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Joint Submission by: Human Rights and Justice Centre and Kumbhar Adda Disappeared People's Memorial Park

KUMBHARADDA DISAPPEARED PEOPLE'S MEMORIAL PARK

HUMAN RIGHTS AND JUSTICE CENTRE

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Part I: Introduction

1. Background

1.1. Memorialisation of enforced disappearance has the potential to be a 'symbolic revolution to hold the state accountable'.[1]

1.2. This submission responds to the Working Group on Enforced or Involuntary Disappearances' Call for Submissions for a Thematic Report on Enforced Disappearances and Memorialization (thereafter the 'Working Group'). It examines the experience of victim-led memorialisation of enforced disappearance through the Kumbhar Adda Disappeared People's Memorial Park in Bardiya District, Nepal, to illuminate grassroots best practice and challenges faced by victims in memorialising those disappeared during Nepal's 10-year internal armed conflict (1996-2006).[2]

1.3. The first section of this submission introduces this research and the Kumbhar Adda Disappeared People's Memorial Park. The second section responds to the second topic in this Working Group's Call for Submissions, relating to 'Practical and inclusive approaches to memorialization by States, victims and civil society'. It evaluates some of the key best practices in enforced disappearance memorialisation exemplified by Kumbhar Adda Disappeared People's Memorial Park. The third section responds to the third topic in the Call for Submissions, addressing some of the challenges faced by Kumbhar Adda in its memorialisation efforts, including challenges arising from collaborations with international and domestic donors and civil society organisations. The fourth section provides recommendations to this Working Group for the formulation of its report.

1.4. Kumbhar Adda Disappeared People's Memorial Park (thereafter 'the park') is described as 'one of Nepal's first and most extensive memorial initiatives led by conflict victims and their families to commemorate those forcibly disappeared' during the armed conflict.[3] Governed by victims of enforced disappearance, and supported by various civil society and international organisations, it has become an important repository of both individual and collective memory of those disappeared, a site of victim-led advocacy for meaningful transitional justice, and an educative space for local community and domestic and international visitors to learn about the impacts of the armed conflict.

1.4.1. For those in the community who are victims of enforced disappearance, the park has become 'the place where we find solace and address the pain of the victims… This place has become [somewhere] for us to remember our pain and not to repeat it'.[4]

[1] Niranjan Chaudhary (Chairperson, Kumbhar Adda Disappeared People's Memorial Park), in-person interview with Ojaswi K.C, Senior Human Rights Officer, Human Rights and Justice Centre, Bardiya, Nepal, 22 January 2026.
[2] Kumbharadda Disappeared People's Memorial Park, "Home," https://disappearedmemorial.org/.
[3] Ibid.
[4] Interview with Niranjan Chaudhary.

1.5. Bardiya district was the site of the highest recorded number of enforced disappearances during Nepal's armed conflict, where the indigenous Tharu people make up 53% of the local population.[5] Over 70% of the 239 reported cases of enforced disappearance in the district were Tharu, according to Nepal's Commission of Investigation on Enforced Disappeared Persons.[6] The commission identified that at least 75% of these enforced disappearances were perpetrated by state security forces. In a 2008 report, the OHCHR documented 156 cases, finding that over 85% of disappeared persons were Tharu.[7]

1.6. This submission has been prepared by the Human Rights and Justice Centre (HRJC) in collaboration with the Kumbhar Adda Disappeared People's Memorial Park. HRJC is a registered organisation in Nepal, established in partnership with TRIAL International in 2017, which aims to improve access to justice for victims of human rights violations, including enforced disappearance.

1.6.1. HRJC acted for the parents of Anil Chaudhary in Communications with the Human Rights Committee (HRC) of the International Covenant on Civil and Political Rights (ICCPR).[8] Anil was a young Tharu boy who was murdered by security forces in Bardiya, along with his friend Ram Prasad Chaudhary, on their way to school on allegations of involvement with Maoist guerillas.[9]

1.6.2. The HRC in its View in Anil's case held that pursuant to its obligations to provide a remedy for violations of rights under Article 2(3)(a) of the ICCPR, Nepal is under an obligation to Anil's parents to, *inter alia*, establish 'a memorial in their son's name to restore his and the family's name, dignity and reputation'.[10]

1.6.3. HRJC notes that the HRC's View reflects an obligation on the part of the Government of Nepal at international law to effectively facilitate memorialisation efforts for those forcibly disappeared.

1.6.4. While Kumbhar Adda has received varying levels of government support at the local, provincial and federal levels, victims say that more is needed to enable meaningful memorialisation, and to strengthen intersections of memorialisation and other transitional justice priorities such as non-recurrence.[11]

1.6.5. Illustratively, Kumbhar Adda is presently crowd-funding the development of a library and resource centre on park grounds, aimed at enhancing the park's role as

[5] Government of Nepal National Planning Commission Secretariat, *National Population and Housing Census 2011 Social Characteristics Tables* (National Planning Commission, 2011), 117, https://web.archive.org/web/20230314170005/https://cbs.gov.np/wp-content/upLoads/2018/12/Volume05Part02.pdf.
[6] Dewan Rai, "Bardiya Tharus wait for justice," *The Record*, 8 June 2018, https://www.recordnepal.com/bardiya-tharus-wait-for-justice.
[7] United Nations Office of the High Commissioner for Human Rights, *Conflict-Related Disappearances in Bardiya District* (OHCHR, 2008), 6, https://nepal.ohchr.org/en/resources/Documents/English/reports/HCR/2008_12_19_Bardiya_Report_Final_E.pdf.
[8] Communication No. 3199/2018, Puniram Tharu and Nira Kumari Tharu v Nepal, UN Doc CCPR/C/134/ D/3199/2018.
[9] Real Rights Now, "Cases: Anil Chaudhary," https://realrightsnow.org/en/anil-chaudhary/.
[10] HRC Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 3199/2018, para 9.
[11] Interview with Niranjan Chaudhary.

