



Survivor's Record

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Note from the Editor

Dear Readers,

I'm sure you all have seen the recent headlines — Gen-z protests, Kathmandu on fire, Oli's resignation, the formation of a new interim government, 72 killed. What you might not be seeing is the longer history this moment has erupted out of.

Despite cosmetic changes to government structures and promises made, after the Comprehensive Peace Accord was signed in 2006, many things did not change. The federal system has allowed for more responsive and representative democracy at the local level and many municipal governments have worked with victims and survivors to address the legacy of the conflict. But at the federal level, kleptocracy and elite-led politics reminiscent of those that preceded the *jana andolan* have taken the place of the inclusive and transparent democracy that was promised.

During the promulgation of the 2015 constitution, the state brutally killed, tortured, and threatened those who were agitating against the state and the unfair decision making of political elites. Even in the post-constitution (2015-2025, including current Gen-z riots) phase, the character of the state apparatus has remained similar. The major political parties in power have not transformed; the bureaucracy and security forces are now more detached from the general population; the judiciary has become inefficient. Every institution is heavily politicized. All of these issues continue to fuel an ill-governance system, rampant corruption, and widespread anger among the general public, including survivors of the conflict.

Recent protests led by Gen-z youth against corruption, a social media ban, economic inequality, and ill-governance escalated and became violent. In just two days, more than 72 people died, many were injured, and tremendous physical damage was left behind.

Survivors of the 1996-2006 armed conflict were also a part of the recent protests, showing their anger against institutionalized impunity, politicized truth commissions, and sidelining of victims.

It is worth noting that the majority of Gen-z protesters were born during the armed conflict. As children they witnessed violence and injustice, some lost parents or siblings, and growing up, many felt lingering impacts of the conflict. They were promised democracy and a new Nepal and have been betrayed.

At this moment, Nepal needs a fair, transparent, and victim-led justice process to deal with and connect all of the human rights violations from conflict time to the current transition. Those

who have betrayed victims, abused public resources, and still sit on the commissions should resign immediately. The transitional government must make this agenda a priority and start a new process to establish truly victim-centered commissions immediately. No process will be effective without avenues for victim leadership and genuine participation.

Just a week before the protests began, I stood with other relatives of the disappeared, victim leaders, civil society actors, human rights activists, and community members at a candle light vigil in honor of 30 August, the International Day of Victims of Enforced Disappearances. As I remember my disappeared father, many thousands of relatives remember and feel the absence of their loved ones. We respect and share our emotions with all families in struggle and inspire one another to continue the movement. It's been a long and hard fight. Families used to mark the day, organize themselves, and search for the whereabouts of their disappeared relatives during the armed conflict. In the aftermath, we used memory as a tool for advocacy and collective resistance. Family activists, like myself, have been transformed by action. We have turned ourselves into social leaders.

At the beginning, only a few activists and human rights groups commemorated the disappeared in public places. When the United Nations declared 30 August as the International Day of Victims of Enforced Disappearances in 2010, we in Nepal began to use the day to not only remember and honor the disappeared, but to mobilize families and civil society. The process has gained momentum, and this year 30 August was a nationwide campaign for justice. We demanded answers about our loved ones, an end to perpetrator led policies of transition, true victim participation, and social transformation, and we discussed our plans to initiate a civil commission.

Just a week later the entire political landscape changed. Our movement must re-orient itself, but the central demands will remain the same. While it might not make news headlines, there are still families waiting to know the truth about their loved ones. We must deal with the past — document systemic human rights abuses, acknowledge the suffering and sacrifices, address the needs of victims and survivors, and hold perpetrators accountable — in order to heal, transform, and move forward as a country.

- Dr. Ram Bhandari, Editor in Chief



Nepal youth gathered in New Baneshwor, Kathmandu to protest rampant corruption and a social media ban on 8 September. Picture from Skanda Gautam.

Featured News

Country in Crisis: Current Unrest and Nepal's Long Struggle for Democracy, Justice, and Equality

September, Kathmandu

This past Friday, 12 September, President Paudel appointed [Sushila Karki](#) as interim prime minister, the first woman to hold this position in Nepal. This is following a youth uprising which turned violent earlier last week.

