

Bardiya Declaration 2015
Pre-requisites of the National Network of Families of the Disappeared and Missing
NEFAD for an engagement with the Commission of Investigation on Enforced
Disappeared Persons (CIEDP)
Gulariya, Bardiya, 28 March 2015

We, the **National Network of Families of the Disappeared and Missing NEFAD**, welcome the recent ruling of the Supreme Court (26 Feb 2015) on the TRC/CIEDP Act, and the previous Supreme Court verdict (1 June 2007 and 2 Jan 2014). The NEFAD firmly expects that the government and both Commissions will respect and implement the Court rulings to create an environment conducive to the creation of victim centred Transitional Justice in Nepal.

The NEFAD is fully aware that the commissions formed eight years after the comprehensive peace accord (2006) represent a long awaited opportunity for the victims of human rights violations to seek truth, justice, comprehensive reparations and guarantees of non-repetition. Therefore, to maximize this opportunity in a constructive way for the logical conclusion of the peace process through a victim centred and rights based approach, the NEFAD expresses its commitment to engage with the CIEDP in a positive collaboration subject to the following, which are understood as pre-requisites for the commissions to achieve their aims.

The following are the entry point for the NEFAD to begin building trust and confidence with the Commissions and, on the basis of these being satisfied, the NEFAD will develop a strategy of engagement with the Commissions. The NEFAD seeks:

1. Assurance from both commissions that they will respect the Supreme Court verdicts and internationally established principles of transitional justice;
2. Assurances from the Commissions that they will ensure a victim centred approach in their objectives, operational work, including the plan of action, roadmap, and strategies;
3. A commitment that the Commissions will engage with various institutions, specifically with the NHRC, security forces, political parties and other agencies;
4. That the Commissions' share their expectations (time-line, resources, content) of the engagement of conflict victims with the Commission process, including with victims who are living far from Kathmandu;
5. An explanation as to how the Commissions' set their priorities around the range of issues related to Transitional Justice;
6. An explanation of the modalities through which the Commissions will develop their regulations and rules, guidelines, and operational procedures in broader consultation with victims and ensuring their meaningful participation;
7. Access to the rules and procedures of the commissions (structure, victim and witness protection, outreach policy, protection of data and evidence) once developed;
8. Assurance that the Commission will seek to create an institutional and physical environment to ensure that all victims – including children, persons with disabilities, women, and victims of sexual violence - are able to express themselves securely and appropriately before the commissions.
9. Assurance that the commission will develop a interim support mechanism to address families' practical needs and legal-administrative challenges during the commission process.