



बेपत्ता परिवार राष्ट्रिय सञ्जाल नेपाल

National Network of Families of Disappeared & Missing Nepal

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National Network of the Families of the Disappeared and Missing (NEFAD)

Kathmandu Declaration

NEFAD is a national level representative association of the families of those disappeared by both the state and the then insurgents during Nepal's 1996 - 2006 internal armed conflict. It is pioneering in the field of victim-centric transitional justice, with a nationwide network of families that gives voices to the families in their campaign to search for truth, justice and reparations.

NEFAD has remained critically engaged with the Commission of the Investigation on the Enforced Disappeared Persons (CIEDP) since the Commission's formation and has widely mobilized family members of the disappeared across the country. It has also been monitoring and challenging the activities of the CIEDP. Notwithstanding the legal and technical flaws in the commission process and our disagreement with the way the CIEDP is functioning, we have shown an approach of *critical engagement* with the CIEDP and supported family members to register their complaints at the CIEDP. NEFAD has also attempted to contribute to the framing of policies required to make the CIEDP victim-centric, creating pressure at the policy level with massive mobilization of the families of the disappeared, and developing an environment of collaboration and partnership between NEFAD and the CIEDP.

NEFAD is cautiously collaborating with the CIEDP given the role it can play in finding the truth and facts concerning serious violations of human rights including cases of enforced disappearances committed during the conflict, providing justice, providing comprehensive reparations and ensuring the guarantee of non-recurrence. It is hoped that the commission process will be able to address the demands of the families, to adopt a constructive roadmap from a victim-centric and rights based

perspective, and ensure the effective participation of the families and their representative organizations. Reviewing the commission process of the past two years, NEFAD will draft a future plan of action and strategy by analyzing the credibility of the Commission in its objective of dedicating its activities entirely to the benefit of the families, while also partnering with, continuously warning and monitoring the Commission and strengthening family mobilization. In drawing the attention of the CIEDP to the following points, NEFAD announces this Kathmandu Declaration.

1. NEFAD and the CIEDP shall coordinate with all stakeholders concerned and pressure the government to make necessary legal provisions criminalizing the act of enforced disappearances.
2. Ensuring respect for and compliance with internationally established principles of transitional justice.
3. Ensuring a clear roadmap, plan of action and strategy from the CIEDP on victim-centric work procedures.
4. Having a victim and witness protection mechanism, including for the protection of evidence given during public hearings, and having an effective investigation policy.
5. Providing for the necessary technical and psychosocial support to the family members with due attention to their participation and engagement so as to facilitate the collection of both victim testimony and anti-mortem data.
6. Ensuring transparent access of the families and NEFAD to the policies and procedures framed by the CIEDP. (Including: victim and witness protection, outreach policy, protection of data and evidence, exhumation guidelines)
7. Ensuring an institutional and physical environment within the CIEDP whereby families of the disappeared and victims of rape and/or SGBV may be able to give their statements freely and securely.
8. Even prior to completion of its work, the CIEDP should issue guidelines on interim relief including psychosocial support, memory work, mental health and a comprehensive support package (identity card, livelihood and income generation, loan in concession, removing administrative and legal obstacles, property transfer etc.).
9. Adopting a policy of coordination in order to make the collaboration between the CIEDP and NEFAD effective and systematic. Publicizing the final report of the CIEDP as an historical document that can address the family centric issues of the victims, and working for creating credible grounds to recommend a comprehensive participatory reparations policy and judicial process.

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Ram Kumar Bhandari
President

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Bhagiram Chaudhari
General Secretary