an educational and cultural hub by serving as a 'dedicated archive of knowledge and literature related to Nepal's armed conflict, transitional justice, people's struggles for truth and reconciliation, and broader social and cultural history about struggles for social justice and language rights'.[12] The park is seeking NPR 5 million (approx USD $37,000) from private donors to enable the development.

2. Methodology

2.1. As part of its ongoing work in transitional justice, HRJC maintains professional relationships with, and in some cases, acts before domestic and international legal fora on behalf of, a number of personnel involved in membership and governance of the park.

2.2. In undertaking this research, HRJC staff conducted a series of structured interviews, taking place in person, via phone, and through written responses to questions.

2.3. An interview with the park's chairperson, Niranjan Chaudhary, was undertaken in person and recorded. Niranjan Chaudhary's father was forcibly disappeared, making him a victim of enforced disappearance.

2.4. Two members of the advisory board of the park were randomly selected and provided written responses to questions posed over email.

2.5. Two anonymous members of the park who are victims of enforced disappearance provided phone interviews. Both are members of the park management committee.

2.6. One Park guide, Anmol Chaudhary, provided a phone interview. Anmol Chaudhary's great-grandfather had forcibly disappeared, and he is thus also an indirect victim of enforced disappearance. Mr. Chaudhary is also the nephew of Park Chairperson Niranjan Chaudhary.

2.7. All interviewees as part of this research, except for the two advisory board members who provided written responses, are part of the indigenous Tharu group and reside in Bardiya. One advisory board interviewee is a foreign national. The other advisory board interviewee is a member of another Indigenous group in Nepal and is based in Kathmandu. The interview group was made up of three women and three men.

3. About the park

3.1. Kumbhar Adda Disappeared People's Memorial Park was first developed as an initiative of four village development committees (VDCs), the smallest unit of federal governance in Nepal, in collaboration with families affected by enforced disappearance.[13] Over time, the park attracted collaboration with civil society organisations and other levels of government in the federal structure.

[12] Kumbharadda Disappeared People's Memorial Park, "About Us," https://disappearedmemorial.org/about-us/.
[13] Interview with Niranjan Chaudhary.

3.2. The park is located in Barbardiya municipality, Bardiya district, in Nepal's lowland terai region on the southern border with India. Barbardiya municipality is a site of extensive and well-documented victim activism and leadership in the area of transitional justice, particularly relating to enforced disappearance.[14] This activism is predominantly led by members of the local Tharu community affected by enforced disappearance and other human rights violations.

3.3. The park's features include:

3.3.1. Memorial pillar

3.3.1.1. A four-side pillar engraved with the names of 258 disappeared people from Bardiya, as well as emblems of their professions and cultures. Their names are raised rather than debossed, representing a rising up over suppression.[15]

3.3.1.2. The pillar was designed and created by Tharu artist Lavkant Chaudhary, using local art styles and materials.

3.3.2. Memorial wall

3.3.2.1. A national memorial wall featuring the names of all people forcibly disappeared across Nepal's armed conflict is currently under development.

3.3.3. Memorial tree

3.3.3.1. An original banyan tree, which symbolises cycles of life, death and resurrection in Hinduism, is surrounded by stones placed by 17 women, each representing a disappeared loved one.[16]

3.3.3.2. Families have also had the opportunity to plant an individual memorial tree in the park to commemorate their lost family member. These trees are fruit-bearing, and park members note that they provide a source of satisfaction for families who can then share the fruits with community members.[17] Nature-based activities have been identified by park leadership as a key therapeutic modality for the park's members.[18]

3.3.4. Path of hope

3.3.4.1. Accompanied by a souvenir store selling local handicrafts and goods made by conflict-affected families.

[14] See, for example, Ram Kumar Bhandari and Simon Robins, "Formal but Local Transitional Justice: Memorialization of the Missing by Local Government in Nepal," *Journal of Human Rights Practice* (2024).
[15] Annex 1, Brochure of Kumbhar Adda Disappeared People's Memorial Park.
[16] Emma Cohen, "Journey to the Pond of Hope," *The Advocacy Project* (blog), 19 July 2025, https://www.advocacynet.org/journey-to-the-pond-of-hope/.
[17] Interview with Niranjan Chaudhary.
[18] Ibid.

3.3.5. Exhibition hall

3.3.5.1. Built in 2009 as the park's first physical structure. It is a 'gathering space for families to share grief, plan searches, and stand together in their fight for justice'.[19]

3.3.5.2. The venue also hosts exhibitions, such as 'Memories Will Haunt', a collaborative exhibition between Voices of Women Media and the park held on International Day of the Disappeared in 2025.[20]

3.4. One of the key modalities of memorialisation at the park is the archiving of personal belongings such as clothing or school certificates belonging to the disappeared. The park stores these in a temporary site at this time, and plans to display them permanently in an on-site museum currently under development. Speaking of the archiving of their lost loved one's personal belongings, one victim said 'the act of preserving these items helps keep the memory fresh and alive. This cause is important for us. When we preserve these physical reminders, the memories don't fade with time'.[21]

3.5. The park effectively blends cultural and religious elements in memorialisation activities — such as the completion of a Hindu ritual over a memorial site to mark it as a worshipping place, and the use of religious symbols such as the banyan tree.

