

The Truth and Reconciliation Commission Rules, 2072 (2016)

In exercise of the powers conferred by Section 44 of the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2071 (2014), the Government of Nepal has framed the following Rules in consultation with the Truth and Reconciliation Commission.

Chapter 1

Preliminary

1. **Short title and commencement:** (1) These Rules may be cited as the Truth and Reconciliation Commission Rules, 2072 (2016).
(2) These Rules shall come into force at once.
2. **Definitions:** Unless the context or subject otherwise requires, in these Rules,-
 - (a) “Investigating Officer” means the investigating officer designated by the Commission to conduct investigation into the gross violations of human rights, and the term also includes a Sub-committee or a Task Force constituted by the Commission to conduct investigation.
 - (b) “Complainant” means the person filing complaint pursuant to these Rules.
 - (c) “Act” means the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act, 2071 (2014).
 - (d) “Probe Committee” means the probe committee constituted pursuant to sub-section (2) of Section 6 of the Act.

Chapter -2

Provision on Complaint

3. **To invite complaint:** (1) The Commission shall invite complaints upon publishing a public notice to file a complaint with the Commission by the victim or on his/her behalf with regard to the incidents of gross violation of human rights committed in the course of the armed conflict.

(2) The notice inviting the complaint pursuant to sub-rule (1) shall also contain the time-limit, method and venue for filing the complaint.

(3) The Commission may extend the time-limit for filing the complaint if it deems such time-limit as referred to in sub-rule (2) to be inadequate.

Provided, however, that while extending the time-limit for filing complaint pursuant to this sub-rule, the time-limit for filing the complaint may not be extended to the period which results in less than at least six months before the expiry of the term of office of the Commission.

4. **Complaint or information may be given:** (1) The victim on his/her own or any person on victim's behalf may file a complaint along with all the evidence possessed by him/her in the format as prescribed in Schedule-1 upon being present in the Commission or the place prescribed by the Commission or through mail, email or any other electronic media.

Provided, however, that only for the reason that a complaint was not filed in such a format, it shall not prevent from taking an action into such a complaint.

(2) If any person wishes to file a complaint verbally, the Commission shall record the statement of the Complainant in the format under Schedule-1 and also get him/her to sign the statement upon reading it out to him/her.

(3) The concerned employee must get printed a complaint filed through email or any other electronic media as referred to in sub-rule (1) and maintain records upon attesting the complaint.

(4) If a complaint is received on the telephone as referred to in sub-rule (1), the concerned employee shall maintain the records thereof.

(5) The Commission may also entertain information received from any source with regard to an incident relating to the gross violations of human rights as a complaint.

(6) If any person files a complaint with the Commission through email or fax in an imaginary name without disclosing his/her identity, the Commission may entertain such a complaint.

Provided, however, that such a complaint shall not be registered in the register unless the concerned party identifies the complaint.

(7) The Commission may issue an order to procure complaints registered with any authority other than in a court from the concerned authority.

(8) No fee shall be charged while getting a complaint registered with the Commission.

5. **Special provision on complaint:** (1) The Commission may make following arrangements to facilitate children, senior citizens, person with disability and the persons subjected to sexual violence to file a complaint:

- (a) To file a complaint through a nearby government office, local level or any authority constituted by the Government of Nepal to carry out functions relating to gross violations of human rights designated by the Commission,
- (b) To file a complaint verbally through the telephone number designated by the Commission,
- (c) In the case of a woman, to file a complaint through a woman employee to the extent that such employee is available,

(d) To make arrangement of interpreter or facilitator as and when so necessary or separate room for filing a complaint or giving information,

(e) To receive a complaint or petition upon sending an employee from the Commission in the case of the person unable to file a complaint or petition upon being present before the Commission.

(2) An office collecting the complaints as referred to in sub-rule (1) must send such complaints to the Commission within seven days from the date of receipt.

(3) The Commission may write to the competent authority to take departmental action against the concerned office In-charge who fails to send within the time-limit as referred to in sub-rule (2) the complaints collected by that office.

(4) While collecting a complaint pursuant to this Rule, the rules as referred to in Rule 4 must be followed.

(5) If an employee degrades, humiliates, or mistreats a person appearing to file a complaint or give information, the Commission may write to the concerned authority to take action against such employee pursuant to the law in force.

6. **To register a complaint or information:** (1) The concerned employee must register a complaint or information filed with the Commission pursuant to Rules 4 and 5 in the complaint register as referred to in Schedule-2 and give a receipt of registration of the complaint as referred to in Schedule-3 to the concerned person.

(2) Notwithstanding anything contained in sub-rule (2), in the case of receipt of a complaint or information on email, the complainant must be informed through the same media of the receipt of the complaint.

(3) If a person files more than one complaint on one subject matter or if more than one person file a complaint on one subject matter, the concerned employee must register only one complaint out of them and attach other complaints with the registered complaint.

(4) If a complaint is registered as referred to in sub-rule (3), the records of other complaints filed on the same subject matter must be crossed off.

7. **To suspend a complaint or information:** (1) The Commission may suspend a complaint or information filed with it in the following circumstances:

- (a) A complaint relating to the incidents committed in the period other than that of the armed conflict,
- (b) A complaint appeared not relevant to the armed conflict even though the gross violations of human rights were committed in the period as referred to in clause (a),
- (c) A complaint not within the jurisdiction of the Commission,
- (d) A complaint received after the expiry of the time-limit given by the Commission for filing a complaint pursuant to Rule 3,
- (e) A complaint which *prima facie* lacks fact and evidence or unclear complaint,
- (f) A complaint filed again without producing new evidence on the subject matter on which a complaint was already suspended by the Commission,
- (g) Anonymous complaint,

(h) A complaint on the subject matter for which reconciliation has been reached under the Act and these Rules.