What was on Monday morning a peaceful mass demonstration of students against government corruption, impunity, a recent social media ban, and economic inequality had by Tuesday evening overthrown the government.

After pushing through a barricade on Monday afternoon, students were met with violence from security forces who fired live ammunition, tear gas, water cannons, and rubber bullets into the crowd, killing dozens of students ([the number released that night was 19](#)) and injuring hundreds of others. The disproportionate use of force, unlawful killings, and arbitrary arrest of protesters are clear violations of human rights and were quickly condemned by the [ICAED](#), [UN Nepal](#), and [Human Rights and Justice Centre](#), among other organizations.



Nepal's Federal Parliament burns after a fire set by protestors on 9 September. The building housed both the Upper House and Lower House before it was burnt down. Picture from Skanda Gautam.

The unrest grew and Tuesday the Supreme Court, Parliament, and other government buildings were [set on fire](#), smoke billowing out over Kathmandu. Following other cabinet ministers, [Prime Minister Oli resigned](#) that afternoon. With no clear leader of the government, [the military took control of the streets](#) and imposed a curfew that continued through Friday as youth leaders began an [intense negotiation](#) with the Nepal Army and President Paudel. By Saturday morning, [the death toll had been updated to 72 \(including 59 protesters\)](#) and Former Chief Justice Sushila

Karki, the name proposed by youth leaders, was in charge of the government. For many, her leadership is a sign of hope, but the future is still quite uncertain.



Singha Durbar, a major administrative building hosting the Prime Minister's office burns during 9 September protests. Picture from Prabin Ranabhat.

Enormous challenges lie ahead of PM Karki and the country. Rebuilding, reestablishing democracy, and addressing the grievances of not only the protesters, but the larger public is no easy task.

To do so will require understanding that this moment of crisis is not an isolated one. The current discontent and struggle for democracy, equality, and justice has long roots in Nepal. After nearly 250 years of monarchy, the establishment of a multi-party system following uprisings in 1951, reversion back to autocracy, 10 year People's War, and 2006 Democracy Movement, Nepal officially became a democratic republic in 2008. But the last two decades have continued to be characterized by elite-led politics, impunity, amnesia, and inequality. Indicative of this has been the state's refusal to realize victims' rights and engage in a genuine transitional justice process.

Recent anger erupted out of this context. To move forward, the government must engage with this past and provide justice to all victims and survivors: those of these recent protests and those of the People's War ([relief provided to families of those killed in the Gen-z protests](#), [recognition of protestors who died as martyrs](#), [declaration of a national day of mourning](#), and [a memorialization park](#) are small steps, but positive start). They must focus not only on peace, but on social transformation, justice, and equality, without which peace will not be possible. And, above all else, victims and survivors must be active participants in the process, not just recipients.

Further Reading:

[Five theses on the situation in Nepal](#), Peoples Dispatch

[Nepal: Truth as the Only Escape from Impunity](#), Zeudi Liew

Interaction and Collective Commemoration: Using Remembrance as a Tool for Advocacy

August, Kathmandu

On Friday, 29 August, victim groups hosted a discussion in Kathmandu titled “Alternative of State-Controlled Non-Transparent Commissions: Victim-Centered Civil Commission.” The event was one of several interactions organized across Nepal in honor of 30 August, the International Day of the Victims of Enforced Disappearances and part of the larger campaign for victims’ rights.



Senior Advocate Raju Chapagain speaks at the interaction on 29 August

The event was attended by leaders of victim groups, human rights activists, civil society representatives, and officials from the National Human Rights Commission and opened with introductions from all attendees in a show of community and solidarity.