3.6. The park is also an acknowledgement of the disproportionate impact of enforced disappearance on the local indigenous Tharu community — naming these racialised effects of enforced disappearance has enabled the park to act as a key site for Tharu cultural and linguistic activism.

3.6.1. The importance of Tharu cultural advocacy in the park also draws from the experience of the park's chairperson, whose father, Sagunlal Chaudhary was the founder of Tharu language newspaper *Gochali* (meaning 'comrades' in Tharu).[22] The newspaper had addressed the subjugation (such as through bonded labour) of Tharu people under Nepal's panchayat system (1961-1990). Sagunlal's cultural and linguistic activism led to his enforced disappearance by state security forces.

[19] Annex 1, Brochure of Kumbhar Adda Disappeared People's Memorial Park.
[20] See The Diplomat Nepal, "Exhibition 'Memories Will Haunt' Marks International Day of the Disappeared in Bardiya," *The Diplomat*, 2 September 2025, https://diplomatnepal.com/news/memories-will-haunt-exhibition-marks-international-day-of-the-disappeared-in-bardiya/.
[21] Anonymous Interviewee A (Member, Kumbhar Adda Disappeared People's Memorial Park), phone interview with Ojaswi K.C, Senior Human Rights Officer, Human Rights and Justice Centre, Bardiya, Nepal, 8 February 2026.
[22] Cohen, "Journey to the Pond of Hope".

Part II: Evaluation of approaches to memorialisation at Kumbhar Adda Disappeared People's Memorial Park

4. Victim leadership and participation in effective memorialisation at Kumbhar Adda

4.1. The park represents a best practice model for community and victim ownership of memorialisation projects, governed by a Park Management Committee composed of family members of the disappeared.

4.1.1. Victims' governance of the project enables psycho-social transformation, allowing family members dealing with ambiguous loss to claim agency as activists and custodians of memory, enabling them to 'regain a sense of control over their narrative'.[23]

4.1.1.1. *'By exercising agency over how enforced disappearances are remembered and represented, members move away from experiences of marginalisation, silence, and powerlessness toward greater dignity, voice, and control. This participatory approach contributes to meaningful psychosocial benefits, including reduced isolation, strengthened collective identity, and increased resilience'*.[24]

4.1.2. Victim governance also enables the project to be more responsive to the needs of immediate victims' communities, vis-a-vis 'top-down national monuments' which are perceived to be more driven by a political or nation-building motivations.[25]

4.2. The park is a model of participatory memorialisation. It is a living, dynamic project enabled through the participation of local community members in all aspects of its operation.

4.2.1. The venue trains local storytellers to narrate the lives of the disappeared to visitors of the park.[26] These storytellers are often indirect victims or non-victims from local communities — as such, their training is also a mode of memory transfer between communities and generations.

4.2.2. For victims, the park is a site of collective healing, where victim families come together to create shared meaning from their experiences at events such as

[23] Bikkil Sthapit (Advisory Board Member, Kumbhar Adda Disappeared People's Memorial Park), email correspondence with Ojaswi K.C, Senior Human Rights Officer, Human Rights and Justice Centre, Kathmandu, Nepal, 7 February 2026.
[24] Ruth Marsden (Advisory Board Member, Kumbhar Adda Disappeared People's Memorial Park), email correspondence with Ojaswi K.C, Senior Human Rights Officer, Human Rights and Justice Centre, Kathmandu, Nepal, 11 February 2026.
[25] Email correspondence with Bikkil Sthapit.
[26] Ibid.

exhibitions, meet-and-greets, and commemorative occasions such as International Day of the Disappeared.[27]

4.3. A commitment to education and advocacy is core to the park's work. It acts as an educational site for non-victim community members, newer generations, and non-locals in the absence of an authoritative national account of the armed conflict to raise awareness of the brutal impacts of conflict on communities.

4.3.1. Education is facilitated both through the employment of local guides to tell the life stories of those disappeared, educative installments held at the site's exhibition hall, as well as the forthcoming library/resource centre and museum.

4.3.2. This educative function contributes to memorialisation's non-recurrence function, ensuring that demands for peace and justice are transferred between generations, and warning of the destructive effects of violent conflict.

4.4. The park's foundational statute defines victimhood of enforced disappearance inclusively, including victimhood both of the state/security forces and of the Maoist insurgents.[28]

4.4.1. Victimhood is understood to extend to the family members of those disappeared. In a deeply relational society like Nepal, where the extended family is often deeply intertwined in intergenerational households and large, close family units, this creates an expansive and relational concept of victimhood.

4.4.2. Yet the meaning given to victimhood by the park also provides a basis for enhanced victim activism — for instance, the chairperson for the park's Management Committee, in his interview with HRJC researchers, critiqued that temporary enforced disappearance was not considered within the ambit of enforced disappearance in national criminal law.[29] The lived experiences of those victimised (in a broad sense) by enforced disappearance thus informs strategic advocacy by illuminating gaps between how victimhood of enforced disappearance is defined at law and how it is felt by communities.

5. Situating memorialisation in a contested transitional justice landscape

5.1. A further strength of the park is its explicit linkage of memory work to other transitional justice objectives such as guarantees of non-recurrence.