(2) Notwithstanding anything contained in sub-rule (1), if the Commission decided to suspend a complaint or information upon holding discussions over the preliminary report referred by the Investigating Officer to the Commission pursuant to sub-rule (2) of Rule 10, such a complaint or information shall also be suspended.

(3) If the Commission decided to suspend a complaint or information pursuant to sub-rule (1) or (2), the Commission shall give information thereof to the concerned person.

(4) If the Commission decided to suspend a complaint or information pursuant to sub-rule (1) or (2), the Commission shall return the original documents received along with the complaint to the concerned complainant.

(5) If a decision was made to suspend a complaint or information under this Rule, the records of such a complaint or information must be crossed off from the complaint register of the Commission.

8. **Power to revive a suspended complaint:** (1) If any person files a petition with the Commission to conduct an investigation into the matter along with a reliable evidence to prove the statement of a complaint or information suspended pursuant to Rule 7 or a reliable evidence is discovered by the Commission while conducting investigation, the Commission may commence the action of investigation upon deciding to revive the suspended complaint or information.

(2) If a decision was taken to revive a suspended complaint or information pursuant to sub-rule (1), such a complaint or information shall be re-registered in the complaint register of the Commission.

9. **Power to send to the concerned authority:** (1) If any complaint filed with the Commission does not fall within the jurisdiction of the Commission but appears to be relevant to any other authority, the Commission may send the documents thereof to the concerned authority.

(2) If a complaint not being under the jurisdiction of the Commission was sent to other authority pursuant to sub-rule (1), the Commission must give information thereof to the concerned person.

Chapter-3

Provision on Investigation into a Complaint

10. **Preliminary investigation:** (1) The Commission may conduct, or cause to be conducted, preliminary investigation through a member or by constituting a sub-committee or task force into a complaint or information registered with the Commission and not suspended pursuant to Rule 7.

(2) The member, sub-committee or task force conducting preliminary investigation pursuant to sub-rule (1) must submit a report to the Commission as soon as possible.

11. **Comprehensive investigation and designation of Investigating Officer:** (1) If the Commission finds that the comprehensive investigation is to be conducted on the basis of the gravity of a complaint or information and of report received pursuant to sub-rule (2) of Rule 10, the Commission may appoint or designate a member of the Commission, sub-committee or task force as the Investigating Officer specifying the time-limit for conclusion of investigation, mandate and name of necessary support staff.

(2) The Chairperson must be designated as the monitoring officer if a member is designated as the Investigating Officer and respectively a

member if a sub-committee or task force is designated as the Investigating Officer pursuant to sub-rule (1).

(3) While designating an investigating officer, the Commission must designate in the format as referred to in Schedule-4.

(4) In the case of failure to conclude an investigation within the time-limit as referred to in sub-rule (1), the concerned Investigating Officer must make a submission to the Commission for extension of time-period or for instruction indicating the proper reason thereof.

(5) If a submission is made for extension of time-limit pursuant to sub-rule (4), the Commission may extend the time-limit along with necessary instructions.

(6) The Commission may also assign security personnel as and when necessary to assist the Investigating Officer.

12. **To keep coordination**: If an investigation is to be conducted through an employee of any government office, the Commission may engage such an employee in that work upon keeping coordination with the Ministry operating service of the concerned employee.
13. **To change Investigating Officer**: If the Investigating Officer fails to conclude the assigned work, if it appears that he/she has any vested interest therein or if there exists a reasonable ground which indicates that it is not appropriate to get him/her to carry out the said work, the Commission may designate or appoint another Investigating Officer instead of former Investigating Officer.
14. **Power to give preference**: (1) The Commission may make arrangements to conduct investigation by giving preference to a complaint or information involving children, senior citizens, persons with disability and person subjected to sexual violence.

(2) The Investigating Officer may apply the following measures on the matters relating to statement or testimony in respect of the complaint or information as referred to in sub-rule (1):

- (a) While making statement or testimony, to procure the presence of his/her guardian or representative or representative of the organization or authority working in respect of the gross violations of human rights,
- (b) While making statement or testimony of a woman, to make such statement or testimony through a woman employee to the extent that such employee is available,
- (c) To make arrangement of obtaining statement or testimony by means of *letters rogatory (Banda Sawal)* or electronic media through a nearby government office.
- (d) While interviewing the person with disability who is not able to speak or to write, to make arrangement to understand statement signaled by him/her.
- (e) If it appears to be better to take such information by visiting the place where the concerned person resides than to invite to the Commission the children, senior citizens, person with disability and person subjected to sexual violence, to make arrangement to obtain information upon assigning a member or employee therefor by the Commission,
- (f) To make arrangement of a child psychologist for consultation if so required,
- (g) To keep the statement or testimony confidential,
- (h) To make arrangement of obtaining statement or testimony also in the time other than office hour and also on public holiday,

(i) To carry out other works as the Commission deems appropriate.

15. **To obtain statement of or interview the accused or person familiar with:**

(1) The Investigating Officer shall obtain statement of or interview the person accused of the gross violations of human rights or the person familiar with that incidents upon procuring them to be present before the Commission and also upon giving a reasonable time to them in the course of conducting investigation.

(2) While procuring a person as referred to in sub-rule (1) to be present before the Commission for statement or interview, his/her presence must be procured secretly through telephone or any other means that should not divulge his/her secrecy.

(3) If a person fails to be present upon asking him/her to appear before the Commission pursuant to sub-rule (2), his/her presence must be procured upon sending a notice as referred to in Schedule-5 to his/her office or home address where he/she resides.