A central topic of the discussion was the potential civil commission that victims have been talking about forming. Senior advocate Raju Chapagai presented key points and strategies regarding the formation of this commission, describing a multi-phased approach including a constructive dialogue and wide consultation, concept building, constitution, operation, final report and dissemination, and follow-up and implementation. His roadmap has also been published on Kantipur Daily and can be found [here](#). Constituent Assembly member and senior advocate, Ekraj Bhandari added to Chapagai’s discussion, focusing on the impacts a civil commission would have. These include amplifying victims’ voices and advocacy, creating a historical narrative through the documentation of cases, and pressuring the state through the delegitimization of state-led commissions. Senior human rights defender, Charan Prasai, emphasized that this is now a necessary element of the victim movement and an alternative path to truth seeking and victim centered justice.

Many frontline victim leaders, including Ram Bhandari, Suman Adhikari, Gita Rasaili, Surendra KC, Gopal Bahadur Shah, and Sushila Chaudhari, reiterated their concerns regarding the current transitional justice process and appealed to wider civil society, media, and international actors to support their movement for justice.

The event was also attended by Dr. Surya Dhungel, NHRC Commissioner, who spoke about the importance of a victim-centered approach and emphasized the need for a dialogue between victims and the government.

Following the event, attendees observed a small exhibition put together by the Human Rights and Justice Centre titled “Echoes of Remembrance and Resilience | Bearing Witness, Demanding Justice.” It also featured a Toran wall-hanging titled “Toran of Absence: Voices at the Door of Justice from Victims, Civil Society, and the Courts” composed of press statements, victims’ position papers, news clips, the recent mass petition filed at the Supreme Court, and photographs of disappeared relatives. As a memorialization of the disappeared and representation of the long and hard struggle for justice, it was a moving call to look simultaneously into the past and to the future.

To the right: Surendra Khatri and Ram Bhandari stand in front of the Human Rights and Justice Centre’s installation.



Victims Remember the Disappeared and Call for Justice at 30 August Candle Lighting Vigil in Kathmandu

August, Kathmandu

On 30 August, victim groups, civil society actors, and community members came together in the street to remember Nepal’s disappeared with a candle lighting vigil and call for justice.

Standing in a circle on Maitighar Mandala Street in Kathmandu, the group held up the Human Rights and Justice Centre’s installation “Toran of Absence.” Linked by the documents of their long struggle for justice and the photographs of the disappeared, the circle symbolized a human chain of resistance and memory.

Several victim and civil society leaders spoke, calling on the government to immediately make public the whereabouts of the disappeared, end their politicization of the victim agenda, reset the flawed transitional justice process, and ratify the International Convention against enforced disappearances.

As the sun began to set, the candle lighting began and an outlined 1,350+ was illuminated, representing the number of citizens disappeared in Nepal and whose whereabouts remain unknown.

The Kathmandu candle lighting was one of many that occurred across the country on Saturday 30 August. Local victim groups in all seven provincial headquarters collaborated to organize candle lighting in more than 30 districts. One took place in Barbardiya Municipality at the Kumbhar Adda Disappeared Memorial Park alongside the opening of an exhibition titled

“Memory will Haunt” which will stay for a whole year. [You can find more information about Kumbhar Adda Disappeared Memorial Park and their new exhibition here.](#)



Relatives of the disappeared, victim leaders, human rights activists, civil society actors, and community members light candles in honor of 30 August and Nepal's 1,350+ disappeared

Further Reading:

[Memory, Resistance, and the Long Struggle: Victims Host Candlelight Vigil in Honor of the Disappeared](#), Emma Cohen

Thakurbaba Municipality Initiates Reparation Program for Wives of the Disappeared

July, Thakurbaba Municipality

Amidst the failure of the central transitional justice process, the Thakurbaba Municipality government has initiated a local reparations program. As of July (the start of the fiscal year), they began providing a monthly livelihood allowance of Rs 2,500 (18-20 USD) to wives of the disappeared. So far, eight women are receiving the stipend.

The central government provides an allowance for women whose husbands were killed during the conflict, but those whose husbands were disappeared do not qualify. To fill the gap in one municipality of Bardiya District, one of the most conflict affected districts in Nepal, Thakurbaba Deputy Mayor Ms. Bina Bhattarai decided to implement this local reparations package. She follows the lead of Rajapur Municipality in Bardiya which launched a similar policy of economic support for families of the disappeared and other survivors in 2023 and the more than 50 other municipalities in Nepal that are providing some kind of monthly subsistence for conflict victims.

