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## **Transitional Justice Hangs in the Balance in Nepal**

Survivors and victims of the conflict in Nepal are concerned that their hopes for justice and reparations are being undermined by a stealthy government campaign to offer amnesty for war crimes.

The government strategy, which has emerged in Kathmandu over the past week, seeks to reverse a landmark ruling by the Supreme Court of Nepal in 2015 that declared an amnesty would be illegal.

Many of the Supreme Court justices have been replaced since 2015 and the government has now asked the Court to reverse the 2015 decision, even though the ruling was handed down by a special bench of three justices that has never been challenged until now. The government request will be heard by the Court on Thursday, May 16.

"If this amnesty decision is reversed, we are doomed," said one veteran observer of Nepal's transition process who is close to the victims. Ram Bhandari, who lost his father during the conflict and heads the Network of

Families of the Disappeared (NEFAD), agreed. In a [recent opinion piece](#) he wrote: "We suffered. We were victimized and betrayed."

The conflict was triggered in 1996 by a Maoist uprising and ended ten years later with a comprehensive peace agreement that pledged to address the needs of victims and survivors. Two commissions were set up by the government in 2014 to investigate disappearances and promote truth and reconciliation, and are due to be extended soon.

The commissions have heard from 65,000 witnesses in the last 5 years and the disappearances commission alone has collected files on 2,518 cases. In spite of this, the commissions have been boycotted by western governments, human rights advocates, and the United Nations because they were set up under the same law that called for an amnesty.

Advocates for the victims are totally opposed to an amnesty and have criticized the commissions for being bureaucratic and ineffective. But they also feel the international boycott has deprived the commissions of expertise and helped to ensure their irrelevance.

Many family members still feel that the commissions have a role to play and are worried that their voluminous database will be compromised if the government is able to control the appointment of new commissioners. NEFAD argues that the entire process for extending the commissions is flawed and needs to be revised.

One diplomat in Kathmandu who has observed the long and tortuous search for traditional justice urged human rights monitors to attend the May 16 hearing. Another observer said that Nepal's outspoken media, and the country's highly praised human rights commission, will not be sufficient to protect the rights of victims if the Court decision is overturned on May 16.

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