

URGENT ACTION

POLICE FAIL TO ARREST NEPALESE ARMY OFFICER

Army Major Niranjana Basnet has not been arrested on his return to Nepal. Despite instructions from the Prime Minister that he be arrested, military police escorted him to the army's headquarters in the capital, Kathmandu. The army is believed to be waiting for a decision from its Chief of Staff on whether to surrender Major Basnet to a civilian court. This decision is expected around 19 December.

On 12 December, Major Niranjana Basnet returned to Nepal having been expelled from the United Nations Peacekeeping Mission in Chad. He was repatriated to Nepal, where he is facing a murder charge over the death in 2004 of a 15-year-old girl, Maina Sunuwar. .

Instead of being arrested at the airport and transferred to the civilian Kavre District Court for trial, Major Basnet was escorted by military police to the Army Headquarters in Kathmandu. In doing so, the army defied the instructions of the Prime Minister that he be arrested.. Press reports indicate that the Minister of Defence is opposed to arresting him and surrendering him to a civilian court. Reports also indicate that senior army staff are waiting for the Chief of Staff, Chhatra Man Singh Gurung, to return from a visit to India to make a decision on whether the Army will cooperate with the civilian prosecution. According to press reports, the Army Chief is scheduled to return to Nepal on 19 December.

Soldiers took 15-year-old Maina Sunuwar from her home on 17 February 2004 and tortured her to death at a nearby army camp. They repeatedly held her head under water and applied electric shocks to her wet hands and feet. She died after an hour and a half of this torture. They buried her body in a secret grave. In 2008, the civilian authorities charged Major Niranjana Basnet and three other men with the murder of Maina Sunuwar. The three men have not been found, but Major Basnet has continued to perform his duties for the army. Despite court orders to do so, the army has done nothing to ensure that Major Basnet is suspended from the army, arrested and handed over to the civilian authorities to face trial. Nor has the army cooperated by providing the authorities with details of its internal investigations into Maina Sunuwar's killing.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Calling on the Army to hand over Major Basnet immediately to the civilian authorities so that he is arrested and transferred to the civilian Kavre District Court for trial without delay.
- Calling for the Nepal Army to cooperate fully with civilian court, including providing it with details of the army's internal investigations into Maina Sunuwar's killing.

PLEASE SEND APPEALS BEFORE 26 JANUARY 2010 TO:

Minister of Defence

Bidhya Bhandari
Ministry of Defence
Singh Durbar
Kathmandu
Nepal

Fax: + 977-1-4211294

Email: mod@mos.com.np

Salutation: Dear Minister

Chief of Army Staff

General Chhatraman Singh Gurung
Army Headquarters
Kathmandu
Nepal

Fax: 977-1-4245020

+ 977 1 4242168

+ 977 1 4231802

Email: na_humanrights@yahoo.com

Salutation: Dear Commander

And copies to:

Prime Minister

Madhav Kumar Nepal
Office of the Prime Minister
Singh Durbar
Kathmandu
Nepal

Email: info@opmcm.gov.np

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA 331/09 (ASA 31/011/2009). Further information: www.amnesty.org/en/library/info/ASA31/011/2009/en

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ADDITIONAL INFORMATION

During an internal armed conflict in Nepal between 1996 and 2006, thousands of civilians were killed, subjected to enforced disappearance, torture and other human rights abuses by the army, the police and Maoist guerrilla forces. In late 2006, the government and the Maoists signed a Comprehensive Peace Agreement, which was intended to transform an existing ceasefire into permanent peace, but not one of those responsible for these abuses has been brought to justice.

Further information on UA: 331/09 Index: ASA 31/012/2009 Issue Date: 15 December 2009

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