These programs are possible because the 2015 Constitution of Nepal granted local governments the authority to provide social security to their citizens.

While the monthly stipends will not fully address the economic struggles of wives of the disappeared nor begin to heal the trauma they've endured, they are important steps towards recognizing survivors and realizing their rights and will hopefully ease the strain of daily household expenses.

In the absence of victim-centered justice at the central level, these kinds of municipality programs are paving the way for the realization of victims' rights and recognition at the local level.

Further Reading:

[Monthly living allowance for wives of persons who disappeared during the conflict](#), Naya Patrika Daily

Court Watch

Supreme Court Orders Investigations into 2007 Political Mass Killing

August, Kathmandu

In mid-August, the Supreme Court ordered investigations into those accused of killings in the 2007 Gaur massacre to proceed. In early 2024, victims' family members including Ms. Rupsagar Devi Upadhyaye, the wife of Narmadeshwor Upadhyaya who was killed in the massacre, filed a writ against the Rautahat District Police Office, Rautahat District Attorney Office, Home Ministry, and Police Headquarters, citing the lack of investigation after 18 years. Finally, in August, a division bench composed of Justices Til Prasad Shrestha and Nityananda Pandey issued the mandamus directing the Rautahat District Police Office to expedite the investigation.

The Gaur massacre took place on 21 March, 2007 in Rautahat district when a political rally held by Madhesi Janadhikar Forum (MJF) and CPN-Maoist turned into a violent clash claiming 27 lives. Leader of MJF (now known as the Janata Samajbadi Party), Upendra Yadab was accused of instigating the violence.

Immediately after, a high level inquiry commission was formed to investigate the incident. They provided cash compensation to victims' families, but their report was never made public. Several years later, in 2023, the National Human Rights Commission released an investigation report identifying the 130 accused and calling for the government to take legal action.

When the Supreme Court ordered investigations to proceed, victim families said they were optimistic that justice would be realized. Now that many cases have been lost in the fire, things are more uncertain.

Ongoing Delay of Justice: Maina Sunuwar Case Adjourned

August, Kathmandu

Maina Sunuwar's mother, Devi has been fighting for justice for her daughter since Maina's murder in 2004. In yet another cruel delay, the court has postponed the verdict on her case, originally set to be heard on 24 August. A new date has yet to be scheduled.

On 17 February, 2004, Maina Sunuwar was abducted, raped, and killed by the Royal Nepal Army. In their search for Maina's mother, Devi, who they suspected of being a Maoist, the patrolling team of the army found and abducted 15-year old Maina. Her family spent the next two years and eight months searching for Maina until her skeleton was found inside the Birendra Peace Operations Training Centre. An inquiry report from the Army released in 2005 stated that Maina had been subjected to waterboarding and, when she still did not confess, Captain Sunil and Amit ordered soldier Shri Krishna Shrestha to apply electric shocks. Shrestha connected wires from the geyser line and applied shocks to Maina's feet and hands, killing her.

In 2005, after immense pressure from international human rights organizations, the Army formed a court of inquiry, sentencing the four accused army personnel, Niranjan Basnet, Bobby Khatri, Amit Pun, and Sunil Prasad Adhikary to a fine of NPR 50,000 and temporary promotion ban.

In 2007, Devi took the case to the Supreme Court. In 2008, they sent it back to the Kavre District Court which ordered the District Police to open an investigation. In 2017, the three army officers were found guilty of murdering Maina and sentenced to life imprisonment. Yet, 8 years later, none have been arrested or punished.

Following the 2017 verdict by the Kavre District Court, the Nepal Army filed a case in the Supreme Court requesting an annulment of the verdict. They argued that Army related offenses are outside of the jurisdiction of the Civilian Court and that their own military tribunal had already investigated the case.

In 2023, Devi filed another writ. The Supreme Court combined this, Devi's 2007 writ, and the army's petition into a single case, a hearing was completed, and a date for the verdict set. However, a bench was not scheduled and the case ended up on the adjourned list. Now that many Supreme Court files were destroyed by a fire set by protesters, it is unclear when, if ever, the case will be heard.