5.1.1. Illustratively, peace education is a forthcoming priority of the park, 'with plans underway for a museum, library, and resource centre to further contextualise violations and [its] root causes'.[30] Intergenerational engagement and transmission

[27] One advisory board member accounted to HRJC researchers how, at a recent event hosted at the park, the father and childhood friend of Shiba Tharu, a disappeared person, were able to meet for the first time, share stories about their connection to Shibu, and foster a safe space for remembrance between them: Email correspondence with Bikkil Sthapit.
[28] Statute of the Kumbhar Adda Disappeared People's Memorial Park, Preface.
[29] Interview with Niranjan Chaudhary.
[30] Email correspondence with Ruth Marsden.

of memory connects victims' experiences of disappearance to wider political struggles. Interviewees broadly acknowledged that a failure to address the lessons of Nepal's violent history, including failures to secure truth, justice and accountability in cases of armed conflict-era human rights violations, has contributed to a culture of impunity which has enabled violations to continue into the present day, emblemised by the Gen Z *Andolan* of 2025.[31] 'Keeping memory alive' becomes a key objective of intergenerational work, aimed at ensuring non-recurrence through education and connecting personal tragedy to broader political advocacy.

5.2. The necessary overlap between memorialisation and other transitional justice priorities is clearly understood by park membership — education and storytelling are seen as necessary mobilisation tools for visitors, as interviewees reported challenges surrounding uninformed community members and local government viewing the park as a place of 'entertainment' rather than commemoration.[32] This highlights the importance of the park's awareness-raising efforts, such as the employment of memory guides for visitors, in conjunction with the development of physical memory infrastructure, in order to make memorialisation meaningful and effective in highlighting past violations, pushing for truth and accountability, and ensuring non-recurrence.

6. Dealing with Ambiguous loss: modalities of change

6.1. Grief and memorialisation of those who have been forcibly disappeared without resolution is notably different from other forms of memorialisation due to the presence of ambiguous loss.

6.1.1. Ambiguous loss is understood as 'a situation of unclear loss resulting from not knowing whether a loved one is dead or alive, absent or present'.[33]

6.1.1.1. As the park's chairperson noted, 'in a family when you know someone has died, one can cry alot. But with enforced disappearance victims, they have not been able to cry and seal their pain'.[34]

6.1.1.2. Similarly, one victim described how 'the most painful reality out of this is that our beloved disappeared persons, neither their bodies nor any sign of their breath has been found. We have not been able to perform death rituals for them. In our culture, we must obey these rituals, but without a body, we cannot. This takes years of mental anguish. Our relatives tell us that without the death ritual, our gods and deities are angry, and because of this

[31] Interview with Niranjan Chaudhary.
[32] Ibid.
[33] Pauline Boss, "Ambiguous Loss Research, Theory, and Practice: Reflections after 9/11," *Journal of Marriage and Family* 66, no. 3 (2004), 554.
[34] Interview with Niranjan Chaudhary.

anger, we are sick. We desperately need our beloved's remains to be found.'[35]

6.2. Ambiguous loss is an 'explicitly relational perspective' on the trauma of loss, as compared to more individualised and medicalised approaches such as post-traumatic stress disorder.[36] Its approach is oriented towards enabling families to live through the experience of unresolved grief rather than resolving it.

6.2.1. The psycho-social goal of an ambiguous loss approach is to build meaning in victims' lives despite the absence of conclusive information, thus explicitly pushing back against closure as the primary epistemological pursuit of enforced disappearance advocacy.

6.2.2. Resilience in an ambiguous loss framework means 'being able to live with unanswered questions'.[37] Robins notes in the context of Nepal that this approach 'directly contradicts conventional practice with families of the disappeared, where a demand for truth drives advocacy, notably that of the human rights community'.[38]

6.3. Ambiguous loss frameworks in enforced disappearance memory projects such as Kumbhar Adda Park have provided a basis for meaning-making in the lives of victims' families when more traditional transitional justice demands like truth and justice remain undelivered.

6.3.1. Victims' needs in enforced disappearance contexts in Nepal are often framed in absolute terms — truth, accountability, reparation — but the nature of enforced disappearance is ambiguous, as the prospect of producing concrete evidence of the fate of a disappeared person becomes increasingly bleak over time, while concluding death without proof (such as remains) remains an unacceptable option for many families.[39] Ambiguous loss provides a 'both/and' framework for victims' engagement with their experience, enabling them to live through the challenge of unanswered questions with resilience, while simultaneously pushing for the more closure-oriented demands of accountability and truth.

6.3.2. Kumbhar Adda Park successfully models some of the key interventions imagined by ambiguous loss to promote this 'both/and' approach, meaningfully accommodating both the ambiguity of loss and the absolutism of victims' demands for justice.

6.4. First, the park enables a form of socialised meaning-making between victim families who share lived experience, an important form of relational transformation of the experience of

[35] Anonymous Interviewee B (Member, Kumbhar Adda Disappeared People's Memorial Park), phone interview with Ojaswi K.C, Senior Human Rights Officer, Human Rights and Justice Centre, Bardiya, Nepal, 9 February 2026.
[36] Simon Robins, "Ambiguous Loss in a Non-Western Context," *Family Issues* 59, no. 3 (July 2010).
[37] Ibid.
[38] Ibid.
[39] The rituals of burning or burying the body to ensure the passing of the dead are important to the psychological resolution of a life but are denied to the families of the disappeared — 'This [the body] serves as proof that he is dead. Therefore, we need the dead body, even a bone can convince us that he is no longer alive. We also have to perform our rituals on the basis of it. We need a sign of proof of his death': Robins, "Ambiguous Loss in a Non-Western Context".

enforced disappearance in a society such as Nepal, where meaning-making within strict hierarchical familial structures can reinforce, rather than relieve, the pain of ambiguous loss.

