

Killers Roam Free in Nepal

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KOLKATA, Sep 19 (IPS) - When the police finally arrested a man this month in the Nepali capital for the murder of a teenager nine years ago, it became a matter of life and death for Nanda Prasad Adhikari and his wife Ganga Maya. The 18-year-old victim, abducted and killed brutally by Maoist guerrillas in 2004 when the communist insurgency was at its peak, was their son.

Driven by anger and frustration that the killers had not been punished even seven years after the insurrection ended, the couple had been on a fast unto death in Kathmandu, and had to be admitted to hospital.

The arrest, along with an assurance by the interim government that the killing would be investigated and the victim's family paid compensation, led the Adhikaris to end their fast after 47 days.

But Subodh Pyakurel, head of Nepal's largest human rights organisation Informal Sector Service Centre (INSEC), has misgivings about the state's promise.

"The era of royal regimes has not ended," Pyakurel told IPS, referring to the two years from 2005 when Nepal's ambitious king Gyanendra discarded his figurehead role to grab power in an army-backed putsch.

The following two years saw some of the worst human right violations by both the army and the guerrillas and an escalation in killings, abductions and disappearances. Despite the subsequent abolition of monarchy, there is a general feeling that the succeeding elected governments were as dictatorial as the royal regime.

"The Maoists [who came to power after signing a peace pact and winning the 2008 elections] have shown as much disregard for the law as the [ousted] king. They have not only failed to punish cadres responsible for the atrocities during their 'people's war', but also promoted the army and security personnel guilty of similar crimes."

INSEC's Human Rights Yearbook 2013 recorded 13,276 deaths in the decade-old civil war that erupted in 1996 when the Maoists walked out of parliament and went underground to wage war against the state demanding equality and the abolition of monarchy.

Over 1,000 people disappeared. None have been found yet.

But not one extrajudicial killing, abduction, rape or torture has been punished though the Maoists and other major political parties signed a peace agreement in 2006 pledging to establish a Truth and Reconciliation Commission to punish war crimes, and a commission to investigate the fate of the disappeared.

Seven years later, the two commissions are yet to materialise.

“As a victim and activist, I am frustrated that not a single perpetrator has been brought to justice so far,” says Jitman Basnet, a lawyer and former editor whose articles earned him the wrath of both the army and the Maoists.

In 2002, the Maoists abducted Basnet for criticising their excesses and their destruction of public property, and threatened him with dire consequences.

The following year, the army came after him for writing about a mass killing that was a deliberate ploy to provoke the Maoists into breaking off peace negotiations with the government.

Basnet remained imprisoned for over eight months in a notorious underground prison run by the army, constantly blindfolded and handcuffed. Along with the other illegally detained prisoners, he was regularly assaulted, given electric shocks and tortured in other ways.

Many of the camp inmates disappeared and have not been heard of since.

After his release, Basnet wrote a book, ‘258 Dark Days’, chronicling the information he had gathered on illegal detention, enforced disappearances and torture.

“I disclosed the names of the army officials involved in human rights abuses at the barracks, hoping it would help investigations into the army’s atrocities and human rights violations,” he told IPS.

The book created a furore and brought him threats, but not one officer was punished.

Basnet then filed three cases in the Supreme Court. One of them was against top army officials as well as King Gyanendra himself. Basnet contended that since the king was the supreme commander of the army, the ultimate culpability for the illegal arrests, torture, disappearances and killings was his.

He also took the cases to U.N. and other international forums. And still, nothing happened.

“No commission has been formed to investigate past crimes,” he said.

“The political parties and the government are willing to give amnesty to the perpetrators.”

The army has steadfastly refused to punish its tainted officers. It has only promoted them and given them plum postings. One of them, Col Kumar Lama, served with U.N. peacekeeping forces.

This year, when Lama was arrested for war crimes by British officials while visiting his family in Sussex, Nepal’s government protested, calling it a violation of Nepal’s sovereignty.

The Maoists too have ignored public outrage, appointing at least two leaders as ministers though both were named in torture and murder cases and a court ordered the arrest of one of them.

“We need a relentless campaign for justice,” said Janak Raut, president of the Conflict Victims’ Society for Justice, a platform of about 100 people who suffered either at the hands of the army, Maoists or armed groups and vigilantes that have sprung up in southern Nepal emboldened by the culture of impunity.

After staging public protests and filing lawsuits, society has now turned to social media to widen its campaign with a recently opened Facebook page.

Raut said fresh elections, announced in November to complete the drafting of the new constitution, will not help the victims.

“The election will be won by the same leaders who will keep on shielding the guilty because all of them are involved,” he told IPS. “But justice will be delivered eventually, by the people united against their oppressors.

“It may take time but as history has shown, it will come.”

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