The delay is not only a painful injustice for Devi and her family, but a reminder for all victims that even after two decades, the state continues to fail them.

60,000 Cases in Ashes: As the Supreme Court Resumes Activities, the Future of Justice Remains Uncertain

September, Kathmandu



Senior Justice Sapana Pradhan Malla hears a case on Thursday in a tent after the SC's building was destroyed in the protest. Picture from Corporate Nepal.

The Supreme Court of Nepal resumed hearings under a tented camp on its premises this past Sunday. The building, destroyed by arson in the protests last week, has been declared unusable. After hearings were halted for nearly a week, the apex court announced on 11 September that it would be resuming its daily hearings only on writs of habeas corpus. Of greater concern, the files and server room of court were burnt in the fires, and it is estimated that [around 60,000 cases have been lost](#). Though the Court has resumed some activity, they have not shared the status of previously filed writs, leaving many concerned about the future of their case.

There were several writs regarding war crimes from the conflict era as well as the historic mass petition filed by victim leaders this August. Our Chief Editor, Ram Bhandari, had filed a writ against the state for the disappearance of his father in 2007. Victims and survivors turned to the court in the hope of getting justice amid the deeply flawed state-led process. According to Ram, this event has further tarnished that hope.



Nepal's Supreme Court left charred by fire from 9 September protest. The building has been declared unusable and the apex body has resumed limited operation in tented camps. Picture from Skanda Gautam.

The destruction of these records raises serious questions about the judicial rights of the common people and has left many fearful that their cases will remain unresolved. For victims and survivors, it is yet another violation of their rights in the now decades long fight for justice.

News from Survivors and Their Movements

Bipin Revolutionary and his Father's Fight for Justice

July, Kathmandu



Ekraj speaks at the annual commemoration for the forcibly disappeared; a photo of his son Bipin, who was forcibly disappeared in 2002, appears at the bottom left.

In June 2002, 21-year-old Bipin Bhandari was forcibly taken by security forces from his hiding place in Kathmandu and never returned. Born in Salyan, Bipin moved to Kathmandu to study science, where he excelled as a student, earning scholarships without relying on family support. Beyond academics, he was a gifted writer and speaker with a sharp political consciousness, rising to a leadership role in the Maoist student wing. During the 2002 ceasefire, he organized reconciliation events, convinced that the Maoist agenda deserved space in open democratic debate. But when the ceasefire collapsed, he returned to hiding. In May that year, security forces threatened his parents at gunpoint, demanding his whereabouts. A month later, he was forcibly

disappeared. Remembered by friends as “*Bipin Revolutionary*,” his father recalls: “He had a convincing style in his speech. He never needed to be told what to do—he grew into himself, naturally.”

His father, Ekraj Bhandari, a constitutional lawyer and human rights advocate, has searched for him ever since, turning his struggle into a movement. “They feared that if I knew where Bipin was, I’d get him out,” he says of the enforced disappearance. He filed writs at the Supreme Court, co-founded the Society of Families of the Enforced Disappeared, worked with international organizations, and served in Nepal’s Constituent Assembly to push transitional justice onto the national agenda. Despite landmark rulings, constitutional reforms, and repeated political promises, truth and accountability remain elusive. “The government prefers donor money. They think once they distribute cash, their job is done. But money cannot replace what’s owed,” he argues, insisting that reparations must mean services like healthcare, education, and legal support. More than twenty years on, his demands remain clear: tell families where the disappeared are, acknowledge state responsibility, and deliver justice.

Further Reading:

[“Bipin Revolutionary”: A Father’s Fight for the Enforced Disappeared in Nepal](#), Shuyuan Zhang

Monthly Conversation

“The world should be changed, not just understood”: **Sunder Oli**

September, Budhanilkantha



This month, our team spoke with **Sunder Oli**, member of the Nepal Communist Party and lifelong advocate for equality, justice, and social transformation.

