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## **Nepal: Major accused of torturing girl to death must be arrested**

The Nepali government must immediately pursue the arrest of an army major expelled last week from a UN peacekeeping mission in Chad when it emerged he has been accused of torturing a 15-year-old Nepalese girl to death, Amnesty International said today.

Major Niranjan Basnet is charged with murdering Maina Sunuwar on 17 February 2004. She died in military custody after she was subjected to electrocution and drowning during interrogation. Her body was later exhumed from an army barracks where Nepali UN peacekeepers are trained.

Instead of ensuring Major Basnet's arrest and prosecution, the Nepal Army allowed him to continue performing his duties (contrary to the Army Act) and has so far failed to cooperate with the civilian investigations.

Last week it emerged that he was participating in the United Nations Peacekeeping Mission in Chad. The United Nations has now reportedly instructed the Government of Nepal to repatriate him. In 2008, Major Basnet was one of four soldiers charged by the Kavre District Court with Maina Sunuwar's killing. All four remain at large.

A military court convicted the other three soldiers in 2005, but only on minor charges following a ruling that her death was the result of "carelessness" as opposed to deliberate torture. They received sentences of only six months in prison which they did not serve, as the military court counted the time they spent confined to barracks during the investigation.

"We have serious concerns that these military proceedings were neither independent nor impartial." said Jonathan O'Donohue, of Amnesty International's International Justice Program.

"Major Basnet must be prosecuted by a civilian court for his alleged involvement in Maina Sunuwar's murder. If he is still in Chad, the Nepal government should request the UN Mission to detain him and to ensure his transfer back to Nepal to face trial." Jonathan O'Donohue said.

This case represents only one of hundreds of killings, enforced disappearances and torture committed by the Nepal Army, which the government and the military continue to ignore.

"All human rights violations committed by soldiers and others must be investigated and, where there is sufficient evidence, those responsible prosecuted in civilian courts," said Jonathan O'Donohue.

"Victims and their families must receive justice. The truth about what happened to them or their loved ones must be made known and full reparations should be provided."

Major Basnet had passed internal Nepali military vetting procedures on human rights before he was assigned to the UN peacekeeping mission.

"Disturbingly, given that impunity in Nepal is pervasive, it is likely that - without an effective system of vetting in place - many other perpetrators of such serious human rights violations may now be serving in UN missions to protect civilians," said Jonathan O'Donohue.

## **Background**

For years, the Nepali Army tried to conceal the truth about what happened to Maina Sunuwar and the whereabouts of her remains from her family.

Following national and international pressure, the Army conducted flawed military investigations and military court proceedings against three of those accused. Though Major Basnet's name featured prominently in the report of the army's internal investigation team, he was not charged at that stage.

Although the military court recognized that Maina Sunuwar had been subjected to drowning and electrocution during interrogation, it ruled that her killing was not the "result of intentional severe torture but [that she] died unfortunately and accidentally due to wrongful techniques used out of carelessness, fickleness and irrationality during the interrogation and due to her own physical weaknesses."

The three soldiers were convicted of only minor offences, such as using improper interrogation techniques and not following procedures.

In September 2009, the Kavre court ordered the suspension of Major Basnet from the military.