6.4.1. While the majority of socialisation takes place within the extended family unit in Nepal, often with multiple generations of a family living in one home, the family can also be the site of the greatest stigmatisation for family members of those forcibly disappeared, particularly wives of disappeared men.

6.4.1.1. Within traditional family structures, a woman's status in the family and society is highly dependent on their relationships to the men in their family — characterised as daughters, wives, or widows. Women typically move to their husband's family home after marriage and begin new lives as daughters-in-law, often the bottom of the familial hierarchy in the home and expected to be subservient to their husband's parents. If their husband is disappeared, their status within the family and wider society becomes indeterminate.

6.4.1.2. Women may refuse to remove their visible symbols of marriage such as bangles and sindhur (red powder in the hair), as is customary for women whose husbands die, out of loyalty or a refusal to accept their husband's death in the absence of confirmation.[40] Yet those who do may face stigma and mistrust in the community, as they may be seen as seeking to preserve the relatively higher status which marriage affords.

6.4.1.3. Wives of disappeared men may face pressure to remarry in some cultures,[41] and those who do not frequently face unwanted attention and harassment from men who view them as sexually available, including from male family members.[42] On the other hand, in some cultural contexts, remarriage is seen as a betrayal of the family. The result is that a young wife is trapped with her missing husband's family who may resent her presence, but not want her to leave because of the shame associated with remarriage.[43]

6.4.2. As such, in hierarchical family cultural contexts such as Nepal, the ambiguous loss imperative of meaning-making and relational reformulation between victims and those disappeared is often best accomplished through peer relations between those with common experiences rather than strictly within the family unit.

6.4.2.1. In one survey, wives of the disappeared recorded finding the most value in speaking with other wives in a similar position.[44] Relatively, meaning-

[40] See Human Rights and Justice Centre, *The Impact of Enforced Disappearance on Women in Nepal* (HRJC, August 2023), 20.
[41] A quarter of women who remarried reported experiencing pressure to do so: International Center for Transitional Justice, *Beyond Relief: Addressing the Rights and Needs of Nepal's Wives of the Disappeared* (ICTJ, August 2013).
[42] Robins, "Ambiguous Loss in a Non-Western Context".
[43] Ibid.
[44] Ibid.

making within the family unit was less preferred because of the negative social identity problems which enforced disappearance created within the home.

6.4.3. Kumbhar Adda facilitates this form of peer socialisation by bringing together family members with shared experience of disappearance and ambiguous loss to participate in meaning-making activities from across the community. As one victim respondent from the park commented, 'Being part of this memorial community with other families makes it easier to keep those memories alive and honor our loved ones'.[45]

6.4.3.1. Memorialisation activities tend to bring together peers of common experience rather than relying on meaning-making within the family unit. For instance, the wives of disappeared men from both parties to the armed conflict have been able to find commonalities in their loss and experience of navigating unresponsive state and community institutions in their search for truth and justice — this solidarity has become a basis for shared advocacy beyond political distinctions.[46]

6.4.3.2. The telling of and listening to stories in interaction with peers with shared experiences of ambiguous loss enables family members to relationally re-shape their own identities beyond the rigid taxonomy of gendered family hierarchies — women are able to articulate their identities beyond wife/widow/unmarried woman as an agent of advocacy, through their socialisation and interaction with other women victims. This occurs because such interactions enable an orientation of relationally ambiguous identity (wife/widow/unmarried woman) towards an identity of custodianship over the memory of their husband/family member, and the political action which their disappearance spurs.[47] One board member for the park noted that the park thus pushed back against the stigma which some victims experience in rural communities elsewhere in the country due to the ambiguity of their relational status — '[t]he park acts as a social modality, providing a public space where their status is validated, and their loss is collectively acknowledged by the community'.[48]

6.4.3.3. One way of 'revising attachment' to disappeared family members in coping with ambiguous loss is to move 'from despair to protest'.[49] Kumbhar Adda provides a site for advocacy rooted in solidarity with family members with shared experience of ambiguous loss. In doing so,

[45] Interview with Anonymous Interviewee A.
[46] Srijana Acharya, "Same Road," *Nepali Times,* 27 August 2010. https://archive.nepalitimes.com/news.php?id=17396#.X0d8Uy8w3BJ.
[47] '[A] woman whose husband has physically vanished wonders if she is a wife or a widow. ... Such situations can traumatize unless people are able to reconstruct who they are': Pauline Boss, *Loss, Trauma, and Resilience: Therapeutic Work With Ambiguous Loss* (W. W. Norton & Company, 2010) 115-116.
[48] Email correspondence with Bikkil Sthapit.
[49] Boss, *Loss, Trauma, and Resilience*, 168.

family members can revise a positive relationship of political solidarity with their disappeared loved one, 'without either denying or accepting his or her loss'.[50]