Born in Pakhapani (now Gangadev Rural Municipality) in Rolpa District in 1965, Sunder was exposed to poverty and marginalization from a young age and introduced to the Maoist agenda through an education that he describes as a privilege. Following his leadership of a communist party student wing preceding the armed conflict, Sunder was imprisoned for nearly a

decade (1994-2005). When he was released, he joined the armed struggle and later aligned with the Nepal Communist Party, a faction formed by former Maoist commander Netra Bikram Chand or “Biplav” which split off from the Maoist party in 2013. Six months ago he moved to Budhanilkantha to run a new Nepal Communist Party shop, C Trade Centre, selling honey, ghee, a large variety of grains, and other goods produced in villages across Nepal.

We sat down with Sunder to learn more about his experience in prison and involvement with the communist party over the years.

Q: Can you tell us a bit about your childhood and how you got involved in the Maoist movement?

SO: I was born in a very rural, remote area during the Panchayat system. Education was not accessible, but after a long effort by my parents and others, we were able to get a teacher from outside. One person per family could be sent to school and, because I was the eldest, I went. Education was a privilege. At first we didn't have any physical infrastructure so we would study under the shade of a tree, but later the community started to build some physical space. There was no rural transport so we had to walk for four days to get home.

There was autocratic rule. In 1961 all political parties had been banned. People were taught to praise the king. Most schools were teaching this, but instead, I got my first impression of democracy from my teacher. **While others learned to praise the king, I was taught to think critically. So my teacher was a little bit revolutionary.**

During the late 70s, different student wings of political parties started organizing and would have underground meetings. In grade 10, I was invited to a meeting of the student wing of the communist party. This is how my affiliation started.

Q: After that first meeting, what did your involvement look like?

SO: My student wing was NCP-Masal (later the name changed to NCP-United Centre). In 1991, after public agitation in the street, a multi-party democracy was established. NCP-Masal opposed the agreement made between the king, Nepali Congress, and Communist Centre at this time. We had two strategies — we were preparing underground for armed revolution and, on the surface, contesting the election. I was chairman of the district committee of the student wing so my main task was to expand the wing through schools and inspire students to join. I started becoming more visible.

Local leaders from other political parties would frame and arrest leaders of our party. A class struggle between the different parties was emerging. In 1994, there was an incident in Rolpa — a child was killed due to village issues and family conflict. I was framed along with other NCP-United Centre leaders even though I didn't even know about the death. I was arrested and only later, after I had been tortured in custody, found out what I had been charged with. It was a false allegation and a kind of political revenge that the state posed as an enemy.

Q: Can you tell us a bit about your experience in prison?

SO: **For the first three months I was kept in custody and tortured. One person being held in the same place, Binbahadur Pariyar, died. He was tortured to death.** They were worried that human rights workers would investigate so they moved me and some others to a Rolpa prison in 1995. Later I was shifted again to a different district prison for three years. **They would tell me 'we can kill you at any time and we will get promoted.'** The police would torture us and say 'you are planning to start an armed revolution, tell us where your top leaders are.' **One of my prison partners, Barman Pun, died due to a lung infection from the torture.**

The People's War started in 1996. They were arresting everyone so more and more people were arriving to the prison. We started agitating in the prison because we were not getting medical attention. Then I was transferred to a Kathmandu central jail.

After I had spent five years imprisoned, the district of Rolpa gave a verdict of a life sentence. I was charged with not maintaining discipline and starting a riot in the prison so then in Kathmandu I was kept in a solitary cell for two months. After those two months, I was kept with the other prisoners and was in that prison for five years.

In 2002, there was the first ceasefire between Maoists and the government and some political leaders were released at that time. I was shifted to a different prison in Kathmandu. I was kept there for one year and then shifted to another prison. So I spent time in all three Kathmandu prisons.

In 2005, the conflict was at its peak. The Maoist party captured a government official in Rolpa and used this to bargain for our release. **On 18 February, 2005, I was released. I went back to my home village. Everything had changed. When I left, kids were there. When I returned, my two sons had grown up. My younger brother had been killed in an attack on a military barrack in Rolpa. There were lots of family members not there. So it was strange.**

The Maoist revolution was still violent and I joined again, participating in political activism in the region.

