

South Asia Analysis Group

Published on *South Asia Analysis Group* (<http://www.southasiaanalysis.org>)

[Home](#) > Nepal: Cease-Fire Process- Incomplete without Transitional Justice:

Nepal: Cease-Fire Process- Incomplete without Transitional Justice:

Submitted by asiaadmin2 on Wed, 11/27/2019 - 17:04

Paper No. 6516

Dated 26-Nov-2019

By Dr. S.Chandrasekharan

Everyone would agree that the cease fire process initiated in 2006 is incomplete without bringing justice to those victims of the ten-year conflict started by the Maoists in 1995/96.

There was no doubt either that the comprehensive peace agreement signed on November 21, 2006 was a historic document that not only put an end to the conflict that involved the death of over 17000 people, but ensured a new 'era' for stability and progress. It was also a moment of consensus and reconciliation between the two warring factions- the Government of Nepal and the then Communist Party of Nepal (Maoist).

The picture of both Girija Prasad Koirala and the Maoist Chief Prachanda as he was known then sitting together and being photographed by the media is fresh in our minds. It was indeed a rare and a historic moment.

Surprising still, was the acceptance of the Maoist Chief as well as that of the Government not only for the formation of a high powered Truth and Reconciliation Commission but their readiness to reveal the names of those killed or disappeared and inform their kith and kin.

Section 5.2.3 under cease fire chapter said "Both sides agree to make public within 60 days of signing of agreement, information about the real name, caste and address of the people 'disappeared' or killed during the war and inform the family about it".

Unfortunately, this aspect of the cease fire process has not been implemented even today after thirteen years of signing the peace agreement. Why is it so ? It is because this would expose those in the Government including the Army and political leaders in the Ruling

Party! As mentioned by one of the analysts, it is nothing but “Justice delayed to protect the Perpetrators”.

Over a period of time, this historic day was being ignored both by the Government and the political parties and this year too, the anniversary on November 21 would have gone through without being noticed, but for a major demonstration by the victims of the War at Matighar in Kathmandu that demanded information on the people who were killed or had ‘disappeared’.

Ever since the signing of the agreement- the Comprehensive Peace Accord (CPA) the Government under all dispensations has been lethargic and a deliberate delay is being noticed on the part of the Government and that of the Ruling Party the CPN, in the hope perhaps that the issue will be forgotten some day!

Eight years after the agreement, in 2014 the Government issued two ordinances- the one on “Truth and Reconciliation Commission” -TRC and another on the disappearance – “Commission for Investigation on Enforced Disappeared Persons-CIEDP.

The Commissions started functioning from 2015 and a total of over 66,000 complaints were received. Not one of these complaints has been investigated as yet.

Meantime, the Chairpersons of the two Commissions were released of their duties in April this year and a Committee was then formed under the leadership of a former Chief Justice to recommend the names of chairpersons and members of the Commission. So far, the Committee led by Om Prakash Mishra has not been able to finalise the names. The issue has since been politicised!

In this context one should not fail to notice that even the direction of the Supreme Court to amend the CIEDP has also not been implemented for reasons best known to the Government.

Unfortunately, the selection of the Chair persons and the members has been mired in controversy and it is worthwhile to quote the media that explains the dysfunctional Commissions- It said “ apparent and shameful attempt to fix the transitional justice process by stuffing the Commissions with party faithful with little regard to competence, integrity or public good standing is Condemnable.”

I would use a stronger term “despicable”.

Surprising that even international organisations dealing with human rights have not able to goad Nepal to bring justice to the victims of War.

Tags:

Nepal [1]

CPA. [2]

Category:

Papers [3]

Countries:

Nepal [4]

Topics:

Political [5]

Human Rights [6]

Copyright ©2012. All Rights are Reserved.

Source URL: <http://www.southasiaanalysis.org/node/2541>

Links

[1] <http://www.southasiaanalysis.org/taxonomy/term/58>

[2] <http://www.southasiaanalysis.org/taxonomy/term/2072>

[3] <http://www.southasiaanalysis.org/papers>

[4] <http://www.southasiaanalysis.org/nepal>

[5] <http://www.southasiaanalysis.org/political>

[6] <http://www.southasiaanalysis.org/human-rights>