 3. Complaints Registration in the Commission and<br>their Classification | 9  |
| 4. Transitional Justice in the Eyes of the Victims                       | 13 |
| 4.1 Victim Participation and Distrust of the Commissions                 | 14 |
| 4.2 Relief, Reparation, and the Struggle of Daily Life                   | 20 |
| 5. Transitional Justice under the Shadow of Party Politics               | 24 |
| 6. The New Government: Hope and Uncertainty                              | 28 |
| 7. Conclusion                                                            | 31 |



## 1. BACKGROUND

The armed conflict launched by the Communist Party of Nepal (Maoist) [CPN (Maoist)] on February 13, 1996, resulted in serious human rights violations committed by both the state and the rebel forces. These included killings, abductions and enforced disappearances, physical and psychological torture, rape and other forms of sexual violence, displacement, maiming, and destruction of property.

During the decade-long conflict, nearly 13,000 people lost their lives and more than 1,300 individuals were forcibly disappeared.<sup>1</sup> Transitional

---

<sup>1</sup> The aforementioned figures are drawn from the conflict report prepared by the Office of the United Nations High Commissioner for Human Rights (see: OHCHR. 2012. *Nepal Conflict Report*. Geneva: OHCHR). A narrative has also emerged that approximately 17,000 people were killed during the Maoist armed conflict. However, the consolidated data on deaths and disappearances vary across institutions. According to the records of the Relief and Rehabilitation Unit of the Ministry of Peace and Reconstruction, by 2017, a total of 18,076 applications had been submitted by victims seeking relief for conflict-related deaths. Of these, 14,418 victims had received relief payments. Similarly, of the 1,730 applications submitted for relief relating to disappeared persons, 1,530 victims had received compensation [(see: Conflict Victims Common Platform, Nepal. 2018. *Reparatory Needs, Rights and Demands of Victims of Armed Conflict in Nepal: Advocacy Paper*. Place not mentioned: Conflict Victims Common Platform, Nepal (in Nepali)]. Conflict victims contend that the data collected through the Local Peace Committees were heavily politicized. They argue that applications for relief were also submitted in cases involving deaths unrelated to the conflict and that duplicate and multiple complaints inflated the overall number of applications. Consequently, the records of the Relief and Rehabilitation Unit of the Ministry of Peace and Reconstruction indicate a higher number of deaths than is likely to have occurred. The narrative of 17,000 deaths during the Maoist armed conflict was constructed on the basis of these records. However, various other sources suggest that the actual number of conflict-related deaths is considerably lower. According to the updated data of the Truth and Reconciliation Commission, Nepal, complaints have been filed concerning the deaths of 12,183 individuals. Likewise, according to complaints registered with the Commission of Investigation on Enforced Disappeared Persons, a total of 2,617

justice seeks to establish the truth concerning these conflict-era violations, investigate the incidents and recommend the prosecution of those responsible, provide relief and reparations to victims, identify the root causes of the conflict, and recommend measures to prevent the recurrence of such violations in the future through institutional reform.<sup>2</sup>

The Government of Nepal and the then rebel CPN (Maoist) signed the Comprehensive Peace Accord (CPA) on November 21, 2006. The CPA stipulated that information regarding persons who had been disappeared and those killed during the conflict by both the State and the rebel forces would be made public within 60 days of the signing of the CPA. Likewise, through the CPA, the parties agreed to establish a high-level Truth and Reconciliation Commission (TRC) to investigate the truth concerning serious violations of human rights and crimes against humanity committed during the armed conflict and to promote reconciliation.

The Interim Constitution of Nepal, 2007, formally incorporated the provisions of the CPA. Article 33(s) of the Interim Constitution provides for the establishment of a TRC. Furthermore, Article 304(2) of the Constitution of Nepal, promulgated by the Constituent Assembly in 2015, stipulates that all activities relating to the peace process carried out pursuant to the Interim Constitution of Nepal, 2007, shall be deemed to have been undertaken in accordance with the Constitution of Nepal. The Constitution of Nepal has not merely assumed ownership of the achievements of the peace process accomplished under the Interim Constitution, it has also

---

persons remains disappeared. Furthermore, although 3,218 families reported the disappearance of their relatives during the conflict to the International Committee of the Red Cross and the Nepal Red Cross Society, 1,347 persons remain unaccounted for to date (see: International Committee of the Red Cross and Nepal Red Cross Society. n.d. *Persons Missing in Nepal: Updated List–2014*. Kathmandu: International Committee of the Red Cross and Nepal Red Cross Society).

<sup>2</sup> Commission of Investigation on Enforced Disappeared Persons (CIEDP), Nepal. 2022. *Supreme Court Orders Relating to Transitional Justice* (in Nepali). Lalitpur: CIEDP, Nepal.

accepted responsibility for completing the remaining tasks of the peace process, including the transitional justice process.

Following the promulgation of Commission of Investigation on Enforced Disappeared Persons, Truth and Reconciliation Commission Act, 2014, it was anticipated that the transitional justice process would reach its conclusion. After the enactment of the Act, the TRC, and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) were established for the first time on February 10, 2015. The first set of commissioners remained in office until April 2019. A second set of commissioners was appointed on January 20, 2020, and their tenure expired in July 2022. Most recently, new commissioners were appointed to both commissions on May 13, 2025. Despite both commissions receiving appointments of commissioners for multiple tenures, the transitional justice process failed to reach a conclusion.

However, on March 26, 2026 the government led by Balendra Shah annulled the appointments made by the previous government through an ordinance, thereby removing the office-bearers of both commissions. Nevertheless, in its Policy and Programs for the Fiscal Year 2026/027 the government led by Balendra Shah stated its commitment to bringing the peace process to a conclusion.

Nearly two decades have passed since the conclusion of the CPA between the State and the then rebel CPN (Maoist). The government has changed more than a dozen times in this period even while victims of the Maoist armed conflict have yet to obtain justice. This Political Situation Update seeks primarily to assess the performance of the CIEDP and the TRC, Nepal, while also examining the major challenges confronting Nepal's transitional justice process. For the purposes of this analysis, semi-structured interviews were conducted with conflict victims, transitional justice experts, representatives of political parties, commission officials, and researchers. In addition, previously published materials and secondary sources were utilized in the analysis.