Q: How has the party changed since the end of the armed conflict and what has your involvement looked like?

SO: In 2008, with the first Constituent Assembly election, Maoists were elected as the largest party. The main mandate of the Constituent Assembly had been to make a constitution, but they weren't able to do this. Biplav, a major commander of the Maoist party, believed the Maoists could not carry the revolution forward so he started his own party which didn't participate in the second Constituent Assembly. By 2013, his party came into mainstream politics and boycotted the election.

The party has a clear vision to work for marginalized and poor class. Every leader should be involved in production. Biplav believed that **to improve people's lives and reduce inequality, we need to focus on a production-based political agenda.** If people can't sustain the economy, there won't be improvement.

We wanted a market in Kathmandu so we opened this shop and the party assigned me to come run it. Later I will go back to the NCP headquarters in Kapilvastu District but for now I am assigned here. I also look after the central library in Kapilvastu. We are planning to expand the shop and trying to bring more goods from villages.

Q: What changes have you seen over all of these years? What has yet to be realized?

SO: The major change is freedom of expression. When I started, speech was curtailed. Now you can express yourself. The gender disparity was unimaginable at that time. Now it is reduced. The doors for development have opened, but actual development has not come. Corruption is rampant — that is a main problem today. **Justice is the primary requirement for any society.** Though society has evolved, people have not gotten justice. The government is not reliable. People can't trust the main leaders and the corrupt state. Though there have been technological developments and more education, the inequality has not left. **The world should be changed, not just understood.**

Editor's Reflection:

Sunder has dedicated his life to one thing: the transformation of society. While his experiences have been varied, his values have remained the same and his story reveals the common thread linking armed revolution to the production and sale of organic goods. For Sunder, both are part of the struggle for justice and equality. "The world is a global village," he told us near the end of our conversation, "the transformation of society is everyone's responsibility."

Guest Column

When ‘Truth’ is Designed to Miss the Truth - Miriam Chinnappa

September, Brussels

If a truth commission can be captured by the very elites it might name, the problem is not just political will. It is architecture. International practice is clear: truth-seeking that is transformative, redistributing power to victims and dismantling the structures that enabled abuse looks very different from commissions designed to offer ‘closure.’ Nepal’s moment demands the former, not the latter.

The [UN's own playbook](#) sets out what this means. Truth commissions must be independent, victim-centred, empowered to access archives, protect witnesses, and pass evidence to prosecutors. Reparations must supplement, never replace, accountability. That’s not academic styling; it’s baseline design. [The Secretary General's Guidance Note 2023](#) pushes further, urging a shift away from backward-looking ritual and towards people-centred, gender - responsive, prevention-oriented justice that tackles the social and economic foundations of violence.

Transformative commissions ask different questions: not only who did what, but what rules, institutions, markets and hierarchies made conflict possible in the first place and how to change them now. And transformation has a sharper meaning still: it requires those who once monopolised power to cede it, creating space for those who endured violence to shape the very structures of justice.

Why transitional justice so often fails

The sidelining of victims is not unique to Nepal. Across the world, transitional justice has too often been treated as a controlled exercise: manage the narrative, minimise prosecutions, and use commissions as performance rather than redistribution. Political and military leaders fear prosecution, reputational loss, or loss of patronage. International actors prioritise stability over deep repair, preferring compromise to confrontation. And technocrats retreat into procedural formalities such as deadlines, reports, and ceremonies rather than shifting power relations. The result is commissions that reproduce the very exclusion and impunity that fuelled conflict in the first place.

Nepal shows this pattern clearly. Parliament amended the transitional justice law in August 2024, updating the framework for the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP). The [UN](#) welcomed the step but stressed the need for victim-centred implementation. [Nepal's Supreme Court](#) has ruled against blanket amnesty and demanded victim consent in reconciliation. Yet in 2025, the government pressed ahead with contested appointments. Conflict-victim networks rejected the selections as partisan and opaque, petitioned the Supreme Court, and mobilised. Their diagnosis is straightforward: a commission captured from the start cannot command legitimacy.

