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**Open letter to President Obama on meeting with heads of state and government contributing troops and police to United Nations peacekeeping missions**

Dear Mr. President,

Advocacy Forum Nepal and Amnesty International are writing to you regarding your meeting today with heads of state and government contributing troops and police to United Nations (UN) peacekeeping missions. At this meeting we urge you to call on the contributing governments to take the necessary measures to ensure that they do not put forward personnel for missions who have been responsible for human rights violations.

We would like to draw your attention to one of these countries, Nepal, which is the fifth largest UN peacekeeping troop contributor. As is the case with some of the other major troop contributing countries, participation in peacekeeping operations is a significant source of revenue for the Nepal Government and for the participating soldiers.

Our organizations are seriously concerned by the endemic impunity in Nepal for widespread unlawful killings, enforced disappearances, torture and rape by army personnel during the internal armed conflict from 2001 to 2006. This situation undermines the rights of the victims of these crimes and could threaten the effective functioning and credibility of UN peacekeeping missions.

Many officers suspected of human rights violations between 2001 and 2006 remain in their posts or indeed have been promoted. This is described in detail in a report by Advocacy Forum (in cooperation with Human Rights Watch), *Waiting for Justice. Unpunished Crimes from Nepal's Armed Conflict*, which is being sent to you. The Nepalese Army (then Royal Nepalese Army) also carried out the royal coup of 1 February 2005 which, as Amnesty International documented, included widespread arbitrary arrests of political and civil society leaders and occupied media offices to enforce censorship.

In particular, we urge you to raise the lack of army cooperation with criminal proceedings in the case of Maina Sunuwar, a 15-year-old girl killed in February 2004 at Panchkal army barracks, the camp used to train soldiers

for UN peacekeeping duty. Prime Minister Madhav Kumar Nepal is familiar with this high profile case that has become symbolic of the lack of accountability in the army.

Under pressure from the international community, the army prosecuted three of the perpetrators in a military court. However, they were only charged with minor offences of not following procedures and were sentenced to only six months' imprisonment. They did not serve this punishment as they were judged to have already spent that time while confined to barracks during the investigation.

Amid tireless campaigning and litigating by Maina's mother, her case was finally taken up in the civilian court in February 2008. However, although the police and public prosecutor identified four army officers as suspects, they have still not been arrested and the trial is continuing *in absentia*. The army has refused to cooperate with the trial and has to date ignored Supreme Court orders for the army to share the case records of the military court.

Very recently, on September 13, 2009, the District Court ordered the Nepal Army Headquarters to immediately proceed with the automatic suspension of Major Niranjan Basnet (the only accused known to still be serving). The Court has further ordered the Army Headquarters to submit all the files containing the statements of the people interviewed by the military court of inquiry, whose investigations led to the military court trial.

It remains to be seen whether the army will finally cooperate with the district court proceedings. Based on the army's past record of non-cooperation and obstruction in court proceedings, we are pessimistic.

The Maina Sunuwar case demonstrates that Nepalese Army assurances that they will not put forward suspected war criminals for peacekeeping duties are meaningless, since the Army not only makes no efforts to investigate the worst abuses but indeed resists such investigations. We urge you to raise these concerns with Prime Minister Madhav Kumar Nepal.

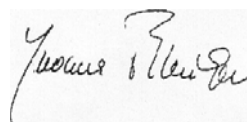
Your intervention would greatly contribute to increasing the chances of justice for Maina Sunuwar and to finally bringing about accountability for the thousands of other victims of human rights violations by the Nepal Army.

We believe that raising this issue with the Government of Nepal, as well as with the other troop contributing countries, will help improve the accountability and credibility of UN peacekeeping missions, respect for the rule of law and help decrease impunity in the troop contributing countries.

Yours sincerely,



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