## 2. SEARCH FOR VICTIM-CENTERED LEGISLATION

There was considerable delay in enacting legislations necessary to advance the transitional justice process. Victims were compelled to engage in repeated struggles to ensure that victim-centered laws were adopted. The Bill to Provide for Disappeared Persons, 2009, and the Truth and Reconciliation Commission Bill, 2009, were drafted by the erstwhile government and tabled in the Legislative Parliament in the same year. However, these bills lapsed following the dissolution of the first Constituent Assembly of Nepal on May 27, 2012.

The government led by Prime Minister Baburam Bhattarai submitted the Ordinance on the Commission of Investigation on Disappeared Persons, Truth and Reconciliation on August 24, 2012 to the President for promulgation. However, due to widespread opposition, the ordinance could not be promulgated at that time. Subsequently, on March 14, 2013, the very day on which Chief Justice Khil Raj Regmi assumed office as Chairperson of the Council of Ministers to oversee the second Constituent Assembly elections, the ordinance previously submitted by the Bhattarai government was promulgated by the President.

The provisions contained in the various bills and ordinances introduced by the government at different times were inconsistent with the Constitution, international human rights laws, and international humanitarian laws, for instance, the provision empowering the commissions to recommend amnesty even in cases involving serious violations of human rights. The legal framework also contained loopholes that allowed political parties to exert undue influence over the appointment process of commissioners. Rather than empowering the commissions to identify perpetrators for the

purpose of prosecution in cases of serious human rights violations, the legal framework placed greater emphasis on reconciliation.<sup>3</sup>

Therefore, after the victims filed a petition challenging the Ordinance on March 24, 2013, the Supreme Court delivered its verdict on January, 2014. In its decision, the Court directed the Government of Nepal to amend certain provisions of Sections 23, 25, and 29 of the Ordinance, holding that they were inconsistent with the Constitution, international human rights law, and the principles established in the Supreme Court's previous decisions. Notwithstanding the Supreme Court's ruling, on April 8, 2014, the erstwhile government introduced in Parliament the Bill to Provide for the Commission of Investigation on Enforced Disappeared Persons, Truth and Reconciliation Commission, 2014, which was essentially the same as the earlier ordinance, with only minor modifications.<sup>4</sup> The Bill was passed by Parliament on April 25, 2014, retaining the very provisions that the Supreme Court had ordered to be removed. The Act drew serious criticism from victims and the Office of the United Nations High Commissioner for Human Rights (OHCHR). This was because the Act contained provisions allowing for amnesty and permitting the Commission to proceed with reconciliation processes without obtaining the full consent of the victims. Such provisions further reinforced and perpetuated impunity.<sup>5</sup>

---

<sup>3</sup> Office of the United Nations High Commissioner for Human Rights in Nepal. 2007. Comments on the Draft Truth and Reconciliation Commission Bill. August 1. Available at [https://nepal.ohchr.org/en/resources/Documents/Nepali/pressreleases/Year%202007/AUG2007/Comments%20on%20draft%20Truth%20and%20Reconciliation%20Bill\\_03\\_09\\_07\\_N.pdf](https://nepal.ohchr.org/en/resources/Documents/Nepali/pressreleases/Year%202007/AUG2007/Comments%20on%20draft%20Truth%20and%20Reconciliation%20Bill_03_09_07_N.pdf); accessed on June 23, 2026.

<sup>4</sup> Office of the Attorney General. 2020. Including Advocate Meera Dhungana vs. including Office of the Prime Minister and Council of Ministers, Decision No. 9551 - Certiorari/Mandamus. *A Compendium of Representative Orders Issued by the Supreme Court Regarding Transitional Justice, 2020* (in Nepali). Pp. 290–316. Kathmandu: Office of the Attorney General. Available at <https://ag.gov.np/files/महान्यायाधिवक्ताको%20कार्यालय/नजिरहरू/संक्रमणकालीन%20न्यायसम्बन्धी%20नजीर%20संग्रह.pdf>; accessed on June 6, 2026.

<sup>5</sup> United Nations Human Rights Office of the High Commissioner. 2014. OHCHR Technical Note: The Nepal Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation, 2071 (2014) - as Gazetted on 21 May 2014. Available at <https://>

The Act on the Commission of Investigation on Enforced Disappeared Persons, Truth and Reconciliation Commission, 2014 has been amended three times to date. Following intense political bargaining and protracted negotiations among the political parties, the Commission of Investigation on Enforced Disappeared Persons, Truth and Reconciliation Commission (Third Amendment) Act, 2024 was passed by Parliament on August 14, 2024.<sup>6</sup> The Act provides for the establishment of two commissions: the TRC and the CIEDP. The principal mandates of these commissions are to investigate and establish the truth concerning incidents of serious human rights violations and crimes against humanity committed during the conflict, identify those responsible for such violations, recommend the prosecution of individuals involved in serious crimes, and recommend to the Government of Nepal provisions for reparations to victims.

Pursuant to the Act, a five-member Recommendation Committee, chaired by a former Chief Justice, shall be constituted to recommend the appointment of office-bearers of the Commissions. The Committee is required to prepare a list of qualified candidates and submit its recommendations within a maximum period of two months.

The Act divides human rights violations committed during the conflict into two categories: violations of human rights, and serious violations of human rights. The Act defines a human rights violation as any act, other than a serious violation of human rights, committed by a party to the armed conflict against existing Nepalese laws, international human rights laws, or international humanitarian laws, and directed against unarmed individuals or the civilian population, either intentionally or in a planned manner. Similarly, the Act recognizes the following acts as serious violations of

---

[redress.org/wp-content/uploads/2018/01/OHCHRTechnical\\_Note\\_Nepal\\_CIDP\\_TRC\\_Act2014.pdf](https://redress.org/wp-content/uploads/2018/01/OHCHRTechnical_Note_Nepal_CIDP_TRC_Act2014.pdf); accessed on June 23, 2026.