(4) In case of failure to procure the presence of the accused before the Commission through the procedures as referred to in sub-rule (1), (2) and (3) or in case of failure to serve a notice on his/her name, the Commission may procure the presence of the accused before the Commission upon publishing a notice in a national daily newspapers or broadcasting a notice on a communication media.

(5) The Commission may make time management so that the Commission may procure the presence of the person concerning with the investigation, interview him/her or obtain his/her statement also in the time other than the office hour and also on the public holidays.

16. **Required to be present in the prescribed time:** If the Investigating Officer prescribes any date or time requiring any person to be present in the

Commission in the course of the work of the Commission, the concerned person must be present on such a date and time so prescribed.

17. **Power to make statement or testimony again**: If statement or testimony of a person who has already made statement or testimony is to be obtained again on the new facts or subject matters, the Commission may procure such a person and obtain statement or testimony again.

18. **Power to procure production of evidence**: (1) The Investigating Officer may in the course of investigation issue an order specifying time-limit to the concerned person or office to produce any evidence and documents the accused or complainant or other person has possessed or any office has possessed or may possess.

(2) The concerned person or office must produce the evidence or documents as required pursuant to sub-rule (1) before the Commission within the time-limit as prescribed.

(3) If a submission is made for extension of time-limit upon failing to produce such evidence and documents within the time-limit pursuant to sub-rule (1), the concerned person or office must inform thereof to the Commission, and the Commission may upon considering the circumstance give a reasonable time to produce such evidence and documents.

19. **Deed of search and seizure**: (1) While searching a place, the Investigating Officer must enter into the place upon drawing up an deed of entry in the format as referred to in Schedule-6 and must draw up the deed of search and seizure in the format as referred to in Schedule-7 setting forth the contents of seizure if any document or thing is seized or of failure to seize if nothing is seized.

(2) If the Investigating Officer is to take the custody of documents or any goods seized while searching pursuant to sub-rule (1), the

Investigating Officer must draw up two copies of receipt of such documents or goods and hand over a copy of the receipt to the responsible officer if such documents or goods belong to an office or to the house owner if such documents or goods belong to a personal house compound, to the goods owner or to the person taking custody of documents or goods.

(3) If a person as referred to in sub-rule (2) is not found or if such a person refused to take over such a receipt even if he/she is found, such a receipt must be handed over to the representative of local level. Such a representative must hand over such a receipt to the concerned person as soon as possible.

(4) If a representative of the local level is not found as referred to in sub-rule (3), such a receipt must be affixed on the place from where such goods is seized and the same contents must be indicated in the deed of seizure.

(5) If such a receipt is handed over to the representative of the local level pursuant to sub-rule (3) or such a receipt is affixed on pursuant to sub-rule (4), the concerned person shall be deemed to be duly taken over such a receipt.

(6) The deed of search and seizure as referred to in sub-rule (1) must be executed in the presence of a local person, and if the local person refuses to witness the deed or if the local person is not available, the deed of search and seizure must be signed by the employees or persons present indicating the same contents.

(7) The body of the person conducting search must be searched before conducting search pursuant to this Rule.

20. **Powers to obtain information from the victim:** (1) If it is deemed necessary to inquire the concerned victim with regard to the complaint or

information filed with the Commission, the Commission may obtain additional information upon inviting the victim.

(2) If the victim is a person with disability, incapacitated person, senior citizen, children or a person subjected to sexual violence, the Commission may obtain information by sending a sub-committee or taskforce or through *letters rogatory (Banda Sawal)* or electronic media.

21. **Notice to be kept confidential:** (1) A notice, information, statement and documents received by the Commission in the course of investigation shall be kept confidential.

(2) A notice, information, statement or documents as referred to in sub-rule (1) or the copy thereof shall not be made available to any authority or person other than the court, the Commission or the officer or authority designated by the Commission.

22. **Powers to carry out an inspection:** (1) The Chairperson, member or employee of the Commission may subject to the Act and these Rules carry out, or cause to be carried out, inspection into the work relating to the investigation conducted by the Investigating Officer.

(2) While carrying out inspection pursuant to sub-rule (1), the Chairperson or member may give instructions to the Investigating Officer as and when so required and it shall be the duty of such Investigating Officer to follow the instructions so given.

(3) If an inspection is carried out by an employee pursuant to sub-rule (1), such an employee must submit a report to the Commission by setting forth the contents revealed from the inspection.

(4) The Commission may give necessary instructions to the concerned Investigating Officer on the basis of the report received pursuant to sub-rule

(3) and it shall be the duty of the concerned Investigating Officer to observe, or cause to be observed, the instructions so given.

23. **Powers to establish office**: (1) The Commission may establish its location at any office or place throughout Nepal in the course of investigation into the complaint.

Provided, however, that while establishing the location at any office, the consent of the concerned office must be obtained.

24. **Use of equipment and tools**: The Investigating Officer may use necessary scientific and communication equipment and tools as per the order of the Commission in the course of investigation.

25. **Report to be submitted**: (1) After conclusion of the work of investigation, the Investigating Officer may submit a report to the Commission along with its opinion in the format as referred to in Schedule-8 upon analyzing the facts and evidence collected.

(2) If the Commission determines on the basis of the report received pursuant to sub-rule (1) to carry out the field inspection of any place, the Commission may cause to carry out inspection of that place through the Chairperson or a member.

(3) The Chairperson or member carrying out the field inspection pursuant to sub-rule (2) must submit a report to the Commission in the format as referred to in Schedule-9.

26. **Method and proceedings for excavation**: (1) The Commission if it deems necessary to excavate any place in the course of investigation may order to excavate that place.

(2) The Commission shall frame and enforce a separate method and proceedings for the purpose of excavation as referred to in sub-rule (1).

