



Accountability Watch Committee (AWC)



Nepal: Authorities must provide justice for torture and murder of 15-year-old Maina Sunuwar

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International and local human rights organisations have today urged the Nepali authorities to stop obstructing criminal proceedings over the alleged torture and murder of 15-year-old Maina Sunuwar by four army officers.

An open letter to the Attorney General of Nepal, Professor Bharat Bahadur Karki, on the sixth anniversary of Maina Sunwar's death, calls on him to end ongoing obstructions to bringing the officers to trial.

They are accused of subjecting Maina to prolonged simulated drowning and electrocution with a 220-volt current, which led to her death. Her body was secretly buried but later exhumed at an army barracks where Nepali UN peacekeepers are trained.

'Nepal's politicians continually talk about taking the peace process to its 'logical conclusion' but what is 'logical' about a peace process that allows those accused of killing a young girl to remain free? Or law enforcement agencies that do not respect the law courts?' said Mandira Sharma, Director of Advocacy Forum - Nepal.

The letter coincides with the release of a comprehensive analysis of the case by the Nepali NGO, Advocacy Forum.

These two documents highlight multiple failings by the Government to investigate and prosecute those responsible for Maina's murder along with hundreds of others during the country's decade long conflict between Maoists and the government which ended in 2006.

The organizations demand justice for Maina's family after an inquiry conducted by the Nepal Army resulted in the court martial of three soldiers for only minor disciplinary offences.

Despite a September 2007 Supreme Court ruling that the case falls under civilian jurisdiction, and subsequent arrest warrants issued in January 2008 by the Kavre District Court, the Army is refusing to cooperate and police have failed to make arrests. The Nepal Army is harbouring one of the four accused, Major Niranjan Basnet, instead of handing him over for trial.

'The failure to arrest and prosecute those charged with Maina's murder reveals all too clearly the longstanding weaknesses in the Nepal justice system. This makes a mockery of promises by politicians to address human rights abuses and end

impunity as part of the peace process. The government must now ensure those accused of killing Maina are arrested and held accountable in a court of law', said Donna Guest, Asia-Pacific Deputy Director, Amnesty International.

The repatriation to Nepal of Major Basnet from the UN Peacekeeping Mission in Chad on 12 December 2009 raised hopes that he would be arrested. Yet more than two months later the army continues to shield him and he has still not appeared before a court.

"A Government that sends thousands of troops on UN peacekeeping duties must take steps to ensure no one accused of grave human rights violations is sent abroad. This is essential not only for the integrity of the Nepal Army, but for the credibility of the Government in dealing with past human rights violations," stated Birendra Thapaliya of FOHRID.

Contrary to instruction by the Prime Minister of Nepal, the Defence Minister, Bidhya Bhandari, has publicly taken the position that the Court Martial closed the matter. However, given that the Court Martial did not deal with torture and murder and chose the lesser charges of 'indiscipline and not following procedures', the accused have not yet been tried for the murder of Maina Sunuwar.

"Taking a 15-year-old unarmed girl from her bed and torturing her to death by drowning and electrocution goes far beyond the disciplinary infractions considered by the Court Martial. For such serious crimes, whether the suspects are State officials or Maoists, they must be held criminally responsible before an impartial and independent civilian tribunal," stated Bijay Gautam, Executive Director, INSEC.

Maina's death has come to embody the widespread injustice and failure of accountability experienced by thousands in Nepal today. Despite the focus on the Nepal Army in the killing of Maina, members of the Unified Communist Party of Nepal (Maoist) are also responsible for numerous human rights abuses during the conflict, abuses that remain equally unresolved.

"Failure to respect and comply with a decision of Nepal's Supreme Court and to abide by valid arrest warrants sends a signal of lawlessness. Guaranteeing a judicial remedy and fair trial before a civilian court in this case will send the much-needed message that all are equal before the law, strengthening the foundation of Nepal's peace process," stated Roger Normand, Director of the International Commission of Jurists' Asia Pacific Program.

Devi Sunuwar, Maina's mother, said she hopes the resolution of the case will help end the cycle of impunity that has gripped Nepal.

"Today, six years since my daughter Maina was murdered I feel great sadness for her loss, but also for the thousands of mothers, fathers, brothers and sisters across this country who face a similar struggle to find peace and justice', said Devi Sunuwar.

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