<sup>6</sup> For further information on the parliamentary deliberations concerning this Bill, see: Democracy Resource Center Nepal (DRCN). 2023. *Nepal's Stalled Transitional Justice Act*. Lalitpur: DRCN. Available at [www.democracyresource.org/wp-content/uploads/2023/11/DRCN\\_Political-Situation-Update-III\\_Nepals-Stalled-Transitional-Justice-Act-November-2023\\_English.pdf](http://www.democracyresource.org/wp-content/uploads/2023/11/DRCN_Political-Situation-Update-III_Nepals-Stalled-Transitional-Justice-Act-November-2023_English.pdf); accessed on June 28, 2026.

human rights: rape or other serious forms of sexual violence; intentional or arbitrary killing of unarmed individuals or civilians, committed in a targeted or systematic manner by a party to the armed conflict; and enforced disappearance.

Following the third amendment to the Act, a provision has been introduced allowing victims of rape or other serious forms of sexual violence, as well as victims who were previously unable to file complaints due to circumstances beyond their control, to submit complaints within a period of three months.

Under the Act, reconciliation is prohibited in cases involving serious violations of human rights. However, in cases involving human rights violations, the Commission may facilitate reconciliation on the basis of the free and informed consent of the victim. The Act further provides that perpetrators of serious violations of human rights shall not be eligible for amnesty. It also expressly recognizes reparation as a right of victims. The Act establishes a three-member Special Court to adjudicate and dispose of cases arising from the armed conflict.

Nevertheless, even after the third amendment, victims have continued to oppose certain provisions in the Act. For example, they remain dissatisfied with the provision that allows persons convicted of serious human rights violations to receive a sentence reduction of up to 75 percent from the punishment prescribed under existing law. Challenging such provisions, victims filed a writ petition before the Supreme Court on January 4, 2025.<sup>7</sup>

The absence of victim-centered legislation also hindered the effective implementation of the transitional justice process. Following a prolonged struggle by victims and numerous national and international organizations working on their behalf, the third amendment to the Act

---

<sup>7</sup> Khadka, Ghanshyam, 2025. Writ Petition filed in the Supreme Court against the amendment to the Truth and Reconciliation Act (in Nepali). *Kantipur*, January 5. Available at <https://ekantipur.com/news/2025/01/06/petition-to-the-supreme-court-against-the-amendment-of-the-verdict-act-49-04.html>; accessed on June 6, 2026.

has, to a considerable extent, addressed the demands of victims and incorporated more victim-centered provisions. However, certain concerns and disagreements raised by victims remain unresolved.

### 3. COMPLAINTS REGISTRATION IN THE COMMISSION AND THEIR CLASSIFICATION

After the appointment of officials to the TRC, arrangements were made for the first time to file complaints or appeals at the peace committees in each district and at the Commission's office. Victims were given 60 days, beginning from April 17, 2016, to file complaints or appeals. Subsequently, complaints were also registered at the Commission's provincial offices for one month from July 9–August 8, 2017. Later, in accordance with the third amendment to the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2014, the Commission issued a public

**Table 1: Classification According to the Nature of Incidents**

| S.N.         | Nature of Incident           | Number        |
|--------------|------------------------------|---------------|
| 1            | Murder                       | 12,183        |
| 2            | Abduction and Hostage-taking | 4,743         |
| 3            | Disability or Amputation     | 7,180         |
| 4            | Physical and Mental Torture  | 25,409        |
| 5            | Rape and Sexual Violence     | 4,231         |
| 6            | Property Damage              | 16,422        |
| 7            | Displacement                 | 6,271         |
| 8            | Enforced Disappearance       | 602           |
| S.N.         | Nature of Incident           | Number        |
| 9            | Unspecified                  | 175           |
| 10           | Others                       | 2,174         |
| <b>Total</b> |                              | <b>79,390</b> |

Source: TRC, Nepal, 2026.

notice on May 18, 2025, inviting victims of rape or other serious forms of sexual violence to submit complaints. Such complaints could be filed at the Commission, the District Government Attorney's Office, or via email. In total, the TRC registered 79,390 complaints, which it classified according to the nature of the incidents. Table 1 presents this classification.

Following the third amendment to the Act, the TRC registered an additional 3,917 complaints related to rape or other serious forms of sexual violence. Before this, only 314 such complaints had been filed. With the inclusion of the newly registered cases, the total number of complaints related to rape or sexual violence has reached 4,231. Thus, the number of complaints received during the latest registration period is approximately 13 times higher than that recorded during the initial phase. This significant increase was facilitated by various organizations working with conflict victims, which supported survivors in registering incidents of rape and serious sexual violence committed during the conflict.

According to victim and activist Devi Khadka, survivor-led awareness campaigns carrying messages such as, "You are not the only victim; there are many of us," together with greater legal clarity, have encouraged survivors to come forward.<sup>8</sup> Similarly, Sumitra Chaudhary, a victim and activist associated with the Conflict Victim Women National Network (CVWN), notes that over time, many survivors have come to realize that the atrocities suffered by them was not their fault, and therefore they deserve justice, giving them the confidence to seek accountability by filing complaints.<sup>9</sup>

Similarly, since the establishment of the CIEDP in 2014, families of the disappeared were invited to submit complaints through a series of public calls. Between April 15, 2015, and December 24, 2021, the Commission

---

<sup>8</sup> Conversation with Khadka on May 14, 2026.

<sup>9</sup> Chaudhary shared her experiences at the Second National Memory Conference - 2026, held in Kathmandu from June 9–10, 2026.

issued six separate calls for applications, during which complaints from families of disappeared persons were registered.

