



Accountability Watch Committee जवाफदेहिता निगरानी समिति

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Responsibility of government, political parties, civil society and international community on the case of Krishna Prasad Adhikary

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1. The road to justice

The parents of 16-year-old Krishna Prasad Adhikary, who was murdered by Maoist cadre in June 2004, have been on two lengthy hunger fasts demanding justice against a state establishment that does not heed their cry for justice. Their first fast continued for 48 days, which they ended in September upon arrest of one of the accused and the assurance of due diligence from the state in the investigations. The couple started the second fast after the failure of the authorities to keep to their commitment. On 30 December, a second accused who had been apprehended was released for what was said to be want of evidence, even as the fast of Gangamaya and Nanda Prasad Adhikary entered the 66th day. The couple is in critical health, and it is urgent for all concerned, including the government authorities, political parties, civil society and the international community, to live up to their responsibilities towards the Nepali people on the matter of justice, rule of law, human rights, accountability and an end to the impunity which has society in its grip.

The single demand of the couple is that the murderers of their son be brought to justice. As more than 9 years of their efforts for getting justice brought no result, they took the extreme measure of fast-unto-death. In their peaceful protest and self-inflicted pain Nanda Prasad and Gangamaya represent all the victims of conflict, of both sides, and they speak for others similarly seeking justice for the conflict era killing of their offspring including Devi Sunar, Bimla Devi, Sushila Oli, and others. With deep consternation, we have to say that despite thousands of cases of murder, disappearance, torture and sexual abuse, a negligible number have been prosecuted. It is not acceptable in any democratic society that people have to die for demanding justice.

The Accountability Watch Committee (AWC) demands due diligence from the state in bringing perpetrators of the conflict era to justice, and asks the political parties to recognize their own accountability on the matter. It also seeks more attention to this case from the international community, as it has a bearing on all other cases related to excesses committed during the decade-long conflict between 1996 and 2006. It also asks the civil society nationally and in Chitwan District to rise united to demand justice

for the Adhikary couple, also for the sake of numerous other cases where the victims have been denied justice amidst the situation of rampant impunity.

Though the government had arrested two persons among the 11 named by the Adhikary couple in their complaint, both have been released for what was said to be want to evidence. On the whole, the AWC believes that the present deadlock in investigations has to do with politicization of conflict era cases. There is also a tendency for ministers, bureaucrat and politicians at the Centre and in the districts to believe the mala-fide interpretations of the role of the proposed Truth and Reconciliation Commission. This politicization of cases and terming them as ‘political’ has affected the motivation level of the bureaucracy and police. In the immediate instance, many individuals that have been named in the first information report by the Adhikary couple have not been questioned, even as the individuals who are said to have conducted the actual murder of Krishna Prasad move about freely in Chitwan District. These individuals have not been accosted and questioned, even though their identity is well-known to many citizens in Chitwan. We believe this has to do with the fact that state administration and civil society of the district have been intimidated by the loud positioning of one political party on the matter. We have every reason to believe that the investigation has not been conducted with due diligence, with the line of culpability extending from the Singha Durbar Secretariat to Chiwan District. On the whole, the state apparatus and the parties are continuing unimpeded in their effort to maintain impunity, erode rule of law and weaken democracy.

2. The AWC’s demands

The Accountability Watch Committee, made up of individuals from different walks including victims of conflict, human rights activists and civil rights campaigners, makes the following demands from various actors in relation to the demand for justice made by Gangamaya and Nanda Prasad Adhikary:

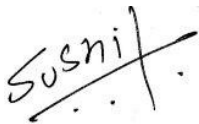
1. That the Government of Nepal promptly deploy the trained senior investigators to Chitwan in order to support the local investigators on the murder of Krishna Prasad Adhikary, take measure to protect potential witnesses and key informants and to arrest and question all the suspects in the case, and ensure that investigation is done with due diligence;
2. That the investigation study not only the individuals accused in the complaint by the Adhikarys, but seek out the individuals who are thought to have conducted the physical act of murder;
3. If the state administration, including the Nepal Police, are unable to conduct investigations fairly and independently, to make way for international investigators;
4. Provide updates of the progress of the case to the public and the family members.

Further, the AWC believes that:

- A. The political parties who espouse democratic values must be held accountable if they are unable to create conditions which will allow for an independent investigation;

- B. The formation of a Truth and Reconciliation Commission in the indeterminate future cannot be held out as an excuse to postpone investigation and prosecution, given that such a Commission does not obviate the activation of criminal justice procedures on crimes of a grievous nature.
- C. The international community cannot stand as mute spectator while the Adhikary couple engages in the Gandhian act of fasting for the attainment of justice. The demands of human rights accountability can never be compromised due to perceived political considerations, and this is an area where the international community is duty-bound to express itself clearly.
- D. The atmosphere of fear, which continues to pervade Chitwan District at this late date, has affected the process of justice through intimidation of potential witnesses. Like the activists elsewhere, the government office-holders, the international community, the civil society in Chitwan District too should understand their responsibility for the delivery of justice and the failures so far.

If Gangamaya Adhikary and Nanda Prasad Adhikary are to tragically breathe their last during their campaign for humanity and accountability in Nepal, with their condition increasingly critical as of this date, the responsibility will lie with the responsible office-holders within Government of Nepal, the political party leadership, as well as each and every individual and institution that looked away when they should have responded to the fasting couple's cry for justice.

A handwritten signature in black ink that reads "Sushil". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Sushil Pyakurel
Chairperson