27. **To publish a notice for reconciliation**: (1) The Commission shall publish a public notice specifying the place and time-limit for victim or perpetrator to file a single or joint petition for reconciliation.

(2) Upon publication of a notice pursuant to sub-rule (1), a party desiring to enter into reconciliation may upon being personally present file a written or verbal petition to the Commission in the format as referred to in Schedule-10.

(3) If any person made a petition verbally for reconciliation upon being present before the Commission or the authority designated by the Commission, the employees of the Commission must record the contents of the petition and get the same signed upon reading out the contents of the petition to the party desiring to enter into reconciliation.

(4) Receipt as referred to in Schedule-11 must be given to the concerned persons upon registering the petitions filed with the Commission pursuant to sub-rule (3).

(5) If any person files a petition with the Commission through email or fax for reconciliation, such petition shall be registered provisionally, and once the concerned party identifies the petition, it shall be registered in the main register.

(6) No fee shall be charged on registration of the petition with the Commission for reconciliation.

28. **To bring about reconciliation**: (1) If a party files a petition for reconciliation pursuant to Rule 27, the Commission must procure the other party and consult him/her on reconciliation.

(2) If it is found that it is lawful to bring about reconciliation between the victim and the perpetrator pursuant to the Act and that both parties freely agree to enter into reconciliation while consulting pursuant to

sub-rule (1), the Commission shall cause the perpetrator to apologize to the victim upon regretting the wrongful act he/she committed and shall bring about reconciliation between both parties.

(3) The format for bringing about reconciliation pursuant to sub-rule (1) shall be as provided for in Schedule-12.

(4) If reconciliation is made pursuant to sub-rule (1), the records of the complaint kept in the register of the Commission shall be crossed off.

29. **To make recommendation for action:** (1) If recommendation is to be made for action against a person pursuant to Section 25 of the Act for the charge of committing gross violation of human rights, the Commission shall make recommendation to the Government of Nepal for action along with the following particulars:

- (a) Subject matter of gross violation of human rights,
- (b) Evidence the Commission has received to that effect,
- (c) Truth and facts revealed from the investigation, and
- (d) Opinion and recommendation of the Commission.

(2) The Commission shall write to the Attorney General for prosecution against the perpetrator found to be guilty of the crime of gross violation of human rights.

Chapter-4

Provision on Protection of Witness, Victim or Complainants

30. **Protection of witness, victim, complainant or persons assisting the Commission:** (1) If the witness, victim, complainant or person assisting in the work of the Commission wishes to keep his/her identity confidential, the Commission, the authority assigned by the Commission for collection of the Complaint or other officer engaged in such works must keep confidential real name, address or identity of such person.

(2) The concerned authority or person must record the identity of the witness, victim, complainant or a person assisting in the work of the Commission in an imaginary or symbolic form to maintain confidentiality pursuant to sub-rule (1).

(3) If the person as referred to in sub-rule (1) requested the Commission for security indicating that there is a threat to his/her or his/her family member's security in the course of investigation conducted by the Commission, the Commission shall write to the concerned authority to make any of the following arrangement:

- (a) To make necessary arrangement of security,
- (b) To cause to keep under the protection of any government authority,
- (c) To make arrangement of provisional residence in a secured place,
- (d) To make arrangement of secured place in coordination with the security body,
- (e) To make arrangement of collective security,
- (f) To make any other arrangement as the Commission deems appropriate.

(4) If it is found to be necessary to protect the property, transaction or business of the witness, victim, complainant, an employee or other person assisting the work of the Commission or his/her family member, the Commission may write to the concerned authority there for.

(5) If correspondence is made by the Commission for security pursuant to sub-rule (3) or (4), the concerned authority must make necessary arrangements of security accordingly.

(6) If a person to whom the security or protection is to be provided pursuant to this Rule is a woman, person with disability, incapacitated person, senior citizen, children or person subjected to sexual violence, the concerned authority must make arrangement of necessary security without prejudice to their psychology or dignity.

(7) If it is not possible to procure the presence of the witness or any other person for the reason of security or for any other reason, such person may be interviewed through video call, his/her testimony may be obtained in a manner that the accused cannot see him/her or he/she may be interviewed upon changing or transforming his/her voice through electronic media or he/she may also be interviewed or caused to identify in any place other than in the Commission.

(8) The Commission must, if the complainant so wishes, make arrangement of keeping confidential the identification description including name, surname, address and names of three generations and identification mark of the complainant or his/her witness.

(9) The Commission may make such an arrangement where the witness, victim, complaint or the person assisting in the work of the Commission and the accused shall not meet or identify each other in the course of investigation.

(10) If the presence of the witness, victim, complainant or a person assisting in the work of the Commission is procured in the Commission or in the place designated by the Commission, the Commission shall provide daily and travel allowance equivalent to that of the non-gazetted first class official to them if they requested therefor.

(11) Notwithstanding any things contained in sub-rule (10), the government employee must receive the daily and travel allowance from the

office where he/she is working while he/she is being present before the Commission.

(12) The Commission must perform its activities in a victim friendly environment.

(13) While performing the activities, the Commission may keep contact or maintain coordination with the victims as and when so required.

Chapter-5

Rescue, Rehabilitation and Reparation

31. **To rescue**: (1) If it appears that a victim is to be rescued immediately in the course of investigation, the Commission on its own or with the assistance of other authority must rescue such a person.

(2) If the Commission deems the support of the Government of Nepal, security body or any other authority necessary to rescue pursuant to sub-rule (1), it may request for rescue thereof.

(3) If request is received from the Commission pursuant to sub-rule (2), the Government of Nepal, security body or any other authority must rescue the concerned person immediately and give information thereof to the Commission.