**Table 2: Complaints Received by the CIEDP**

| S.N. | Details                                                         | Number of Complaints |
|------|-----------------------------------------------------------------|----------------------|
| 1    | Total complaints registered at the Commission                   | 3,358                |
| 2    | Complaints investigated and resolved                            | 756                  |
|      | Complaints forwarded to the TRC                                 | 280                  |
|      | Duplicate complaints merged                                     | 139                  |
|      | Complaints kept in abeyance                                     | 337                  |
| 3    | Complaints decided by the Commission for detailed investigation | 2,602                |
| 4    | Disappeared persons based on complaints                         | 2,617                |
| 5    | New registered complaints                                       | 70                   |

*Source: CIEDP, Nepal, 2026.*

Of the 3,358 complaints registered with the CIEDP, 756 have been investigated and resolved. Following this process, 2,602 complaints remain under consideration, relating to 2,617 disappeared persons. According to Ganga Bhattarai Subedi, the Commission’s Information Officer, the difference between the number of complaints and the number of disappeared persons is due to some complainants reporting more than one disappeared individual in a single complaint.<sup>10</sup> After the appointment of new commissioners in May 2025, the Commission registered an additional 70 complaints.

The Commission has classified the registered complaints into four categories: (i) cases in which the alleged perpetrators have been identified; (ii) cases in which the incidents have been confirmed as conflict-related but

---

<sup>10</sup> Conversation with Subedi on June 1, 2026.



the perpetrators have not been identified; (iii) cases in which the alleged disappearance could not be established as related to the armed conflict; and, (iv) cases involving temporary disappearances.

To date, both the TRC and the CIEDP have undertaken only preliminary actions on the complaints they have received. These activities include collecting additional information from complainants, victims, and witnesses, as well as requesting available evidence from the District Administration Offices and District Police Offices through formal correspondence.

## 4. TRANSITIONAL JUSTICE IN THE EYES OF THE VICTIMS

Although Nepal's transitional justice process has repeatedly been described as victim-centered, experiences shared by victims present a markedly different picture. Interviews conducted for this study with victims, activists, and researchers reveal widespread distrust of the Commissions, limited opportunities for meaningful participation, concerns over political interference, and growing disillusionment with the overall process.

Nearly two decades after the beginning of Nepal's peace process, transitional justice has yet to deliver meaningful outcomes. More than 80,000 complaints piled up with the two Commissions have not reached a meaningful conclusion. Fundamental tasks, including investigating violations, collecting evidence, recording statements from alleged perpetrators, identifying those responsible, initiating appropriate action, and recommending reparations for victims, have either not been completed or have progressed only minimally. As a result, public confidence in the Commissions has steadily eroded. Victims also emphasize that the prolonged delay has made it increasingly difficult to collect evidence, identify perpetrators, and establish the truth as memories fade, witnesses become unavailable, and documentary evidence is lost.

Because transitional justice is inherently a sensitive and complex political issue, the interests and power dynamics of various parties have made it even more complicated. In particular, prolonged legal and policy uncertainty has prevented the process from moving forward. Until the third amendment to the Act, there was a provision for amnesty even in cases of serious human rights violations, which further weakened victims' hope and trust in justice.

At the same time, the prolonged wait for justice has reshaped victims' priorities. While truth-seeking, accountability, and punishment of perpetrators remain important, many victims now place equal emphasis on reparations, social security, access to healthcare, livelihood support, and the right to live with dignity. For them, justice is no longer understood solely in terms of criminal accountability but also as the restoration of their lives and wellbeing.

This section examines transitional justice from the perspective of victims. It first explores issues of victim participation and the factors contributing to their distrust of the Commissions. It then analyzes how victims understand the relationship between justice, reparations, and the everyday struggles they continue to face. Many victims argue that their exclusion from decision-making processes and the perceived insensitivity of the Commissions have contributed to a deep and enduring lack of trust in the transitional justice process.

#### ***4.1 Victim Participation and Distrust of the Commissions***

While Nepal's transitional justice process has formally embraced the international principle of being victim-centered, its implementation has fallen short of this commitment. Victims interviewed for this study consistently expressed dissatisfaction with their limited involvement in key stages of the process, including the establishment of the CIEDP and the TRC. They reported being excluded from crucial decisions ranging from the selection of commissioners and the drafting of legislation to complaint management and investigative procedures. According to many victims, this lack of meaningful participation and institutional sensitivity has significantly eroded their trust in the Commissions.

Ram Kumar Bhandari, a leader in Nepal's conflict victims' justice movement and a human rights defender, states that victims have been expressing dissatisfaction with the commissioner appointment process since the initial stages of the Commissions' formation. He says, "When

political parties appointed commissioners for the TRC and CIEDP, or when recommendation committees were formed, ‘victim-friendly’ provisions were not given sufficient importance. The criteria for leadership and commissioner selection were made in such a unfair way that they not only excluded victims but fully captured the process without consultations that failed to win the trust of conflict victims.”<sup>11</sup>

For many years, victims have demanded that they be placed at the center of the transitional justice process through meaningful consultation during both the establishment and operation of the Commissions. They have consistently called for their experiences, concerns, and priorities to be reflected in institutional decisions. However, because adequate consultation was not undertaken during the formation of the Commissions, trust between victims and the institutions could not be established. In response, several victim organizations publicly announced their decision to boycott the Commissions’ activities, citing their exclusion from the process.

At the same time, some experts argue that the absence of direct victim representation within the Commissions does not, in itself, mean that the process cannot be considered victim-centered. According to transitional justice researcher Nabin Bibhas, the critical question is whether the Commission’s structure, mandate, and working procedures effectively protect and respond to victims’ rights, voices, and needs. He contends that the Commissions require individuals with thematic expertise, strong research capacity, and a demonstrated commitment to human rights, and that meaningful representation should not be assessed solely by the presence of victims among the commissioners. Nevertheless, he emphasizes that the appointment process must be impartial, transparent, and free from political influence, while ensuring adequate consultation, trust-building, and meaningful participation of the victim community throughout the process.<sup>12</sup>

---

<sup>11</sup> Conversation with Bhandari on May 6, 2026.

<sup>12</sup> Conversation with Bibhas on May 19, 2026.