7. Individual and collective memorialisation practices

7.1. Kumbhar Adda facilitates both sites of individual mourning and memory, and spaces for the construction of collective memory, understood as the 'field of activity in which past events are selected, reconstructed, maintained, modified, and endowed with political meaning'.[51] Individual memorialisation for families is enabled, for instance, through the planting of memorial trees,[52] and the preservation of personal artefacts such as wedding attire to commemorate lost loved ones.[53] One advisory board member noted that these individual objects of memorialisation constitute a 'modality of presence in absence' providing families with a physical location to symbolically visit their lost loved ones.[54]

7.1.1. The practice of individual memorialisation in the park has not been without contention — primarily, surrounding the naming of the park after the park's chairperson's father. This has, by some accounts, led to accusations that the leadership of individual victims creates bias towards certain individuals or experiences of disappearance.[55]

7.2. Yet the proliferation of collective memory activities has also offered psycho-social and political advantages for victim families. One victim highlighted being part of the memorial community as 'mak[ing] it easier to keep… memories alive' and enabling the transfer of knowledge and memory to subsequent generations.[56] Building a collective counter-memory to state amnesia in relation to human rights violations and enforced disappearance strengthens the advocacy position of victim families vis-a-vis the state in the contested space of transitional justice, weakening state claims that victims are 'divided', commonly used to justify inaction or a lack of consultation.[57]

8. Inclusive memorialisation practices

8.1. The park places a strong emphasis on accessibility in its design and activities — non-textual modes of memorialisation such as visual and artistic elements enable greater access and participation for individuals with low levels of literacy.[58] Physical accessibility of the park has been enhanced through wheelchair accessibility at memorial structures, for instance.[59]

[50] Robins, "Ambiguous Loss in a Non-Western Context".
[51] Edward Said, "Invention, Memory, and Place," *Critical Inquiry* 26, no. 2 (2000), 185.
[52] Interview with Niranjan Chaudhary.
[53] Interview with Anonymous Interviewee A.
[54] Email correspondence with Bikkil Sthapit.
[55] Interview with Niranjan Chaudhary.
[56] Interview with Anonymous Interviewee A.
[57] Interview with Niranjan Chaudhary.
[58] Email correspondence with Ruth Marsden.
[59] Ibid.

8.2. The park's governing statute mandates a minimum level of inclusivity in leadership and governance processes.

8.2.1. Section 20(d) of the statute mandates that at least 33% of the membership of the park management committee must be made up of women. It further requires the selection of at least one woman and one 'Dalit, tribal or backwards class member' as a central office bearer of the organisation (President, Vice President, Secretary, or Treasurer).[60]

8.2.2. Similarly, section 29(a) obliges the park's leadership to consult with members of a target group after they have been identified as such by a needs assessment when planning programming for the park. The consultation group must also satisfy the quotas in section 20(d).[61]

8.3. The park's governance and membership is predominantly drawn from the local Tharu community, an Indigenous group which makes up a majority in both the Bardiya district and Barbardiya municipality in which the park is located, but a minority nationally. This constitution reflects not only the ethnic makeup of the local area but also the disproportionate impact of enforced disappearance and other human rights violations on Indigenous groups, particularly the Tharu, during the armed conflict. These racialised dynamics of disappearance in the armed conflict were driven in part by the political and social exclusion of Indigenous groups.[62] Park membership and governance also includes individuals from other communities, such as the Dalit community.

8.4. One challenge for the park at current is reflecting enforced disappearance as a gendered experience both in its memorialisation activities and its governance.

8.4.1. Women constitute a significant stakeholder group made up of wives and female relatives of those forcibly disappeared.

8.4.2. At current, 8 of 15 park management committee members, including 2 of the 5 core members of the committee, are women. One of four members of the advisory committee is a woman. This represents an increase in the representation of women in the park's central governance mechanism, up from 4 out of 9 committee members at the park's founding. This growing representation reflects what one advisory board member noted as 'increasing recognition of the importance of strengthening the meaningful participation of women and young people in governance and programming, both to enhance inclusivity and to ensure intergenerational continuity'.[63]

8.4.3. Women's participation in governance and strategic decision-making about memorialisation efforts can assist in illuminating the gendered impacts of enforced

[60] Statute of the Kumbhar Adda Disappeared People's Memorial Park, s 20(d).
[61] Ibid, s 29(a).
[62] Bhandari and Robins, "Formal but Local Transitional Justice".
[63] Email correspondence with Ruth Marsden.

disappearance. At Kumbhar Adda, this takes place not only through women's participation in committees but their active role as members of the park.

Part III: Challenges and collaborations in memorialisation at Kumbhar Adda Disappeared People's Memorial Park

9. Challenges

9.1. The park faces challenges in relation to preservation of materials related to memorialisation projects.

9.1.1. Current storage of personal belongings on loan from or given by families to the park for the purposes of memorialisation takes place in plastic bags in a temporary building. Many objects are made up of organic materials subject to gradual degradation. Preserving them in the hot, humid environment of Nepal's Terai is a challenge for the park, which lacks professional archiving support or equipment. Preservation of personal artifacts is a necessary component of the safeguarding of memory done by the park — as one member described, proper preservation is 'essential to our healing and to ensuring our disappeared family members are never forgotten'.[64]

9.2. Some members also identified safety and security challenges associated with the park's memory dissemination activities

9.2.1. One guide noted that the park is located in a forest area inhabited by tigers, and that tiger attack incidents in the municipality are not uncommon. He identified the need for additional security measures for park staff and guests, but also competing concerns regarding conservation and allowing the animals access to a water source contained in the park.[65] Operational assistance to balance these competing needs may safeguard the park's work and staff while ensuring minimal disruption to local ecosystems.

