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Nepal: Promotion of War Crimes Suspect Affront to Justice

The Nepali cabinet's decision on October 4, 2012, to promote a colonel suspected of involvement in war crimes to the rank of brigadier general is a slap in the face for the victims of Nepal's protracted civil war, Human Rights Watch, Amnesty International, and the International Commission of Jurists said today.

The United Nations and the Nepali National Human Rights Commission compiled credible evidence of systematic enforced disappearances and torture at Bhairabnath Battalion headquarters in Kathmandu under the command of the colonel, Raju Basnet, in 2003. On the basis of this evidence, in 2007 Nepal's Supreme Court ordered an independent investigation and prosecution of these human rights violations. That order includes allegations that Basnet personally committed acts of torture.

"Nepal's cabinet has thrown the entire idea of holding soldiers accountable for abuses out the door," said Brad Adams, Asia director at Human Rights Watch. "This cynical and reprehensible decision seriously undermines respect for human rights and contradicts Nepal's assurances to the international community that it would hold those implicated in wartime crimes to account."

Basnet's promotion occurred under the leadership of the United Communist Party of Nepal – Maoist (UCPN-M). During the war, the UCPN-M was itself responsible for enforced disappearances, torture, and unlawful killings, and has not had to answer for a single wartime violation, the groups said. Agni Sapkota, a UCPN-M member, was appointed to a cabinet position even as he was under a court-ordered police investigation for his involvement in a 2005 unlawful killing.

"Despite years of promises, the Maoists and the army have shown themselves united in one crucial aspect: contempt for the notion of accountability for criminal acts and victims' rights to justice, truth, and reparation," said Polly Truscott, Amnesty International's South Asia director.

International law applicable in Nepal obligates the government to investigate and prosecute serious violations of international human rights and humanitarian law. Consistent with international legal principles, officials implicated in serious offenses should be removed or suspended pending completion of full investigations, with full respect for their due process rights.

The Nepali Supreme Court in an August decision directed the government to put in place appropriate legislation and guidelines to ensure that security officials are vetted before they are appointed or promoted to high-level positions.

"With the promotion of Basnet, the denial of justice and accountability has essentially turned into government policy," said Sam Zarifi, Asia director at the International Commission of Jurists. "This decision is basically the current Nepali government saying it does not care about the rule of law, does not care about its own Supreme Court directives, and indeed, does not care about the best interests of its own citizens. This promotion is a signal to all perpetrators that power trumps justice."

The rights groups called on the international community to urge the Nepali government to revoke its

decision.

“Nepali civil society, with support from the UN and the international community, has spent years seeking to promote justice and accountability,” Adams said. “By promoting Col. Basnet, the government has sent a clear signal to the Nepali people and the country’s international supporters that it not committed to these same goals.”