Senior Advocate Raju Prasad Chapagain offers a similar perspective. He argues that the absence of victim representatives on the Commissions is not the fundamental problem; rather, the more serious concern is that the appointment process has remained under the control of political parties. In his view, commissioners need not necessarily come from the victim community, provided they are independent, impartial, and genuinely accountable to victims. However, Nepal's Commission formation process failed to inspire confidence among conflict victims because it lacked these essential qualities. Chapagain further notes that international transitional justice practice emphasizes fostering a sense of ownership among victims, recognizing that without their meaningful participation and confidence, no transitional justice mechanism can achieve legitimacy or public trust.<sup>13</sup>

Repeated vacancies in the leadership positions of the TRC and CIEDP significantly disrupted investigation and inquiry processes, undermining the institutions' ability to function effectively. Although the appointment process resumed following the third amendment to the Act relating to the TRC and CIEDP, a substantial section of conflict victims remained dissatisfied with the outcome.

Suman Adhikari, Founding Chairperson of the Conflict Victims Common Platform, Nepal, argues that the government-appointed recommendation committee failed to consult the victim community before preparing a shortlist of candidates for the position of commissioners.<sup>14</sup> According to him, the selection process appeared to have been predetermined. He points out that the shortlist was finalized immediately after applications were invited, while the selection criteria and evaluation standards were never made public. In his view, these factors clearly demonstrate that the recommendation process lacked transparency. In response, conflict victims and human rights organizations strongly objected to the appointments and called for a review of the selection process, warning that they might

---

<sup>13</sup> Conversation with Chapagain on May 29, 2026.

<sup>14</sup> Conversation with Adhikari on May 8, 2026.

establish a parallel truth and reconciliation commission if their concerns continued to be ignored.<sup>15</sup>

The controversy surrounding the appointments further deepened the crisis of confidence. Dissatisfied parties filed court cases against the selection of office-bearers and adopted a policy of avoiding coordinating with and participation in the Commissions. These developments not only weakened the trust of the conflict victim community but also raised questions about the legitimacy and credibility of the Commissions by affecting their active participation. In the initial phase, victims had adopted a policy of critical engagement, that is, they would cooperate if the Commission did good work and criticize if it did wrong. However, as the appointment process became increasingly politicized, many victim groups abandoned this approach in favor of a complete boycott.

Not all victim representatives, however, shared this position. Conflict victim and activist Bhagiram Chaudhary holds a different opinion. He argues that ‘critical collaboration’ with the Commission is necessary.<sup>16</sup> According to him, excessive opposition and boycott only made the process more complicated. He says, “Attention should have been paid to delivery, but the opposition became focused on individuals.” He further highlighted that many victims at the grassroots level do not even have adequate information about the Commission’s processes, and they need practical support; relief for daily life, social security, and assistance; more than theoretical debates on justice. This shows that the victim community is not uniform and that their priorities differ according to their class and socioeconomic conditions.

The debate on victim participation and trust in the Commission also revolves around the question of whom the Commission recognizes as a

---

<sup>15</sup> Khadka, Ghanshyam. 2025. A warning to the formation of a parallel commission for transitional justice (in Nepali). *Kantipur*, May 7. Available at <https://ekantipur.com/news/2025/05/07/a-warning-to-the-creation-of-a-parallel-commission-for-transitional-justice-51-02.html>; accessed on June 12, 2026.

<sup>16</sup> Conversation with Chaudhary on May 24, 2026.

victim. According to transitional justice researcher Rukamanee Maharjan, the Commission's failure to develop a clear perspective on its role and relationship with victims and their organizations has created confusion at the implementation level.<sup>17</sup> Although the Commission claims to be concerned with victims, in practice many victims have submitted their complaints and grievances through their own organizations. However, the Commission's formal dialogue and coordination with such organizations has been weak, leading to growing dissatisfaction within the victim community. Most victim-affiliated organizations have raised questions about the Commission's legitimacy and the justice process. This shows that the question of participation is not limited to mere presence but is linked to ownership and trust in the justice process.

In contrast, Naresh Pudasaini, an employee of the TRC, argues that the individual victim remains at the center of the Commission.<sup>18</sup> According to him, even though complaints come through organizations, they are registered individually and each case is examined independently. He believes the Commission should prioritize direct victims over institutions, because the fundamental objective of transitional justice is to ensure victims' and their families' right to truth, justice, and reparation. However, he does not deny the role of victim-affiliated organizations; rather, he says, they can function as supportive structures by providing legal aid, psychosocial support, and policy advocacy to amplify victims' voices.

The difference between these two perspectives highlights an important debate on the nature of victim representation in transitional justice. On one side, there is the argument that meaningful dialogue with organized victim communities and their organizations is necessary to ensure legitimacy and ownership of the justice process. On the other side, there is the view that the central focus of justice should be the individual victim, with organizations playing a limited role in facilitation and advocacy. This brings into sharper

---

<sup>17</sup> Conversation with Maharjan on May 14, 2026

<sup>18</sup> Conversation with Pudasaini on June 3, 2026.

focus the fundamental question of whether the legitimacy of the justice process is established through individual participation or through the acceptance and ownership of organized victim communities.

Overall, victim participation in Nepal's transitional justice process has remained limited to debate and has not been established in practice. Although the Commissions claim to have placed victims at the 'center,' their ownership in decision-making processes has not been reflected. Political interference in the formation and operation of the Commissions, lack of transparency in appointments, lack of sensitivity, insensitive behavior towards victims of sexual violence, and the absence of long-term outcomes have institutionally deepened distrust towards the Commissions. As a result, many victims have begun to view the Commissions not as institutions delivering justice but as 'structures for political management' (See Section 5 for political influence in transitional justice).

## ***4.2 Relief, Reparation, and the Struggle of Daily Life***

The Government of Nepal has provided interim relief of up to NPR 1 million in phases to the families of those deceased and the disappeared. However, the program has faced criticism for excluding certain categories of victims. It has not covered victims of torture, assault, rape, and sexual violence.

Suman Adhikari believes that providing interim relief in installments to families of the deceased and disappeared has not helped their livelihoods, and has instead felt humiliating to the victims.<sup>19</sup> The CIEDP recommended relief distribution for 551 persons in five phases, but so far only 93 persons recommended in the second phase have received relief. A further 458 persons have still not received any relief.<sup>20</sup>

---

<sup>19</sup> Conversation with Adhikari on May 8, 2026.