(4) If the victim as referred to in sub-rule (3) cannot be rescued immediately, the concerned authority or organization must give information along with the reason thereof to the Commission within three days.

32. **To make recommendation for compensation, treatment and rehabilitation**: (1) The Commission shall, upon taking into account the gravity of damage and loss the victim suffered, make recommendation to the Government of Nepal to provide an amount up to three hundred thousand rupees as compensation.

(2) While making recommendation for compensation pursuant to sub-rule (1), the Commission must determine the amount of compensation upon also taking into account the compensation, if any, already received by the victim from the Government.

(3) If it appears on the basis of the investigation of the Commission that it is necessary to undergo physical or mental treatment of the victims or to make restitution or to rehabilitate or to provide psycho-social counseling, the Commission must make recommendation to the Government of Nepal indicating the ground, reason as well as conditions thereof.

33. To provide facilities and concessions: (1) The Commission may make recommendation to the Government of Nepal to provide the following facility and concessions to the victim or any member of his/her family as per his/her condition pursuant to sub-section (2) of Section 23 of the Act:

- (a) Free education up to diploma level to those who are willing to pursue study,
- (b) Skill oriented training as per qualification and will for those who do not wish or is not capable to pursue study pursuant to clause (a),
- (c) A loan up to five hundred thousand rupees without interest or concessional interest for those unemployed who are willing to carry on any trade or business,
- (d) Arrangement for settlement of up to five hundred thousand rupees for those who have no settlement within Nepal,
- (e) Medical treatment from the government hospitals not exceeding one hundred thousand rupees for those who are physically weak.

(2) The victim or his/her family must file petition in the format as referred to in Schedule-13 with the Commission setting the order of priority of those facilities or concessions sought pursuant to sub-rule (1).

(3) The Commission must set the order of priority of facilities or concessions as referred to in sub-rule (1) on the basis of the will and demand expressed by the victim or his/her family pursuant to sub-rule (2).

(4) Upon making recommendation pursuant to sub-rule (1), the Commission must make recommendation for immediate, short-term or long-term facilities and concessions.

34. **Grounds and criteria for compensation, facilities and concessions:** While making recommendation for compensation, facilities or concessions for the victims, the Commission shall employ the following grounds and criteria:

- (a) Actual loss, mental pain or torture the victim suffered,
- (b) Physical, mental or financial condition of the victim,
- (c) Age of the victim at the time of occurrence of the incident,
- (d) Number of family members dependent on the victim and minimum expense necessary for raising livelihood.
- (e) Number of children of the victim and the minimum expense to be incurred in their study,
- (f) Physical conditions of the family living together with the victim and the means of livelihood,
- (g) Quantity of loss if financial loss occurred because of those activities as capture, confiscation, looting, arson etc. of property,
- (h) Condition of disability in the case of the victim subjected to mutilation,

- (i) Economic status or capacity of the dependent family to raise income if the victim is dead,
- (j) Academic, financial, physical or mental pain the victim suffered because of displacement,
- (k) Other objective facts the Commission deems appropriate.

Chapter-6

Provision on Amnesty

35. To submit a petition for amnesty: (1) The perpetrator may file a petition for amnesty with the Commission in the format as referred to in Schedule-14 upon being present personally within the time-limit set by the Commission.

(2) The petitioner must disclose in the petition as referred to in sub-rule (1) the incident site, actual description including the date of incident, loss suffered due to the incident, mention that he/she committed gross violations of human rights, he/she regrets such an act, and he/she agrees to apologize to the victim to his/her satisfaction and he/she has promised non recurrence of any such act in the future on his behalf.

36. To make recommendation for amnesty: (1) If it appears appropriate to grant amnesty pursuant to Section 26 of the Act upon conducting investigation into the petition received pursuant to Rule 35, the Commission shall make recommendation to the Government of Nepal in the format as referred to in Schedule-15 for amnesty indicating the ground and reason thereof.

(2) The Commission must obtain the written consent of the victim prior to making recommendation to the Government of Nepal for amnesty pursuant to sub-rule (1).

Chapter-6

Miscellaneous

37. **To make information of actions public**: (1) The Commission shall make public the information revealed from the investigation from time to time through the communication media as it deems appropriate.

(2) If the Commission suspends any complaint or decides to make recommendation for amnesty or action against the perpetrator, it shall give information thereof in the format as referred to in Schedule-16 to the complainant.

38. **Rules of procedure relating to the probe**: (1) While conducting probe into the Chairperson or member of the Commission pursuant to Section 6 of the Act, if a complaint or information is received indicating that the Chairperson or any member lacks competence or if he/she misbehaves, the Commission must send such a complaint or information to the Government of Nepal.

(2) If a complaint against the Chairperson or member is received pursuant to sub-rule (1) or through any means, the Government of Nepal shall upon taking into account the gravity of the complaint constitute a probe committee pursuant to sub-section (2) of Section 6 of the Act.

(3) The probe committee as referred to in sub-rule (2) must upon conducting necessary investigation into the charge give an opportunity for the Chairperson or member to defend him/her along with a reasonable time-limit.

(4) If the probe committee as referred to in sub-rule (2) deems to examine any evidence or procure any documents while conducting investigation into the charge, the probe committee may do so.

(5) The accused Chairperson or member shall not take part in the activities of the Commission pending the settlement of the action against the

Chairperson or member once the probe committee commences action of probe against the Chairperson or member pursuant to this Rule.

(6) The probe committee shall make recommendation to the Government of Nepal for action against the accused Chairperson or member if the complaint filed against the Chairperson or member is proved from the investigation.