9.3. Intergenerational transfer of memory and memorialisation skills was identified by a number of stakeholders as an emerging priority and operational challenge for the park's work.

9.3.1. Five years ago, training was provided to a number of community members, including young people, to enable them to become guides for the park. This training was sponsored by German development agency GIZ.[66]

[64] Interview with Anonymous Interviewee A.
[65] Anmol Chaudhary (Guide, Kumbhar Adda Disappeared People's Memorial Park), phone interview with Ojaswi K.C, Senior Human Rights Officer, Human Rights and Justice Centre, Bardiya, Nepal, 8 February 2026.
[66] Ibid.

9.3.2. This opportunity for younger generations of community members, including the younger members of victims' families, was hailed as an important contribution to intergenerational knowledge transfer in the park's work.

9.3.3. However, some stakeholders noted that the emotional burden of recounting one's own family member's story of disappearance repeatedly as a guide was taxing for family members, including younger family members.[67]

9.3.4. Another identified that repeated or recurrent trainings may be one way to better support guides through the emotional weight of recounting traumatic experiences of loss, enabling trainees to '[take] time for reflection after the training to process what we've learned'.[68]

9.3.5. The need for the park's trainings to be repeated and evolutionary is an important part of ensuring the effective transfer of memorialisation skills to the next generation of young people in the local community. Yet such a need is often incompatible with the short-term programmatic timelines of donors.[69] A closer examination of the demands of best practice memorialisation in light of the exigencies of cross-institutional and international collaboration and resourcing arrangements is undertaken below.

9.4. Challenges relating to the involvement of central, provincial, and to some degree, local governments in the resourcing and promotion of memorialisation efforts were reported widely.

9.4.1. A dialectic emerged from the reflections of the stakeholders whereby there was an identified need for greater state resourcing of memorialisation projects, but a prevailing concern surrounding the potential for political influence to seep in through government resourcing arrangements.

9.4.2. On one hand, stakeholders identified the strain that community resourcing of memorialisation efforts at the park placed on families already experiencing significant hardship:

9.4.2.1. 'Most victims are wondering how they can put food on the table, how they can get medicines. Nevertheless, every victim came together to give something. Some promised to give just one sack of cement or one brick'.[70]

9.4.3. Similarly, park leadership identified the challenges for victims of enforced disappearance navigating both their own personal grief and leadership and advocacy responsibilities to the park:

[67] Email correspondence with Bikkil Sthapit.
[68] Ibid.
[69] Ibid.
[70] Interview with Niranjan Chaudhary.

9.4.3.1. 'It was difficult for me, being a leader and a victim'.[71]

9.4.4. Yet the same mode of community resourcing also was seen as enabling the park to maintain independence and its 'victim-centred' vision, 'reducing the risk of external agendas determining priorities or programming'.[72]

9.4.5. In the inverse, several stakeholders identified that '[g]overnment funding support is important for sustaining our work' as 'when political representatives know more about us and acknowledge what we're doing, it helps bring more visibility and support to our cause'.[73]

9.4.5.1. However, others noted that 'ensuring support without allowing the memorial to be co-opted or its truth diluted' by government involvement and funding is 'a constant governance challenge'.[74]

9.4.5.2. This remains the case as enforced disappearance is a highly politically sensitive topic in Nepali politics — with the federal government perceived as lagging and avoidant in other areas of transitional justice, notably having watered down and delayed the procedures of the Truth and Reconciliation Commission and Commission on Involuntary and Enforced Disappearance over two decades after they were mandated by the Comprehensive Peace Accord.[75] Victims involved with the park intimately understand that the state is 'reluctant to address families' demands for truth', and thus that its involvement in the park may pose an existential threat to the pursuit of the park's and victims' goals.[76]

9.4.5.3. The park has taken a 'deliberate and cautious' approach to expanding membership and seeking resourcing as a result of these prevailing concerns that 'greater involvement of politically or economically powerful actors could undermine the Park's core objectives related to memorialisation, victims' rights, and the right to truth'.[77] These concerns have been fuelled by local experience in the Bardiya district, where similar memorial sites have 'lost their commemorative function following redevelopment focused on tourism or recreation'.[78]

9.4.5.3.1. 'Where the government funds memorialisation initiatives such as parks, they are run by the whims of political leaders and they

[71] Ibid.
[72] Email correspondence with Bikkil Sthapit.
[73] Interview with Anonymous Interviewee A.
[74] Email correspondence with Bikkil Sthapit.
[75] See, eg. International Commission of Jurists, *A Brief Review of Nepal's Transitional Justice (TJ) Law: Donors and Supporters must be Vigilant to Ensure Compliance with Nepal's International Legal Obligations, While Supporting Its Implementation* (ICJ, November 2024).
[76] Interview with Niranjan Chaudhary.
[77] Email correspondence with Ruth Marsden.
[78] Ibid.

become places for the employment of political leaders, not for addressing the pain of victims'.[79]

9.4.6. The jurisprudence of the United Nations Human Rights Committee has established that memorialisation of those victimised by the state in human rights violations is both a right and an obligation on the Government of Nepal.[80] Yet the gap in state sponsorship of meaningful memorialisation initiatives reveals that the rights-based discourse of memorialisation has not entered mainstream political thought. Donors, civil society, and international organisations should emphasise this rights-based approach to strengthen memorialisation advocacy in Nepal.