<sup>20</sup> CIEDP, Nepal. 2025. *Published Pursuant to Article 5 of the Right to Information Act, 2007 and Rule 3 of the Right to Information Regulations, 2008* (in Nepali). Kathmandu: CIEDP, Nepal.



**Table 3: Relief Distribution**

| S.N. | Type of Conflict Victim and Relief                                                       | Number of Applicants | Number of Recipients (up to July 2017) | Remarks  |
|------|------------------------------------------------------------------------------------------|----------------------|----------------------------------------|----------|
| 1    | Heirs of the Deceased (NPR 100,000 each)                                                 | 18,076               | 14,418                                 | One-time |
| 2    | Single women of general deceased (NPR 25,000 each)                                       | 9,000                | 4,649                                  | One-time |
| 3    | Heirs of disappeared persons (NPR 100,000 each)                                          | 1,730                | 1,530                                  | One-time |
| 4    | Displaced persons (NPR 10,000 to 100,000 depending on situation)                         | 82,661               | 79,571                                 | One-time |
| 5    | Individual property damage                                                               | 17,484               | 9,294                                  | One-time |
| 6    | Those with disability/ amputation                                                        | 8,191                | 8,191                                  | One-time |
| 7    | Abducted (NPR 25,000 each)                                                               | 5,659                | 5,659                                  | One-time |
| 8    | Monthly living allowance for those with over 51% disability (NPR 6,000 per month)        | 744                  | 744                                    | Regular  |
| 9    | Orphans who lost both parents                                                            | 758                  | 758                                    | -        |
| 10   | Special Relief                                                                           |                      |                                        |          |
| a    | Additional financial assistance of NPR 500,000 to heirs of deceased/disappeared          | 18,076               | 16,338                                 | One-time |
| b    | Additional financial assistance to wives of disappeared (NPR 25,000 each)                | 1,000                | 653                                    | One-time |
| c    | Additional assistance to bring relief to NPR 1 million for those who received NPR 5 lakh | 18,276               | 16,338                                 | One-time |

Source: Conflict Victims Common Platform, Nepal. 2018. *Reparatory Needs, Rights and Demands of Victims of Armed Conflict in Nepal: Advocacy Paper (in Nepali)*. Place not mentioned: Conflict Victims Common Platform, Nepal.

In Nepal's transitional justice process, the word 'justice' for victims is not limited to legal action or identifying the guilty. It is also intertwined with their daily lives, livelihoods, social dignity, health, property, and psychosocial condition. Reparation has been recognized by law as a right of conflict victims. After preliminary investigation, the Commission recommends to the Government of Nepal to provide psychosocial counseling, interim relief, reparation, and compensation to victims as soon as possible, along with appropriate rehabilitation arrangements. The Commission can recommend free education and health treatment, skill-based training, interest-free or concessional loans, employment, and other forms of reparation for victims or their family members. The Government of Nepal has established a fund of NPR 1 billion for relief and reparation. The Swiss Government has also signed an agreement to provide financial support to this fund.

According to Suman Adhikari, many victims are currently living amidst pain, deprivation, injustice, psychosocial problems, and social exclusion.<sup>21</sup> Although the peace agreement promised justice, truth, and rehabilitation, the state did not prioritize the real living conditions of victims. Many victims are in such difficult situations that even maintaining a basic livelihood is a struggle for them. They are increasingly concluding that too much time has passed for truth-seeking and that reparation may be the main solution. However, the state has not even begun providing reparation. There is also a lack of policy clarity between interim relief and reparation. This could lead to future misunderstandings between the state and conflict victims.

Political party representatives interviewed during this study interpreted interim relief itself as reparation. Victims, however, argue that since it has not been defined as reparation in policy terms and the state has not even formally recognized them as victims, interim relief should be viewed only as financial support.

---

<sup>21</sup> Conversation with Adhikari on May 8, 2026.

The Supreme Court has also issued orders for immediate arrangements regarding reparation and other issues, stating: "...Prosecution alone cannot fulfill the demands of victims of human rights violations. Therefore, while making decisions, the concerns of victims and related parties must be kept at the center. Punishing only a small portion of perpetrators without revealing the truth and without attempting reparation reflects political vendetta."<sup>22</sup>

For victims' families at the grassroots level who are socially and economically disadvantaged, earning a livelihood has become more important than finding the truth. Highlighting this reality, conflict victim Bhagiram Chaudhary says, "It has become too late to get justice, which is why they have stopped trusting the Commission. That is why some families of disappeared persons have started registering death certificates instead of searching for the truth."<sup>23</sup> He further clarifies, "Even a monthly allowance of one thousand to fifteen hundred rupees would have been a big thing for them." Ganga Bhattarai Subedi, Information Officer at the CIEDP, says that the government's disregard of the Commission's reparation recommendations has destroyed the credibility of the Commission itself among victims.<sup>24</sup>

Ishwari Tiwari, Undersecretary of the TRC, stated that although the Commission attempted to collect data from all local levels and all seven provinces regarding what kind of reparation and relief arrangements they have made, it could not obtain integrated statistics.<sup>25</sup> Integrated data would have prevented duplication of relief and made it easier to track which level is working in which area of reparation. Nevertheless, some provinces and local levels have initiated limited support programs. For example, Chaurideurali Rural Municipality in Kavrepalanchok provided financial assistance to 36 victims; several municipalities in Bardiya and

---

<sup>22</sup> CIEDP, Nepal. 2022. *Supreme Court Orders on Transitional Justice* (in Nepali). Lalitpur: CIEDP, Nepal.

<sup>23</sup> Conversation with Chaudhary on May 24, 2026.

<sup>24</sup> Conversation with Subedi on June 1, 2026.

<sup>25</sup> Conversation with Tiwari on June 3, 2026.

Rolpa undertook memorial initiatives, incorporated content on enforced disappearances and martyrs into school textbooks; and Gandaki Province provided support for health treatment.

