

Prime Minister Jhala Nath Khanal
Office of the Prime Minister
Singh Durbar
Kathmandu
Nepal

SENT BY FAX AND POST



London, 18 February 2011

Dear Prime Minister,

RE: The seventh anniversary of Maina Sunuwar

I am writing on behalf of the Bar Human Rights Committee of England and Wales (BHRC). The BHRC is the international human rights arm of the Bar of England and Wales. It is an independent body primarily concerned with the protection of the rights of advocates and judges around the world. The Committee is also concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial.

The BHRC is contacting you regarding the continued lack of arrest and prosecution of the responsible in the case of Maina Sunuwar. As you will be aware, 17 February marked the seventh anniversary of her death. The BHRC understands that a court martial found that Maina died in army custody following her arrest and that subsequently several officials have been identified as responsible for her death. Of note, Major Niranjana Basnet faces charges of murder in the Kavre District Court, but has yet to be turned over to police custody by the armed forces, and has failed to appear in court when summoned. In addition, Babi Khatri, Sunil Prasad Adhikari and Amit Pun have also been implicated in her death, but have yet to be arrested and handed over to police custody.

The BHRC respectfully draws to the attention of the Government of Nepal Articles 1 and 2 of the International Covenant on Civil and Political Rights and Article 8 of the Universal Declaration of Human Rights which enshrine a right to a remedy for victims of violations of international human rights law. This right is enshrined in numerous other treaties¹ and reinforced by resolutions of the UN General Assembly, including the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of International Human Rights Law ("Basic Principles on the Right to Remedy") and Serious Violations of International Humanitarian Law and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The right of victims to remedy specifically includes satisfaction which itself includes a judicial and administrative sanctions against persons liable for the violations according to Principle 22(d) of the Basic Principles on the Right to Remedy.

The BHRC therefore respectfully requests the Government of Nepal to take immediate steps to ensure that criminal proceedings move forward. In particular, the BHRC calls on the authorities to

¹ See, for example, Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Article 39 of the Convention on the Rights of the Child.

immediately transfer Major Niranjan Basnet to the Kavre District Court to face the charges of murder against him. The BHRC also calls on the authorities to ensure the internationally protected right to remedy of all the victims of conflict-related human rights violations is fulfilled in order to preserve the rule of law and administration of justice in Nepal.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Mark Muller', written in a cursive style.

Mark Muller QC
Chair
Bar Human Rights Committee of England and Wales

CC:

- Ramesh Chand (Thakuri), Inspector General of Police
- Professor Yubaraj Sangroula, Attorney General
- Kedar Nath Uppadhya, Chairman of the National Human Rights Commission
- Dr. Suresh Chandra Chalise, Ambassador of Nepal to the UK
- John Anthony Tucknott MBE, UK Ambassador to Nepal