39. **Functions, duties and powers of the Secretary:** (1) The Functions, duties and powers of the Secretary shall be as follows:

- (a) To implement, or cause to be implemented, the decisions of the Commission,
- (b) To conduct, or cause to be conducted, the activities including studies, research, training, symposium, public hearing on the matters relating to the business of the Commission,
- (c) To coordinate with the national and international organizations or entities on the matters relating to the business of the Commission,
- (d) To perform, or cause to be performed, various activities related with the Commission,
- (e) To perform those activities as the Head of Department must perform under the laws in force.
- (f) To carry out, or cause to be carried out, other acts as per the instruction of the Commission.

(2) The Secretary may delegate any power out of the powers conferred to it under these Rules to any officer employee of the Commission as and when so necessary.

40. **To take actions for contempt:** (1) Prior to taking action for contempt against any person pursuant to Section 16 of the Act, the Commission must,

cause a member or officer level employee of the Commission to investigate as to whether such a person committed any act or any incident resulting in the contempt of the Commission or not, and must take action against such a person on the basis of the report of the member or employee.

(2) If an action is to be taken against any person pursuant to sub-rule (1), upon indicating on what grounds or reasons such an action is to be taken against such a person, the Commission must give an opportunity to the accused by giving reasonable time to defend him/her if there is any ground or evidence which prevents from taking such an action or to submit an appropriate apology to the Commission.

(3) If the accused person submits statement of defense pursuant to sub-rule (2) or submits reasonable apology, the Commission shall take appropriate decision on the basis of evaluation thereof or on the basis of evidence received.

(4) The Commission shall determine other rule of procedures on taking actions relating to contempt.

41. **Proceedings on public hearing:** (1) The Commission must give information to the general public through appropriate media on the date, time, venue and the subject matter for hearing by giving at least three days time prior to conducting the public hearing pursuant to Section 18 of the Act.

(2) While conducting public hearing pursuant to sub-rule (1), the Commission may conduct public hearing on the subject matter to find out the truth and the facts, to provide reparation or compensation and on other matters as the Commission deems appropriate.

(3) While conducting public hearing, the Commission may conduct the hearing in the presence of victims, general public, local representatives

of various organizations, journalists, women, senior citizens, civil societies, as well.

(4) While conducting public hearing by the Commission pursuant to sub-rule (2), at least one member must be present therein.

(5) The employees assigned for the public hearing must submit a report to the Commission setting forth the particulars including questions, queries raised in the hearing and the responses made on behalf of the Commission.

(6) The duration and other rules of procedure for public hearing shall be as determined by the Commission.

42. **To provide identity card:** (1) If it is found on the basis of the investigation conducted pursuant to the Act and these Rules that any person suffered from gross violations of human rights in the course of armed conflict, the Commission shall provide victim identity card to such a person in the format as referred to in Schedule-17.

(2) If it is found on the basis of the investigation of the Commission that more than one person suffered, the Commission shall provide victim identity cards to all of them.

43. **To give reward:** The Commission may reward an employee or security personnel for contribution made to the Commission upon performing excellent work in the course of implementation of the Act and these Rules.

44. **To frame and enforce codes of conduct:** The Commission may frame and enforce codes of conduct to be observed by the Chairperson and member.

45. **Power to change and modify the Schedule:** The Ministry may, on the recommendation of the Commission, change and modify the Schedule as per necessity upon publishing a notice in the Nepal Gazette.

46. **Power to frame guidelines or manuals**: The Commission may frame and enforce necessary guidelines or manuals subject to the Act and these Rules in order to systematically operate its activities.

Schedule-1

(Related with sub-rules (1) and (2) of Rule 4)

Format of complaint to be filed with the Truth and Reconciliation Commission

1. Of the complainant:
 - a. Name and surname:
 - b. Address:
 - i. Permanent:
 - ii. Temporary:
 - iii. Telephone/mobile no., email:
2. Of the person who suffered from gross violation of human rights:
 - a. Name and surname:
 - b. Address:
 - i. Permanent:
 - ii. Temporary:
 - iii. Telephone/mobile no., email:
 - c. Family details:
 - d. Occupation:
 - e. Present condition:
 - f. Place, date and time of commission of gross violation of human rights:
 - g. Age:
3. Party who committed gross violation of human rights, name, surname, address and identification mark of the person to the best of knowledge of

- the complainant, name and address of the office working at the time of the commission of the act or present office:
4. Contents of the complaint relating to gross violation of human rights:
 5. Evidence relating to the incidents:
 - a. Eye-witness:
 - b. Hearsay:
 - c. Documents:
 - d. Picture:
 - e. Others:
 6. Other details relating to the gross violation of human rights:
 7. If a complaint is filed with any other entity on this matter, the entity where a complaint was filed and details of the action taken:
 8. The content as mentioned above is true and correct, if it proves to be false, I shall be liable to the consequences as per the law.

Of the complainant:

Signature:

Date:

Note: If the complainant wishes to keep his/her name, surname and address confidential, he/she must mention the same.

Schedule-2
(Related with sub-rule (1) of Rule 6)
Truth and Reconciliation Commission
Format of the complaint register

Registration No.	Date	Name, surname and address of the complainant	Name, surname and address of the person who suffered from gross violation of human rights	Name, surname and address of the accused	Short description of the incidents	Remarks

Schedule-3
(Related with sub-rule (1) of Rule 6)
Truth and Reconciliation Commission
Receipt of complaint registration

Registration No.:

Re: Regarding the complaint on

Whereas, a complaint filed by Mr./Ms. is received on and registered in the Register of this Commission on

Now, therefore, this receipt is issued to that effect.

Seal of office

Of the employee registering the complaint:

Signature:

Name:

Designation:

Date:

Contact No. of the Commission:

Schedule-4
(Related with sub-rule (3) of Rule 11)
Truth and Reconciliation Commission
Format of designation of the Investigating Officer

Mr./Ms.

