

Open letter to Prime Minister Pushpa Kamal Dahal

Hon. Pushpa Kamal Dahal
Prime Minister
Office of the Prime Minister and Council of Ministers
Singha Durbar, Kathmandu

Falgun 5, 2079

Re: Once again: Reminding you not to protect perpetrators but victims

Dear Prime Minister,

I am writing to you to remind you that today marks 19 years of my daughter's killing by the then Royal Nepal Army (now Nepal Army) during the course of the "people's war" where you had the lead. I am sure you know the story of my daughter, Maina Sunuwar who was only 15 years old, when she was arrested by the army on 17 February 2004, made to disappear, tortured and killed at the Birendra Peace Keeping Operations Training Centre in Panchkhal, Kavre. Since that day, I have been fighting for justice. I have written you several times in the past but I am writing you again as the Prime Minister of this country with the hope that you implement the court decisions and bring the perpetrators to justice. If you, the Prime Minister of this country, do not respect court orders and cannot bring perpetrators to justice, where else can victims turn for justice?

I do not have the strength to remember that day and re-account the ordeal I and my family have been going through for the last 19 years in seeking justice for her, but I have still kept my hope for justice alive as I do not believe in revenge.

Although the army lied to me, my family and the whole nation that they had never arrested my daughter, the national and international support I was able to garner led the Nepal Army to initiate a Court of Inquiry on the case that established the arrest and detention of my daughter by soldiers from the Birendra Peace Keeping Operation Training Centre. The Court of Inquiry is said to have led to a Court Martial against three army officers for failing to follow proper procedures in disposing of her body. They were not punished for illegally arresting my underage daughter, her illegal detention, disappearance, torture and killing even though the army's internal inquiry revealed how my daughter's body was submerged in cold water and given electric shocks, leading to her death and how army officers falsified records to cover up the case and buried her body illegally. Ironically, this Birendra Peace Keeping Operation Training Centre is the center where our soldiers are trained on human rights before they go to serve as peacekeepers under the United Nations.

Dear Prime Minister,

Thanks to the UNOHCHR, the NHRC and Advocacy Forum, we could exhume the body of my daughter from the compound of the training center in 2007, but I have been denied justice for the last 19 years. After 17 year long legal battle, in 2017, I got some hope that I would get justice as

the three officers involved in murdering my daughter were convicted by the District Court Kavre. However, those murderers are still at large under the protection of the military and the State.

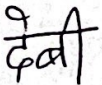
I have heard you say in your speeches that you are committed to ensuring peace in the country. It was you who signed the Comprehensive Peace Agreement in 2006, committing to end impunity and uphold rule of law. Today, through this letter, I want to tell you that peace at present is not possible without resolving the issues of the past and without listening to the pain, suffering and anguish that victims like me have been facing. You, and others in power have been using two transitional justice mechanisms, the Truth and Reconciliation Commission (TRC) and the Commission of Inquiry on Enforced Disappearances (CIEDP), established under the faulty legal framework to delay and deny justice for victims like me. Although you keep stating the issues of the past will be dealt with by the transitional justice process, you have not taken any action to amend the laws to set up these mechanisms despite the Supreme Court ordering the Government to do so some eight years ago. I would like to ask you why are transitional justice laws not amended as per the Supreme Court's directive, victims' demands, and international human rights standards. Why are conflict victims like me given false hopes, every single time?

Dear Prime Minister,

I understand that I would never get to see the beautiful face of my daughter again. Yet I am ready to continue fighting for her justice till I have left an ounce of breath in me. I have a promise to keep - a promise that I made to my daughter that someday I will bring those perpetrators to justice. The remains of my daughter are still at the Teaching Hospital and I will not perform her last rites until I fulfill my promise to her.

Losing a child is an immeasurable pain. Having gone through that suffering yourself, I hope that you will empathize with me. But more than your empathy, I need your commitment to the rule of law as the Prime Minister of this country. I want to see those murderers being punished, as ordered by the Court and see the possibility of justice for many other mothers like me whom I have met in this quest for justice.

I hope that you will act upon this and bring the perpetrators to justice, as this is already decided by the Court and that you will establish a credible transitional justice process by amending the law to ensure justice for victims like me.



Sincerely Yours,

Devi Sunuwar