What a transformative commission would look like

A commission worthy of victims would begin with who sits at the table. At least one-third, ideally a majority, of commissioners should be survivors or their direct representatives: families of the disappeared, survivors of torture and conflict-related sexual violence, widows, displaced communities, Dalit, Janajati and Madhesi voices, and those who were children during the war. Alongside them should be independent experts lawyers, archivists, psychosocial professionals,

and gender and socio-economic rights specialists but never recent party officials, security commanders from the war, or anyone with conflicts of interest. Survivors must not merely testify; they must govern the commission itself, shaping its mandate, directing its priorities, and holding authority over truth, justice and reparations.

Appointments should be open and public: nominations invited transparently, interviews conducted openly, and decisions explained. A Victim and Survivor Council must hold real power in shortlisting and removals. Commissions must have subpoena powers, access to archives, and clear procedures for referral to prosecution. Testimony must be safe trauma-informed, gender-sensitive, and supported by anonymity, childcare, travel, and psychosocial aid. Reparations must be transformative, not tokenistic: land titling for widows, long-term healthcare, scholarships, and livelihood support. These are not extras; they are how truth is made real.

Resetting the process

Nepal can still reset, but only if it acts with openness and courage. The first step is to break the grip of opaque, backroom appointments. Let the process be open and public: announce transparent criteria, reserve seats for survivors, exclude conflicted nominees, and publish the reasoning behind every choice. Next, give the commissions teeth. Create clear procedures for referral to prosecutions and report, quarter by quarter, how many cases actually move forward. Then, make truth-telling safe. Build testimony hubs that are trauma-informed and gender-sensitive, provide anonymity, childcare, travel support, and psychosocial care and do it now, not after the final report. Finally, put sunlight at the centre. Publish methodology, calendars, interim findings, budgets, and an implementation tracker in real time, so trust is built through practice, not promised at the end.

Transformation as ceding power

Nepal's law could still deliver, but only if transformation is understood as ceding power to victims. That means creating space for survivors to be decision-makers, authors, and commissioners of truth rather than passive witnesses to someone else's version of history. A victim-centred commission is not about recording pain for the record; it is about redistributing authority over what justice looks like, how it is pursued, and whose voices define the future. It is not closure but a reopening of space where exclusion is dismantled and recurrence is made impossible.

Nepal still has the chance to lead by example. It can build commissions where victims set priorities, direct the process, and ensure truth does not stop at testimony but carries forward into remedy, reform, and guarantees of non-recurrence. Only then will truth deliver justice, instead of missing itself.

**Miriam Chinnappa is the Executive Director of the Centre for Law and Transformative Change (CLTC) and Founding Director of Partners for Law and Sustainable Development.*

Suggested Reading and Listening

Read: *Behind the Disappearances* by Iain Guest

Drawing on confidential Argentinian documents and memoranda, *Behind the Disappearances* documents a seven-year diplomatic war (1976-1983) by one of the twentieth century's most

brutal regimes, detailing the military Junta's campaign of violence and parallel effort to cripple the UN's human rights machinery.

Listen: [*El Cascarón y la Semilla*](#); ICTJ Colombia

In this podcast, journalists and experts including Marta Ruiz and María Camila Moreno, reflect on the ongoing peace process in Colombia, digging into the history of paramilitary groups, role of drug trafficking, and power dynamics that shaped negotiations between the government and United Self-Defense Forces of Colombia (AUC), among other topics. The series concludes with a discussion of the lessons to be learned from the Colombian process and an examination of the factors that have led to a recycling of violence.

Read: [*Universal Criminal Jurisdiction in Cases of Enforced Disappearance*](#), UN Working Group on Enforced or Involuntary Disappearances

In this August report, the WGEID examines the use of universal criminal jurisdiction in addressing enforced disappearance, analyzing the experiences of Argentina, France, Germany, and Switzerland in particular. The report concludes that, despite the erga omnes obligations for States to investigate, prosecute, and punish perpetrators of enforced disappearance, universal jurisdiction is still rarely applied. Accordingly, the WGEID identifies several of the key challenges to its application and makes recommendations.

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