

# **The Codes of Conduct of the Truth and Reconciliation Commission, 2072 (2015)**

**Preamble:** Whereas, it is expedient to regulate the conduct to be followed by the Truth and Reconciliation Commission, office-bearers, experts and employees of the Commission in order to ensure the accountability of the Commission upon performing the activities of the Commission independently, impartially and credibly;

The Truth and Reconciliation Commission has framed the following Codes of Conduct.

## **Chapter-1**

### **Preliminary**

1. **Short title and commencement:** 1.1 These codes may be cited as the “Codes of Conduct of the Truth and Reconciliation Commission, 2072 (2015)”.  
1.2 These Codes of Conduct shall come into force at once.
2. **Definitions:** Unless the context or subject otherwise requires, in these Codes of Conduct,-
  - (a) “Act” means the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2072 (2015).
  - (b) “Commission” means the Truth and Reconciliation Commission constituted pursuant to Section 3 of the Act.
  - (c) “employee” means the Secretary of the Commission as well as the employees working for the Commission.

- (d) “office-bearer” means the Chairperson and Members of the Commission.
- (e) “family member” means husband, wife, son, unmarried daughter, adopted son, unmarried adopted daughter, father, mother, step mother who are living with the office-bearers and whom they have to look after on their own, and this term also includes grandfather, grandmother, mother in-law and father in-law.
- (f) “expert” means the consultant, expert or specialist from whom the Commission has received assistance or service on the short or full term basis in the course of performance of its business.

3. **Codes of Conduct to be observed:**

It shall be the duty of the Commission, office-bearers, expert and employees to observe these Codes of Conduct.

**Chapter-2**

**Codes of Conduct to be observed by the Commission**

4. **Codes of Conduct of the Commission:** The Commission shall observe the following Codes of Conduct:

4.1 The Commission shall perform its functions upon being fully committed to the Comprehensive Peace Accord, Interim Constitution of Nepal, 2063 (2007), Nepal laws in force, orders issued by the esteemed Supreme Court, provisions set forth in the international conventions to which Nepal is a party, principles, values and norms of the human rights and international humanitarian rights embodied therein.

- 4.2 The Commission shall always endeavor to enhance the people's confidence to the Commission upon performing its functions independently, impartially and credibly. The Commission shall not engage those experts or employees in the acts of Commission if sufficient ground exists that they give rise question on the impartiality, independency or credibility of the Commission.
- 4.3 The Commission shall always undertake sensitively the gross violation of human rights, incidents of violations of international humanitarian law and the incidents relating to women's violence.
- 4.4 The Commission shall always remain victim and human rights friendly. The Commission shall not discriminate or distinct victim on any grounds like caste, religion, race, gender, region, origin or any ideological convictions. The Commission shall create an environment to provide service fairly, promptly, affordably and accessibly to the victim in the activities of the Commission.
- 4.5 The Commission shall treat with dignity and civility all the persons present before the Commission by the order or at the request of the Commission in the course of performance of its business.
- 4.6 The Commission shall equally treat all the agencies of the states and political parties. The Commission shall not act with prejudice, undue consideration or malice with regards to any act or incidents.
- 4.7 The Commission shall perform its business independently without any fear and without being inspired or influenced by an influence, pressure, recommendation, threat or prejudice as may be given internally or externally, directly or indirectly or any other ways in performing its business.

- 4.8 The Commission shall always use and observe the generally acceptable principles of law and justice, and human rights in the course of performing its business.
- 4.9 The Commission shall respect and observe the sovereignty of Nepal, geographical integrity, foreign policy of Nepal and diplomatic codes of conduct pursued by Nepal while keeping contact and establishing relationship with the foreign friendly countries, international organizations and agencies pertaining to human rights.
- 4.10 All the activities and endeavors of the Commission shall be guided by the national objectives to maintain sustainable peace in Nepal, and social justice, good offices and reconciliation in the society. Institutionally, the Commission shall be dedicated towards the national objectives.
- 4.11 The Commission shall maintain the updated records of each activity performed by the Commission. The Commission shall maintain confidentiality of all the records other than those which are to be made public in the course of investigation or hearing pursuant to the Act and Rules, which are to be made available to the citizens and which are to be produced as per the order of the competent court.

