

STATEMENT

I am submitting my opinion or arguments against the charges labeled against my brother Govinda Prasad Mainali who is serving in Japanese Jail awaiting his final verdict in Supreme Court of Japan.

(1) As an elder brother end living in a joint family together I am responsible in taking care of the family members here in Nepal. Before his departure to Japan also I was instructing, suggesting and guiding my brother here at home in almost all family matters relating to financial and social field. Not like in industrial countries where families are small and nucleus but in Nepal we have traditional and joint family system where three to four generations are living together and supporting each other since the ancient time. So, an income or a loss of an individual in the family is a loss to everyone. So, for the sake of money neither any member nor me as brother had asked him to send huge sum of money to do that. We always knew how much he could send. By pressing him to send more money he could not do it. We knew his limitations. We knew how much money he needed to maintain his expenditure in Japan. It is, therefore, only imaginary to charge him for money he had committed that crime.

(2) How a private house to live for a family is normally built in Nepal?

Unlike Japan or in other highly developed countries, in Nepal the system of constructing a house is different. In normal case the house owner roughly calculates how much money is approximately needed. It is not always a case that the owner had the whole amount of money at a time. By starting construction he may earn more money or take loan from financial institutions in case the money is not sufficient.

(3) How a contract is awarded to a contractor in Nepal?

Actually masons and laborers build most of the private residential buildings for a family. One of the senior most and experienced masons takes the contract as either how much labor charge per person will be paid or by measuring the walls and concrete slabs. All the materials like cement, bricks, sand etc are supplied by the owner himself. In this background we have built a house for Govinda by employing a contractor to be paid by per square feet of wall or slab by providing the necessary material by myself. So I didn't require a lot of money at a time.

(4) Unfinished buildings in Kathmandu :

Everyone who had been to Nepal before and has seen Kathmandu one can see so many unfinished buildings where concrete pillars are erected above the roofs. It means the owner expects one day he will be able to construct one more floor or two when he has more resources to do that. It is also not mandatory or compulsory to complete at a time when one starts building. Our house in question is not an exception.

(5) In March 1997 when Govinda was arrested and charged for murder and robbery his house construction was in the final phase. Only 10% of the total construction was due to be completed. He was planning to return Nepal after 7 months from March 97 at the time of famous Hindu festival Dashain or Durga Puja. He still had 7 more months to work to earn more than enough money for the completion of his house and gifts for the family.

(6) Did he really want to have that amount as alleged by the Prosecutors at that time? He had already earned about 3 million Rupees (\$ 37,000 approx) till the time of his arrest. When someone who has already earned so much of money by working there, how does he can commit a big crime like that in a foreign country taking a risk on his own life or life imprisonment for a couple of hundred dollars?

In Nepalese context, we the rest of the family members are not poor but quite well. Everyone has his individual house in Kathmandu city or in Ilam Municipality. Myself as his elder brother, I am working for a largest Travel agency in Nepal (Yeti Travels Pvt.Ltd) as a permanent staff. In case of urgency everyone could lend some money to Govinda which he knows very well. He knew he could get a few hundred dollars from his relatives and friends any time he required. So the arguments put forward by Japanese prosecutors in Japanese court are, in my opinion, only false and imaginary. Non of the family members had any past criminal records of any type.

I strongly believe that my brother cannot commit a grave crime in a country where he was earning his fortune well and going to lead a standard status in Nepalese society upon his return back to his home country Nepal.

I, therefore, request you to kindly see his case in detail and verify the (baseless) charges with great care and not allow anyone to suffer a punishment which he had not committed. I hope truth and humanism will finally prevail!

Indra Prasad Mainali
(Elder brother of Govinda Prasad Mainali)
Kathmandu, Minbhawan
Nepal.
Currently –in Tokyo, Japan