.....

As per the decision of the Commission, you have hereby been designated as the Investigating Officer to submit a report upon completing the investigation into the complaint with the following details. You are hereby requested to complete the investigation under the direct supervision and control of the Commission and to submit a report to the Commission along with your opinion within The following support staff are assigned to you to complete your job.

S.N.	Designation	Name and surname
(1)
(2)
(3)
(4)

Name and surname
of the complainant:

Complaint registration No.:

Site of incident:

Seal of Office:

Of the concerned Officer:

Signature:

Name and surname:

Date:

Schedule-5
(Related with sub-rule (3) of Rule 15)
Truth and Reconciliation Commission
Format of summons given to appear in the Truth and Reconciliation
Commission

Mr./Ms.
.....

Whereas, it is necessary to enquire about you in the course of investigation into the complaint (short description) filed with the Commission on;

Now, therefore, you are requested to appear in office/location of the Commission at ... on If you fail to appear, action will be taken as per the law.

Of the Investigating Officer:

Signature:

Name and surname:

Date:

Schedule-6
(Related with sub-rule (1) of Rule 19)
Truth and Reconciliation Commission
Format of deed of entry

Whereas, it is likelihood that an exhibit, document or evidence relating to gross violations of human rights committed in the course of the armed conflict may be found in your, Mr./Ms., a resident of village/*Tole*, Ward No. ..., Municipal Corporation / Sub-municipal Corporation / Municipality / Village Body, District, house compound;

Whereas, we, the following persons of the Truth and Reconciliation Commission, have been assigned to conduct a search in the course of investigation;

Now, therefore, we have hereby got the following persons to search our bodies prior to entering into that place for search, and have drawn up this deed to that effect.

Following

Name, surname and address (including three generations) of the persons searching bodies of the persons entering for search:

- 1.
- 2.

Presence:

1. House owner/goods owner or his/her representative:
2. Local person/people's representative if possible:
3. Victim (if possible):

Employees drawing up the deed:

Schedule-7

(Related with sub-rule (1) of Rule 19)

Format of deed of search and seizure drawn up by

Truth and Reconciliation Commission

Whereas, upon conducting a search on by us, the following persons who entered, upon fulfilling the formalities as per the laws, into the house/place, located in, of Mr./Ms., a resident of Ward No. ..., Municipal Corporation / Sub-municipal Corporation / Municipality / Village Body, District, son/daughter of, grandson of, the following exhibit, document or evidence are found in the following place, and it is required to deposit those exhibit, document or evidence in the Commission in the course of investigation;

Now, therefore, the employees assigned by the Truth and Reconciliation Commission asked us to execute the deed of search and seizure and we are satisfied to that effect. We have drawn up, or cause to be drawn up, this deed indicating that the contents as mentioned in the following paragraphs is true and correct and have submitted it to the Commission through the concerned employees.

Followings

The details of exhibit, document and evidence, and place found out upon conducting search:

- 1.
- 2.

The details of exhibit, document and evidence seized

- 1.
- 2.

Presence:

- (1) Person taking over the receipt of the seized goods:
- (2) Local representative (If possible)
- (3) Perpetrator (If possible)

We have taken the aforesaid seized goods upon handing over the receipt of seized goods to you.

Employees to draw up the deed:

- 1.
- 2.

Schedule-8
(Related with sub-rule (1) of Rule 25)
Format of the report of investigation

Whereas, I have hereby been assigned to conduct investigation as per the decision of the Commission dated

Now, therefore, I have hereby submitted the following report upon conducting investigation into the matters.

1. Details of the complaint:

- a. Registration No.:
- b. Name, surname and address of the complainant:
- c. Name, surname and address of the victim:
- d. Name, surname and address of the perpetrator:

2. Short description of the complaint:

3. Evidence:

- a. Exhibit and evidence, and things and goods relating to the incident:
- b. Witness:

Eyewitness:

(i)

(ii)

Hearsay

(i)

(ii)

4. Other things and goods which are admissible as evidence relating to the incidents:

(i)

(ii)

5. Contents revealed from the detail investigation:

6. Opinion of the Investigating Officer:

Seal of Office:

Of the Investigating Officer:

Signature:

Name and surname:

Designation:

Date:

Schedule-9

(Related with sub-rule (3) of Rule 25)

Format of the report of field inspection

1. Complaint registration number:
2. Name and address of the complainant:
3. Short description of the complaint:
4. Name, surname, address and age of the accused:
5. Condition revealed from the field inspection:
6. If an additional investigation is required, the details of the matters investigation is to be conducted for:
7. Grounds that may establish the contents of the complaint:
8. Ground and reasons if an excavation is to be made:
9. If any person who knows about the incident is to be enquired, name, surname and address of such a person:
10. If any document or goods is to be seized, the details of the matters from where such things are to be seized:
11. If any physical evidence relating to an incident is omitted from collection, details thereof:
12. Other matters, if any:

Of the Officer submitting the field report:

Signature:

Name and surname:

Date:

Schedule-10

(Related with sub-rule (2) of Rule 27)

**Format of the petition to be filed for reconciliation with the Truth and
Reconciliation Commission**

Re: A petition for reconciliation

Whereas, I/we wish to enter into reconciliation with / between us with regard to the incident of committed in the course of the armed conflict;

Now, therefore, I/we have hereby submitted this petition to that effect.

Signature:

Name and surname:

(it is required to mention full name, surname and address of the victim or perpetrator)

Date:

Schedule-11
(Related with sub-rule (4) of Rule 27)
Truth and Reconciliation Commission
Receipt of registration of petition for reconciliation

Re: Regarding the petition for reconciliation

Whereas, a petition for reconciliation filed by Mr./Ms. is received on and registered in the Register of this Commission on

Now, therefore, this receipt is issued to that effect.

