

Thursday, 16 February 2011

OHCHR urges the Government to enforce the Court order on the Maina Sunuwar case and advance commitment to ending impunity

Kathmandu – On the occasion of the seventh anniversary of the alleged torture and killing of the fifteen year-old Maina Sunuwar, the Head of the UN High Commissioner for Human Rights in Nepal (OHCHR-Nepal), Jyoti Sanghera urges the Government to enforce the court order against the four accused Nepal Army personnel issued by the Kavre district court on 31 January 2008.

OHCHR notes that during Nepal’s recent Universal Periodic Review in Geneva, the Government accepted a recommendation to ensure that “... all decisions from the judiciary, regarding those presumed responsible for serious human rights violations during and after conflict, are fully respected by all concerned institutional actors particularly by army and Nepal police”. It is the right time for the Government to abide by this important commitment.

Maina Sunuwar was allegedly tortured and killed on the grounds of the Birendra Peace Operations Training Centre in Panchkal on 17 February 2004. In September 2007 the Supreme Court ordered that the case should be investigated and on 31 January 2008 criminal charges were filed at the Kavre District Court followed by arrest warrants for the four accused Nepal Army personnel. More than three years later, these arrest warrants are yet to be executed. While the Nepalese army has complied with the Kavre Court order of 13 September 2009 to produce witness statements it has failed to act upon the court’s order to suspend Major Niranjan Basnet.

“For the past five years, OHCHR has been one voice among many calling for justice in the case of Maina Sunuwar. The Supreme Court and the Kavre District Court have issued rulings and the Office of the Attorney General has filed charges but justice is yet to be realised,” said Jyoti Sanghera, Head of OHCHR-Nepal. “Upholding the independence of the judiciary and the rule of law by fully complying with court orders is an essential principle of a democracy. Continuing to ignore court orders perpetuates impunity in Nepal and sets a negative precedent regarding all human rights cases, including those cases where Unified Communist Party of Nepal (Maoist) cadres are the alleged perpetrators.”

PRESS STATEMENT



Office of the High Commissioner
for Human Rights

Tel.: + 977 1 4280164
Fax: + 977 1 467 0712
Website: <http://nepal.ohchr.org>

For further information, contact
Chun Gurung
Ext. : 320
Email: cgurung@ohchr.org
Mobile: 98510 16937