



# वकालत मञ्च-नेपाल ADVOCACY FORUM- NEPAL

*Lawyers forum for human rights and rule of law*

**Press Statement  
26 July 2021**

## **Where is Justice for Nirmala Panta?**

Today marks the third anniversary of 13-year-old Nirmala Panta's rape and killing in Kanchanpur district in Sudurpashchim Province of Nepal. She went missing around 2pm on 26 July 2018 (2075/04/10) from the house of her friend Roshani Bam where she had gone to do school homework. The following morning her dead body was found in a sugarcane field.

Till date the case has not been resolved and the perpetrator has not been booked despite the police and the government forming several investigation teams. When local people and human rights defenders demonstrated against the failure of police authority to properly investigate the case and the arrest of a mentally disabled person as a suspect, police opened fire on the demonstrators killing to a 14-year-old boy and injuring half a dozen others.

A National Human Rights Commission (NHRC) investigation report concluded that the investigation was not carried out properly and potential traces of evidence were destroyed by washing Nirmala's clothes. Likewise, a lack of proper collection of DNA sample caused destruction of possible valuable evidence. In January 2019, the NHRC submitted a report to the government with 4 point recommendations and 24 point directives to the government, all of which remain to be implemented to that.

In the aftermath of this bungled investigation, the Nepal police team involved in the case was charged on two counts: 1. tampering with evidence and obstructing justice and 2. torture of the suspect Dilip Singh Bista. The police refused to register the First Information Report in two other torture cases. On 30 July 2020, the district court Kanchanpur decided that both claims could not be established and acquitted the police officers. Despite the general practice of appealing to the higher court against the decision of the district court, in both cases the Office of the Attorney General decided not to appeal. This has further obstructed the victims' right not to be tortured and to bring those responsible to justice.

Responding to a petition filed by relatives of Nirmala Panta, Prime Minister Sher Bahadur Deuba has given instruction to the Minister of Home Affairs Bal Krishna Khand and Inspector General of Police Shailesh Thapa Chhetri to book the perpetrators to justice. Advocacy Forum - Nepal (AF) welcomes serious consideration taken by the Prime Minister in this case. In an interview to a newspaper, SP Uma Prasad Chaturvedi has said, although they are doing honest and thorough investigation, the investigations have not reached a logical conclusion."

To mark the 3rd death anniversary of Nirmala Panta's rape and killing, AF is publishing a report, "**Where is Justice for Nirmala Panta?**", which unpacks some of the facts and failure of the investigating, prosecuting and adjudicating authorities to ensure due diligence in ensuring justice for victims. The findings of the report reinforce the need to professionalise the police institution, requiring systemic reforms to ensure independent and impartial investigation, gate way to any possibility of justice for victims. The report demands followings

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**Head Office:** P. O. Box No. 21798, Lamtangin Marg, House No: 843/23, Baluwatar, Kathmamndu, Nepal, Phone: 977-1-4425561/4432309, Email: info@advocacyforum.org, URL: [www.advocacyforum.org](http://www.advocacyforum.org)

**Provincial/District Offices :**

Morang (Province -1), Dhanusha Dham (Province -2), Pokhara (Gandaki Province), Bhairahawa and Nepalgunj (Lumbini Province), Surkhet (Karnali Province) and Mahendranagar (Sudurpaschim Province)



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measures to ensure justice for Nirmala Panta and to prevent further failures in police handling of cases of rape and murder in Nepal:

1. Speed up the investigation, bringing all suspects into the preview of investigation;
2. Undertake a reforms of police institution to ensure independent and impartial investigation, making police free from any political interference and influences;
3. Respect the decision of the Supreme Court by setting up an independent investigation mechanism with a mandate to investigate human rights violations by the police and security forces, including torture, extrajudicial executions and excessive use of force;
4. Review internal rules and polices to introduce a system that monitors and makes investigators accountable for any negligence and lack of due diligence during their investigations and ensure adequate sanctions against them, including removing them from investigation work, if it is proven they do not have sufficient skills or knowledge and/or that they have been negligent in upholding their duties;
5. Adopt legal framework making appeal mandatory to the higher courts in cases involving security apparatus, the law should also be allowed interested parties to initiate such appeal if the prosecutors fail to do so.

Om Prakash Sen Thakuri  
Executive Director  
Advocacy Forum - Nepal

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