The state must immediately make arrangements for reparation to conflict victims as per the Commission's recommendation. Different victims may have different needs. It is necessary to understand this directly with the victims. Providing employment, skills, and education-based reparation according to market demand would make it more effective. The state also needs to pay attention in this direction.

## 5. TRANSITIONAL JUSTICE UNDER THE SHADOW OF PARTY POLITICS

The process of transforming the Maoist armed insurgency into a peaceful political settlement was concluded through an agreement between the State and the insurgents rather than through the victory or defeat of either side. When an insurgency ends in victory or defeat, it is generally easier to hold the losing party accountable. However, when an insurgency concludes through a negotiated settlement, it becomes considerably more difficult to assign responsibility to only one party. Politics was the principal driving force behind both the emergence of the insurgency and the subsequent peace process. One group of stakeholders argues that Nepal's transitional justice process should be completely insulated from political considerations and that conflict-related violations should be treated as ordinary criminal offences subject to prosecution under the regular legal framework. Conversely, another group seeks to place the process entirely under political direction and control, emphasizing reconciliation and amnesty, an approach that runs contrary to established principles of justice. Caught between these two competing and extreme positions, Nepal's transitional justice process has been unable to make meaningful progress.<sup>26</sup>

Political parties in Nepal have often adopted different positions and agendas on transitional justice depending on whether they are in government or in the opposition. Victims have alleged that even when the former rebels, the Maoists, themselves led the government on several occasions, they failed to make any meaningful effort to bring the transitional

---

<sup>26</sup> Bhatta, Madhavi. 2019. The Political Dimension of Transitional Justice (in Nepali). *Kantipur*, July 2. Available at <https://ekantipur.com/opinion/2019/07/02/156203328792688368.html>; accessed on June 12, 2026.

justice process to a conclusion. According to the experience of Barshaman Pun, among the political parties directly associated with the decade-long conflict, the Nepali Congress and the CPN (Maoist Center) generally held similar views on transitional justice. In contrast, the Communist Party of Nepal (Unified Marxist-Leninist) [CPN (UML)] tended to maintain a neutral stance or adopt strategies that varied according to its political interests and circumstances.<sup>27</sup>

However, in the context of Nepal, the debates around, and advocacy for, transitional justice have differed from established international practice. There appears to be a widespread perception that every application or complaint registered with the commissions should be subject to individual investigation. According to Senior Advocate Raju Prasad Chapagain, however, international practice demonstrates that truth commissions are primarily concerned with identifying patterns related to violence. Elaborating on this point, he states, “Based on victims’ testimonies and experiences, the practice is to establish patterns of violence, recommend action in a limited number of particularly serious cases, and submit a comprehensive report to the government. On the basis of that report, the responsibility for deciding whom to prosecute and whom not to prosecute rests with the government.”<sup>28</sup>

This perspective suggests that the principal function of truth commissions is not to conduct criminal investigations into each complaint but rather to uncover broader patterns of abuse and provide recommendations to facilitate accountability and institutional reform. In this context, the role of a truth commission is considered to be fundamentally different from that of a criminal investigative body. Scholars of transitional justice argue that applying the evidentiary standards of the criminal justice system requires each incident to be proven beyond reasonable doubt and would necessitate the collection of extensive evidence, thereby making the process lengthy

---

<sup>27</sup> Conversation with Pun on May 29, 2026.

<sup>28</sup> Conversation with Chapagain on 29 May, 2026.

and complex. Such an approach, they contend, risks allowing perpetrators to evade accountability and ultimately makes the search for truth even more difficult.

Following the 2022 elections for the House of Representatives, the coalition government formed by the Nepali Congress and the CPN (Maoist Center) sought to secure parliamentary passage of the Commission of Investigation on Enforced Disappeared Persons, Truth and Reconciliation Commission Act, 2014 (Third Amendment), 2024. In accordance with an agreement to facilitate this process, the ruling coalition allocated the chairpersonships of three parliamentary committees to the CPN (UML). However, when the two coalition partners attempted to pass the Bill through Parliament with the consent of the CPN (UML), the latter sought to obstruct the process. The Nepali Congress suspected that the CPN (UML) intended to delay the Bill until a government under its own leadership was formed. The CPN (UML), however, maintained that its opposition stemmed not from a desire to gain power but rather from its view that the Bill was not sufficiently victim-centered and, therefore, could not command its support.<sup>29</sup>

The Act on the Commission of Investigation on Enforced Disappeared Persons, Truth and Reconciliation Commission, 2014, provides for the establishment of a Recommendation Committee to select and recommend the chairpersons and members of both commissions. However, this committee itself has not been immune from political influence. According to Prakash Wosti, a former member of the National Human Rights Commission, “There is a prevailing sense of dominance among the government and political leaders that, regardless of the existence of a Recommendation Committee, the appointments will ultimately be made

---

<sup>29</sup> Pandey, Yagyaraj. 2024. Transitional Justice Entangled in Political Maneuvering (in Nepali). *Himalaya Times*, January 15. Available at <https://ehimalayatimes.com/2024/01/190669/>; accessed on June 12, 2026.

by them.”<sup>30</sup> As members of the Recommendation Committee have often been selected on the basis of political affiliation and convenience, the appointments of the chairpersons and members of the commissions have likewise been determined through political power-sharing arrangements. Consequently, due to the lack of political will and the political nature of their appointments, the chairpersons and members of the commissions have been unable to undertake substantive transitional justice initiatives in an independent and impartial manner.

---

<sup>30</sup> Wosti, Prakash. 2020. Conflict-Era Issues and the Expected Role of the Commissions (in Nepali). *Satyako Khoji* 3(1): 26–33.