10. Collaborations between state, victims, and civil society

10.1. Collaboration is envisioned by the park's founding documents, with the statute of the park empowering its management committee to 'establish relationships with domestic or foreign organisations/institutions with similar objectives and work towards achieving the objectives of the committee'.[81] By way of example:

10.1.1. Voices of Women Media, a Kathmandu-based civil society organisation, has provided technical expertise to the park — for instance, facilitating collaborations with artists on memorial sites, and supporting website development.[82]

10.1.2. GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit, the German national development agency) also provided technical support to the park by training local community members as memory guides. In approximately 2023, GIZ provided five days of training to sixteen guides, strengthening the park's ability to actively engage visitors in memorialisation upon visiting the park.[83]

10.1.3. Various domestic legal organisations working in transitional justice have also provided technical support for the development of advocacy materials. HRJC has, for instance, represented a number of the park's members in Communications with UN Special Procedure mechanisms such as this Working Group, and the Human Rights Committee of the ICCPR.

10.2. Several interviewees noted a disjunction between the priorities of victims and professionalised collaborators. Organisations 'have their own sort of top-down way of executing their motives' which has, at times, made it 'quite challenging to place the grassroots level needs in the organizational programmatic framework'.[84]

[79] Interview with Niranjan Chaudhary.
[80] United Nations Human Rights Committee, Communication No. 3199/2018, Puniram Tharu and Nira Kumari Tharu v Nepal, UN Doc CCPR/C/134/ D/3199/2018, para. 9; Communication No. 2906/2016, K.R. and S.R. (pseudonym) v Nepal, UN Doc CCPR/C/134/D/2906/2016, para. 9.
[81] Statute of the Kumbhar Adda Disappeared People's Memorial Park, s 21(b).
[82] Kumbharadda Disappeared People's Memorial Park, "About Us," https://disappearedmemorial.org/about-us/.
[83] Interview with Anmol Chaudhary.
[84] Email correspondence with Bikkil Sthapit.

10.2.1. This challenge has manifested in the notable difficulty the park has experienced in addressing livelihood and health challenges faced by victim families. An advisory board member notes that:

10.2.1.1. 'The focus on memorialization has created a gap where the livelihood, physical health, and chronic mental health of the family members remain largely unaddressed. Many of the aging mothers and wives who visit the park suffer from physical ailments and deep-seated trauma that a memorial alone cannot heal.'[85]

10.2.2. Yet the specific, time-bound mandates which NGOs, donors, and external partners often bring to the park are often focussed on 'documentation, advocacy, or storytelling' and are disconnected from the quotidian needs of victim families related to livelihood, health, security and education:

10.2.2.1. 'A family may have their story recorded for a global audience, yet they return home to the same poverty, lack of medical care, and economic instability that have dogged them since their breadwinner was taken.'[86]

10.2.3. Economic support to address basic needs has been identified by victim leaders as a 'prerequisite for living with ambiguity'.[87] Victims who repeatedly offer their engagement with and participation in memorialisation initiatives in collaboration with professionalised partner organisation may exhibit high degrees of resilience — yet this perceived resilience may conceal the actual gap in material service provision for everyday sustenance, leading to partner organisations overlooking material, daily needs in favour of more psycho-social or abstract priorities.[88]

10.2.3.1. 'The park, while a triumph of memory, serves as a reminder that truth is hard to swallow on an empty stomach and that justice remains incomplete as long as the survivors' basic human needs are treated as secondary to the preservation of their tragedy'.[89]

10.2.4. While the park itself hosts livelihood programs linked to sustainable resource management, it has limited autonomous resourcing with which to support the material needs of its members.[90] Collaborations between the victim-led park and professionalised civil society organisations should be long-term, transcending limited funding cycles, and oriented at employing local expertise in order to provide income-generating opportunities for local communities. Such efforts would go some way in ensuring both the psycho-social and material needs of victims can be addressed by the park's memorialisation efforts.

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[85] Ibid.
[86] Ibid.
[87] Robins, "Ambiguous Loss in a Non-Western Context".
[88] Robins, "Ambiguous Loss in a Non-Western Context".
[89] Email correspondence with Bikkil Sthapit.
[90] Email correspondence with Ruth Marsden.

Part IV: Recommendations

11. The authors of this submission respectfully call on the Working Group to consider the above matters in its thematic report, and particularly to:

    11.1. Continue to monitor the status of Nepal's legal obligations to provide memorialisation activities and initiatives for victims of human rights violations;

    11.2. Advocate to the Government of Nepal for the recognition of memorialisation as a core transitional justice imperative for victims of armed conflict-era human rights violations, including enforced disappearance;

    11.3. Address how the UN and other international organisations can hold donor and NGO partners accountable to the material needs of victim communities, beyond narrative or symbolic needs in memorialisation collaborations;

    11.4. Recommend that governments, civil society, the international community, and victims strengthen the participation of gender and ethnic minority stakeholder groups in the governance of memorialisation projects, including through statutory mechanisms;

    11.5. Strengthen victim ownership and governance of, and participation in, memorialisation projects;

    11.6. Acknowledge the interplay between memorialisation and other transitional justice objectives, particularly guarantees of non-recurrence, and fortify memorialisation's non-recurrence function by promoting intergenerational participation in memorialisation activities; and

    11.7. Support the design and implementation of memorialisation projects through an ambiguous loss framework in cases of enforced disappearance.