

Appeal from Devi Sunuwar

Dear all,

First of all, I would like to thank you all for your continuous support for the longest 13 years journey, where I undertook the painful battle to get justice for the murder of my daughter. Yet, I need your support once again. Since it has been more than a decade now, let me refresh your memory on what happened to my daughter and the reason for your unwavering support.

She was picked up by officers of the Nepal Army, under the command of Captain Niranjan Basnet from Birendra Peace Keeping Operations Training Centre. Mr. Basnet brought her to Birendra Peace Keeping Operations Training Centre in Panchkhal, Kavre on 17th of February 2004. My husband and I went to see our daughter but were told that they had neither arrested nor have they detained her there. The Army was, therefore, refusing to acknowledge her arrest and detention. All other authorities were also refusing to acknowledge any arrest being made. They made my 15-year-old daughter disappear just like that!!!

I have no words to express the pain and anguish I was made to endure by not knowing what had happened to her. Every single second was difficult. However, my love for her and my deepest desire to see and embrace her once more, kept me alive, persevering in my search for her.

I am indebted to national organisations, like Advocacy Forum, whose daring lawyers and you, countless others, helped and accompanied me along this difficult journey. I had to move and go into hiding but even then I continued to receive your support and it gave me the strength to carry on. With all of your support, we were able to put pressure on the Army to finally admit that they had arrested my daughter. However, they still lied to all of us saying that my daughter was killed on the way to the barrack as she attempted to escape!

My dream of embracing her and telling her how much I missed her, had collapsed. I had never thought an officer from Nepal Army could kill a child, even less lie to her mother about the circumstances of her death. I wanted to know the truth, the full truth!!!

The Army told us that there will be an internal inquiry into the affair, to which I eagerly awaited the results. The Army admitted that my daughter did not die on the way to the barrack, but that she had been instead found already dead inside the barrack. Three army officers were found to be responsible for not following the proper procedures in disposing of her body upon finding her dead, and were subsequently only punished with a six months suspension some little fine.

Again, they lied to me and to all of us. Later on, the documents from their internal inquiry and horrifying details were leaked, revealing how my child was tortured to death. After she was brought to the barrack, Colonel Bobby Khatri ordered officers to torture her. With his instruction, her head was drowned into water to suffocate her; her body was submerged in cold water to then send electric shocks through her wet body. When my child died as a result of this torture, an officer shot her dead body in the back. Their own internal report said that altogether seven people witnessed and participated in my daughter's torture and death.

Thanks to the support that both the national and international organisations offered, we were able to exhume the body of my daughter from the compound of the same, BirendraSainik Peace Keeping Training Centre, where our soldiers are trained before going to the UN peacekeeping missions, where she was tortured to death!!!

While I submitted the First Information Report (FIR) I requested police, the investigating officers to identify all the persons involved in the case and prosecute them. My request to open a criminal investigation was at first not entertained, but after a lengthy legal battle, the Supreme Court gave an order the prosecutor filed the charge-sheet against four army officers namely Bobi Khatri, Sunil Prasad Adhikary, Ameet Pun and Niranjan Basnet. More than decade-long painful legal proceedings, finally on 16th April 2017, the District Court convicted 3 of the officers. The Court acquitted Niranjan Basnet on the ground that he did not directly participate in torturing and killing my daughter.

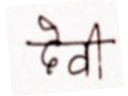
I was not happy with the Court's decision relating to Basnet. He was the one to arrest my daughter and to bring her to the barrack. No law in Nepal (not even the anti-terrorist legislation of the time) would allow the Army to arbitrarily arrest and detain any civilian. Furthermore, there were witnesses to place him in the barrack during the acts of torture inflicted upon my daughter. Therefore, I want and must appeal against the decision of the court in relation to Basnet. As he is the only serving officer in the Army at the time of the court proceedings, I believe the court was too lenient in their decision. I want to appeal in order to take this case to its logical end.

Unfortunately, I was shattered to hear that due to political pressures, the district attorney decided not to bring forward the appeal. The file was then quickly sent to the High Court Attorney for their approval and then to the Attorney General for his final approval. I had to wait 13 long years to get the first court order, of which the order to imprison 3 of the officers has not yet implemented. Two months onwards and there is still no sign that the authorities will arrest them. They have rushed to close the file so I could not appeal against Niranjana Basnet. The system only seems to work this fast when obstructing justice and protecting a perpetrator of torture!!!

Thus, I appeal to you all once again for your support, to ensure my right to appeal will not be ignored so I can take this case to its logical and rightful conclusion. As I promised my daughter that I would only perform the last rites to her body when I finally get her justice by putting all those responsible in prison, I have not been able to do so yet, allowing her to rest in peace.

As long as the Attorney General uses the entirety of the system to protect the perpetrators and not the victims, I cannot rest assured that my remaining sons will be safe, or that your children are safe. I do not want any mother to go through what I had to go through. So, please write to the Attorney General and ask him why he has not rushed to arrest the perpetrators but refusing to allow due process of law and my right to appeal against the decision of the district court.

Thank you all,



Devi Sunuwar.
18 May 2017