### **Chapter -3**

#### **Codes of Conduct to be observed by the office-bearers**

5. **Codes of conduct of the office-bearers:** The office-bearers must observe the following codes of conduct in order to fulfill the responsibilities assigned to the Commission with collective spirit and to win the public confidence in its activities:
- 5.1 An office-bearer must fulfill the assigned responsibility honestly, objectively, responsibly and selflessly without

- greed, or being biased and being free from external pressure or influence giving high priority to the dignity of the Commission.
- 5.2 An office-bearer must actively take part in the decision making process regularly attending the meetings of the Commission and fulfill any responsibility assigned to him/her with devotion.
- 5.3 An office-bearer must always remain in discipline upon maintaining dignity of his/her office and position, and must behave consistent with the public morality and conduct prevalent in the society.
- 5.4 If an office-bearer has any individual or private interest in any issue under consideration of the Commission, or if a person involved in such issue is a relative of an office-bearer or if such issue is directly related with him/her in the course of any transaction, the office-bearer must, with his/her free will, remain separate from the discussion and decision to be held in that issue by clearly informing the Commission to that effect.
- 5.5 An office-bearer must give importance to the public purpose in each activity concerned with the Commission and must clearly favor the public interest should there be conflict between the private and public interests.
- 5.6 An office-bearer shall not speak or put pressure for decision upon taking personal advantage, financial benefit or fee or any emoluments in connection with activities of the Commission or shall not influence in any activities of the Commission for that purpose.
- 5.7 An office-bearer must use the notice and information received by him/her in the official capacity only for the institutional purpose of the Commission, and such notice and

- information shall not be used as the bargaining point with any person or organization for financial benefit.
- 5.8 An office-bearer shall not provide any information or shall not provide any other thing to that effect to any person without the decision of the Commission so as to obstruct the activities of the Commission or to breach the confidentiality of the Commission.
- 5.9 An office-bearer by him/herself or through his/her family member shall not receive any donation, charity, and borrow money from the person having concern over the activities of the Commission or shall not carry out financial transaction with them or shall not be under in any kind of financial temptation or shall not receive an amount illegally or commission from them.
- 5.10 An office-bearer shall not make any political or undesirable influence for the purpose of satisfying personal interest, and shall not keep undesirable contact with any organization or person in a manner inconsistent with dignity of his/her office.
- 5.11 An office-bearer shall not divulge to any media or any other person at any time while in the office or having ceased to work for the office any information received in connection with fulfillment of the responsibility of the Commission or any confidential matter or matter prohibited by the law or any document or news written or collected by him/her.
- 5.12 An office-bearer through pen or real name shall not publish an article, or broadcast statement, speech or thought through any media so as to undermine the sovereignty and integrity of Nepal, jeopardize the law and order of the country and foreign relationship and public decency and morality, to commit contempt of court, and to have adverse impact on the peace process of Nepal.

Provided, however, that these Codes of Conduct shall not be deemed to have hindered from publishing an article, literary work, speech or thought that is academic or research based by nature.

- 5.13 An office-bearer shall not carry out any acts which may jeopardize the harmonious relations subsisting among the people of various castes, religions, class, region or communities or jeopardize the social harmony or hurt their self-dignity.
- 5.14 An office-bearer shall not be a director of any company, carry out any business to be registered pursuant to the law in force and accept any kind of job in any other place till he/she occupies the office of the Commission. If he/she was involved in such organization or business or job prior to the appointment to the office-bearer of the Commission, he/she must, with his/her free will, inform the Commission to that effect and must fully remain separate from such other organization or business or job till he/she occupies the office of the Commission.
- 5.15 An office-bearer shall not deliberately make public criticism or comment or any other speech on the proceeding of the Commission or on the conduct of any office-bearer so as to have adverse impact on any issue under consideration of the Commission or clearly undermine the fairness to be followed in the judicial process or have impact on the fair investigation of a person or issue.
- 5.16 An office-bearer shall not become a member of any organization other than his/her occupational, professional and social organizations in a manner inconsistent with the prevailing laws and the objectives of the Commission.

5.17 An office-bearer must submit the statement of movable and immovable properties in his/her name and in the name of his/her family each year to the designated authority through the Commission within the time-frame specified by the prevailing laws.

5.18 An office-bearer shall not arrange a meeting with the victim or perpetrator having a concern over the issue under consideration of the Commission or any other person having a concern over them in the residence used by the office-bearer.

Provided, however, that these Codes of Conduct shall not be deemed to have prohibited from arranging a meeting with any person in good faith for accomplishment of the objectives of the Commission.

