



Press Statement

17 February 2020

Sixteen years after Maina Sunuwar's Killing in Army Custody

We are not giving up until justice is done

Despite the ongoing impunity continuing to allow those in power to mock the justice system and defying court orders being unbearable, we are not giving up until justice is done for Maina Sunuwar, who was tortured to death in Birendra Peace Operation Training Centre (BPOTC) Panchkal, Kavre on 17 February 2004.

After 13 years of painful legal battle, the Kavre District Court in April 2017 convicted three military officers, namely Colonel Boby Khatri, Captain Sunil Prasad Adhikary and Amit Pun, for her murder. 'I was hoping that I could at least see those criminals in prison and pay the last tribute to my daughter, but as usual, the Nepal Army (NA), again obstructed justice and the Government continues to allow such obstruction', said Devi Sunuwar, mother of Maina Sunuwar. Instead of helping to implement the verdict, the NA has filed a writ petition in the Supreme Court in 2017 seeking for the judgement of the District Court to be nullified. In doing this, the NA is taking a position in favour of impunity and against the rule of law in Nepal. It also reveals its position against any meaningful transitional justice (TJ) process.

We all know that a truth commission is not a Court, and that the State has an obligation to investigate, prosecute and punish those involved in serious human rights violations, so the filing of this writ is a deliberate attempt by the NA to deny and delay justice. 'Adding insult to injury, the hearing of the case has been postponed repeatedly for the last two years', said Om Prakash Sen Thakuri, Director of Advocacy Forum-Nepal.

As the recent move of the Government to appoint the TJ commissioners without respecting due process and completely ignoring the concerns of the victims, civil society and national and international human rights organizations has derailed the TJ process even further, we request the UN and International Community to lend their support to victims and organisations supporting victims of conflict in their quest for truth and justice.

We remember that only after the UN listed the BPOTC in its vetting list, it was possible to make the army admit to the arrest and detention of Maina Sunuwar and agree to the exhumation of her body. However, as the UN in Nepal and other members of the UN uncritically and unconditionally extend their support to the NA, the latter continues to defy court orders. 'I wonder how the UN Department of Peace Operations ensures that the horrors my daughter had to go through is not being repeated in other parts of the world where they are deployed', said Devi Sunuwar. 'Without scrutinizing the progress made in the case, the UN in Nepal and members of the UN have been supporting the BPOTC, which legitimizes the crimes of the army in my daughter's case', she added. It helps to further impunity and demoralizes families and human rights advocates. 'The case of Maina Sunuwar exposes how entrenched impunity is for those in power in Nepal' added Mr. Thakuri.

While commemorating 16 years of impunity in this case, we call for an immediate arrest of the convicted criminals. We also call on the UN and members states of the UN to suspend all support to the BPOTC until justice is done.

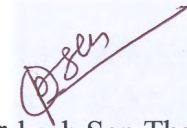
Lastly, we also pay our tribute to Reena Rasaili (gang-raped and killed) and Subhadra Chaulagain (arbitrarily killed) by the then RNA connected with Maina's case and many other innocent victims of armed conflict who have been waiting for justice in pain and anguish for far too long.



Devi Sunuwar

Chairperson

Maina Bal Bikash Samiti



Om Prakash Sen Thakuri

Director

Advocacy Forum-Nepal