Seal of office

Registration No.

Of the employee registering the complaint:

Signature:

Name and surname:

Designation:

Date:

Schedule-12

(Related with sub-rule (3) of Rule 28)

Format of Reconciliation

Reconciliation

Brought about by the Truth and Reconciliation Commission

Chairperson Mr.

Member Mr.

Member Mr.

Member Mr.

Member Mr.

Complaint registration number:

Mr./Ms., aged ..., a resident of Ward No. ...,
Municipal Corporation / Sub-municipal Corporation / Municipality / Village Body,
..... District..... Complainant

Mr./Ms., aged ..., a resident of Ward No. ...,
Municipal Corporation / Sub-municipal Corporation / Municipality / Village Body,
..... District..... Perpetrator

1. Contents of the complaint:
2. Contents of the reconciliation:

Of the victim/victim's family:

Name and surname:

Address:

Of the perpetrator:

Signature:

Name and surname:

Address:

.....
Member	Member	Member	Member	Chairperson

Seal of Office

Date:

Schedule-13

(Related with sub-rule (2) of Rule 33)

Format of the petition filed for facilities and concession

1. Of the victim:

Name and surname:

Address:

Age: Occupation:

Contact No.: Email:

2. Dependent members of the victim's family:

S. No.	Relationship	Age	Education
--------	--------------	-----	-----------

1

2

3. Crime of gross violation of human rights committed against the victim in the course of armed conflict:

Date of incident: Time:

4. Description of loss the victim suffered:

5. Description of physical loss (if the effect thereof also exists until now, description to prove that details and evidence as available):

6. Details of loss in education/occupation and business/movable and immovable properties/situation up to now and related evidence as available:

7. Details of relief received by the victim up to now (to mention what sort of facilities, concession and compensation is received up to now):

8. Compensation, facilities and concession the victim has sought:

9. Details of the perpetrator:

Name and surname:

Address:

Contact phone number:

Occupation:

The content as mentioned above is true and correct, if it proves to be false, I shall be liable to the consequences as per the law.

Of the victim:

Signature:

Date:

Schedule-14

(Related with sub-rule (1) of Rule 35)

Format of the petition filed for amnesty

Name, surname and address of the victim:

Name, surname and address of the perpetrator:

Site, date and time of the incident and the short description of the incident:

As I was proved to be guilty by the Commission for the crime on the aforesaid incident, I have petitioned setting forth the following details for amnesty on the said crime:

1. I have fully disclosed before the Commission the statement of truth and facts to the best of my knowledge in the context of the activities carried out by me in the course of the armed conflict prior to submitting the petition, and I have recorded the said statement with the Commission.
2. I have accepted that I committed gross violation of human rights in the course of armed conflict.
3. I have accepted that I regret such an act and I agree to apologize to the victim to his/her satisfaction before the Commission,
4. I promise non recurrence of any such act in the future on my behalf.

The content as mentioned above is true and correct, if it proves to be false, I shall be liable to the consequences as per the law.

Of the perpetrator:

Signature:

Date:

Schedule-15

(Related with sub-rule (1) of Rule 36)

Truth and Reconciliation Commission
Format of the recommendation for amnesty made by the Truth and
Reconciliation Commission

The Government of Nepal,
Singha Durbar

Re: Recommendation made for amnesty

Whereas, the following perpetrator has accepted that he/she committed gross violation of human rights in the course of armed conflict; he/she has accepted that he/she regrets such an act and he/she agrees to apologize to the victim to his/her satisfaction before the Commission; he/she made a pledge as well as promise of non recurrence of any such act in the future on his/her behalf; the victim has given full and free consent to grant amnesty for the perpetrator; and it has been found appropriate to grant amnesty for the perpetrator;

Now, therefore, as per the decision of this Commission dated, recommendation is hereby made to grant amnesty for the perpetrator.

Particulars

1. Of the petitioner:
 - (a) Name and surname:
 - (b) Age:
 - (c) Address:
2. Of the victim:
 - (a) Name and surname:
 - (b) Age:
 - (c) Address:

3. Short description of the incident:
4. Description of loss the victim suffered:
5. Reasons for recommendation for amnesty:

Signature of Secretary:

Date:

Schedule-16
(Related with sub-rule (2) of Rule 37)
Truth and Reconciliation Commission
Format of the information of the decision of
the Truth and Reconciliation Commission

Complaint registration number:

Name, surname and address of the complainant (to give symbolic name if the name is to be kept confidential):

Re:

Whereas, upon conducting investigation into the aforesaid complaint filed on the matter of gross violations of human rights, it is decided by the Commission on to suspend the complaint/to make recommendation for action against the perpetrator/to make recommendation for amnesty;

Now, therefore, it is hereby requested for information. A copy of decision is enclosed herewith.

Seal of Office

Of the officer giving information:

Signature:

Name and surname:

Designation:

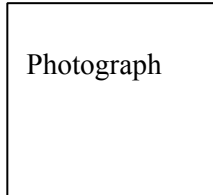
Date:

Schedule-17

(Related with sub-rule (1) of Rule 42)

Truth and Reconciliation Commission

Format of the victim identity card



Identity Card No.:

1. Of the identity card holder:

a. Name and surname:

b. Address:Zone,District, Municipal Corporation / Sub-municipal Corporation / Municipality / Village Body, Ward No. ...

c. Citizenship No.:

d. If the card holder is member of the family other than the victim, his/her relationship with the victim:

2. Date of commission of incident of gross violations of human rights:

Signature of the identity card holder:

Of the employee issuing the identity card:

Seal of Office:

Signature:

Name and surname:

Designation:

Date