5.19 An office-bearer shall not arrange a meeting with an office-bearer of any national and international organizations without prior approval of the Chairperson on the matter relating to the jurisdiction and activities of the Commission.

Provided, however, that if the Chairperson is to arrange such meeting, he/she must submit the matter to the meeting of the Commission and act as per the decision of the Commission.

5.20 An office-bearer shall not indulge in the act of inflicting torture on any person or in other acts of cruel, inhuman or degrading treatment or punishment or shall not tolerate such act in the course of the activities of the Commission. An office-bearer shall not take any exceptional circumstances like threat of war, threat of national security or public emergency as the ground of proving the rationality of those acts.

5.21 An office-bearer shall respect and protect human dignity and human rights of all persons in the course of the activities of the Commission.



5.22 The spokesperson of the Commission shall give information to be transmitted publicly as per the decision of the Commission.

5.23 An office-bearer shall not express any opinion for and against any political party.

5.24 An office-bearer must treat dignifiedly and politely other office-bearers, experts and employees working for the Commission and all persons present by paying high respect to the Codes of Conduct to be observed institutionally by the Commission.

#### **Chapter-4**

##### **Codes of Conduct to be observed by the experts and employees**

**6. Codes of Conduct of the expert and employees:** The expert and employees must observe the following codes of conduct:

6.1 The expert and employees must always be committed to maintaining the dignity of the Commission upon paying special attention to the special responsibility of the Commission, sensitivity, specific proceedings, fairness, independency and impartiality.

6.2 The expert and employees must perform the activities upon being fully responsible to the Commission while engaged in the Commission even though he/she is involved in any service or authority or occupation.

6.3 The expert and employees must treat dignifiedly and politely all the persons present in the Commission to gain public faith in the dignity, fairness and impartiality of the Commission and the office-bearers.

6.4 The expert and employees must be ready honestly to fulfill any responsibility at any time assigned to them by the Commission without prejudice, undue consideration or malice, without greed and being biased or being free from the external pressure or influence.

6.5 The expert and employees against whom a question gives rise that he/she was involved in a violence against woman, gross violation of human rights or violation of international humanitarian law in the past shall not involve in the activities of the Commission. If such complaint is filed with the Commission against an expert or employee involved in the activities of the Commission, the Commission must separate immediately such expert or employee from the responsibility.

Provided, however, that the concerned expert or employee shall be given an opportunity to defend him/her prior to separating him/her from the responsibility accordingly.

6.6 Any employee while working for the Commission shall not be united in any way on the matters relating to the responsibility of the Commission, shall not demand for the right of trade unions or shall not claim for the right of collective bargaining with the Commission. Any employee who was an office-bearer or member of any trade union pursuant to the prevailing laws prior to working for the Commission must, with his/her free will, inform the Commission to that effect and must suspend his/her such right of trade union till working for the Commission.

6.7 An expert or employee shall not directly or indirectly divulge to other unauthorized person or media any confidential matters that came to the notice of the expert or employee while fulfilling his/her official duty without obtaining approval of the Commission or the office-bearer, or

any matter prohibited by the law, any document or news collected or written by him/her.

6.8 An expert or employee shall not divulge any notification or information that came to his/her notice while working for the Commission through pen or real name or shall not anonymously publish an article on such information or shall not give any news to the media or shall not broadcast speech on the radio or television or shall not give any public speech or shall not publish any statement on such information.

6.9 An expert or employee must fully observe the codes of conduct pertaining to his/her occupation or profession as referred to in the prevailing laws while working for the Commission.

## **Chapter-5**

### **Miscellaneous**

#### **7. Interpretation of the Codes of Conduct:**

In case of a dispute or controversy arisen in connection with the implementation of these Codes of Conduct, the Commission must interpret and make it clear. Such interpretation of the Commission shall be final.

#### **8. Provision on monitoring:**

8.1 The Commission shall itself carry out, or cause any committee to carry out, the monitoring on the matter as to whether these Codes of Conduct are observed or not.

8.2 The Commission shall make public the statement of monitoring carried out pursuant to sub-section 8.1.

8.3 If it appears from the statement published pursuant to subsection 8.2 that an office-bearer or employee has violated these Codes of Conduct, the Commission shall write to the competent authority under the prevailing laws to commence action against such an office-bearer or employee on the charge of his/her engagement in misconduct.