



# Asian Federation Against Involuntary Disappearances (AFAD)

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Rights organization urge Nepal Government to Withdraw convicted military officer's promotion

Manila—The controversial Nepali military officer Kumar Lama, against whom the District Court of Kapilbastu asked for action for his involvement in torture was recently promoted to a Brigadier General. This is causing an uproar among Nepal civil society organizations. “The promotion of Col. Lama despite his involvement in the case of torture against AFAD Council member, Mr. Janak Raut, is indeed a very shameful manifestation of impunity in Nepal, which is seeking membership in the United Nations Human Rights Council. It is against the principles of justice which is required to attain accountability and lasting peace in the conflict-torn Nepal,” Mary Aileen Diez-Bacalso, Secretary-General of the Asian Federation against Enforced Disappearances (AFAD) stated today (18 September).

AFAD calls on the Nepal government to withdraw the promotion of Col. Lama who is in fact more worthy of being demoted from his rank as military colonel if not stripped of his position in the military. The military force is an important organization to protect the rights of the people under the new government but AFAD believes that the present coalition government of the Maoist and Congress is not mindful of this important role and is more bent on neglecting its duties to prosecute officials who have been involved in human rights violations.

The 10- year internal struggle in Nepal led to a lot of human rights violations. One of which is the highly publicized torture case in which the victims Janak Raut accused and identified Lama as their perpetrator. Raut won a Torture Compensation case against Lama under the jurisdiction of the Kapilvastru District Court in November 2007. Raut accused Lama of torturing them while in detention and the court ruled in favor of the victims and awarded compensation. As torture was not criminalized in Nepal, the Court still ordered to take departmental action against Lama. In its regional meetings, AFAD witnessed the continuing psychological effect of the torture of its colleague, Mr. Raut.

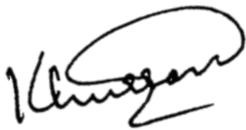
As Lama was not penalized criminally for his actions due to a lack of a Torture law in Nepal. Lama was arrested on January 3, 2013 in Sussex, United Kingdom and was subsequently tried under the British Court under the universal jurisdiction. Nepalese government did not cooperate with the investigators, not even allowed them to visit the country collecting required evidences claiming that Nepal will prosecute him locally. After a six- week long jury hearing, jury could not conclude the case, requiring prosecutor to re-prosecute. It was hoped that the decision of the UK prosecutor not to re-prosecute him would allow Government of Nepal to try him locally as publicly claimed by the Nepalese Government. However, despite the repeated promise, the Government has decided to promote him.

Bacalso further stated that the Nepal government must remain true to its international commitment in addressing impunity by not condoning torture, disappearances and other grave

violations that occurred during conflict. “While Nepal has ended the lingering internal conflict, the course of genuine transitional justice must continue. The Nepal government has to be firm in prosecuting perpetrators of torture, enforced disappearances and other grave human rights violations whether they are in government or in the military. They owe this to the Nepal citizenry and the international community,” Bacalso concluded.

AFAD is a federation of human rights organizations in 10 countries in Asia that works towards a world without enforced disappearances. It has two member-organizations in Nepal namely the Advocacy Forum (AF) and the Nepal Conflict Victims’ Society of Justice (CVSJ). Its mandate is to support victims of enforced disappearances and lobby governments to ratify the International Convention for the Protection of all Persons from Enforced Disappearances. -30-

Signed by,



**KHURRAM PARVEZ**  
Chairperson



**MARY AILEEN D. BACALSO**  
Secretary-General