## 6. THE NEW GOVERNMENT: HOPE AND UNCERTAINTY

Nearly twenty years have passed since the CPA was signed. In this period, more than a dozen different governments have been formed. For most of this period, the three stakeholders of the peace process, namely the Nepali Congress, the CPN (UML), and the CPN (Maoist Center), have alternated in leading the government, and have remained its principal coalition partners. Commissioners have been appointed to the transitional justice commissions on three separate occasions. However, these commissions have managed to accomplish little beyond the registration of complaints and the preliminary examination of those complaints. Although the third set of commissions, constituted on May 11, 2025, was appointed for a four-year term, the government led by the Rastriya Swatantra Party, promulgated the Ordinance on Special Provisions Relating to the Removal of Public Office Holders, 2026. With the promulgation of this Ordinance, various political appointments made by previous governments were annulled, including the appointments of the office-bearers of both commissions established to implement transitional justice. Various organizations representing conflict victims have supported the annulment of these appointments and have called for future appointments of commissioners to be made through a process that is transparent, competitive, and victim-centered.

There is growing interest in how the government led by the Rastriya Swatantra Party will bring to a conclusion the transitional justice process that has remained unresolved for nearly two decades. In its election manifesto, the party had pledged to complete the remaining tasks of transitional justice. However, the exclusion of transitional justice from the government's One Hundred-Point Governance Reform Agenda has generated disappointment and uncertainty among conflict victims. Against

the backdrop of persistent criticism that the appointment of commissioners has consistently been subject to political interference, Nepali Communist Party leader Barshaman Pun argues that a government led by a political party with no direct involvement in the Maoist conflict has a unique opportunity to constitute neutral and impartial commissions and to bring the transitional justice process to its logical end.<sup>31</sup>

He further informed that, following the formation of the government led by the Rastriya Swatantra Party, there have been several rounds of consultations on how to move the transitional justice process forward. The government is undertaking the necessary preparations to bring the transitional justice process to a conclusion.<sup>32</sup> During interviews conducted with various conflict victims for this study, respondents indicated that even the security sector—particularly senior officials of the Nepali Army—is of the view that the transitional justice process should be concluded. This has generated a degree of optimism that the long-pending transitional justice process may finally reach its conclusion.

However, human rights advocates and scholars working on transitional justice argue that the formation of the new government led by the Rastriya Swatantra Party has further increased uncertainty surrounding the transitional justice process. One such scholar and activist, Rukamanee Maharjan, observes, “As the current government is not a political force directly associated with the conflict-era political process, it may lack sufficient institutional memory regarding the historical sensitivity of the Comprehensive Peace Accord and transitional justice. Thus far, there has been little predictability in the government’s decision-making processes and actions. Various decisions taken by the government appear to have heightened dissatisfaction and uncertainty.”<sup>33</sup> She added, “Under previous

---

<sup>31</sup> Conversation with Pun on May 29, 2026.

<sup>32</sup> Desh Sanchar. 2026. The government is committed to bringing transitional justice to a conclusion: Law Minister Gautam (in Nepali). 25 May. Available at <https://deshsanchar.com/2026/05/25/1185440/>; accessed on June 23, 2026.

<sup>33</sup> Conversation with Maharjan on May 14, 2026.

governments, victim communities and civil society organizations could utilize certain formal or informal channels of dialogue, but such access has now weakened. Moreover, excessive politicization and the failures of previous office-bearers have created a situation in which qualified and credible individuals are reluctant to serve on the commissions.” This shows that questions regarding the institutional credibility and independence of any future commissions remain unresolved.

## 7. CONCLUSION

The completion of army integration, the promulgation of a constitution through the Constituent Assembly, and the resolution of transitional justice constituted the three fundamental tasks of Nepal's peace process. Of these, the integration of former combatants and the drafting and promulgation of the Constitution through the Constituent Assembly have been accomplished. However, the task of transitional justice has remained unresolved for nearly two decades.

Victims have been denied justice for almost twenty years. There is a well-established legal maxim that *justice delayed is justice denied*. Injustice often serves as the seed of future conflict and rebellion. Therefore, it is warranted that there be no further delay in concluding the transitional justice process. Victims have the right to know the truth about what happened during the conflict. It is equally important that conflict-affected communities have the confidence that those responsible for serious violations of human rights will be held accountable in accordance with the law. To achieve this objective, the government, political parties, victims, organizations working in the field of transitional justice, and the international community must work collectively to bring this process to a conclusion by placing victims' justice at the center.

The government led by the Rastriya Swatantra Party has an important opportunity to bring the transitional justice process to its conclusion. As a relatively new political force, the party does not bear the direct legacy of the conflict. The government should therefore accord priority to transitional justice and, without delay, appoint commissioners to both commissions who are free from political and security-sector interference.

The commissions, which have registered nearly 80,000 complaints, continue to face a severe shortage of expert personnel and other resources. Under the current arrangement, they have largely become repositories for victims' complaints rather than effective mechanisms for truth-seeking and accountability. It is therefore the responsibility of the government to ensure that the commissions are adequately resourced and institutionally strengthened. To this end, coordination with development partners, friendly nations, the United Nations and the donor organizations is essential.

The prolonged absence of justice has further exacerbated the economic and social vulnerabilities of victims, many of whom already occupy marginalized positions in society. Reparations should not be regarded as an act of charity or benevolence on the part of the state; rather, they constitute a right of the victims. Reparations should encompass not only financial compensation but also measures addressing victims' physical and mental health needs, employment, education, and other forms of support. Reparation programs should therefore be designed on the basis of meaningful consultations with victims and a careful assessment of their needs. The process must be consultative and transformative in practice.

Likewise, with due regard for the confidentiality and privacy of victims of sexual violence and rape who have registered complaints, immediate arrangements should be made to provide them with psychosocial counselling and appropriate healthcare services.

Founded in 2014, Democracy Resource Center Nepal (DRCN) is a national non-governmental organization dedicated to the study and research of social and political issues. Since its establishment, DRCN has consistently undertaken in-depth and evidence-based research into various aspects of Nepal's transitional political landscape, including the implementation of federalism, local-level restructuring, and election observation. The outcomes of these studies are shared with stakeholders, fostering discussions and debates. DRCN's overarching objective revolves around advancing efficient governance within Nepal's federal framework through these rigorous research endeavors and thoughtful discourse.



## **Democracy Resource Center Nepal**

Lalitpur, Nepal

Tel: +977-1-5902286

[info@democracyresource.org](mailto:info@democracyresource.org)

<https://www.democracyresource.org/>