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RRT RESEARCH RESPONSE

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Questions

- 1. Are there any reports of police officers or former police officers being targeted by Maoists in Nepal?**
- 2. Please provide any information on the targeting of Pahadi Brahmins by Maoists or Tharu people.**

RESPONSE

- 1. Are there any reports of police officers or former police officers being targeted by Maoists in Nepal?**

A number of media articles and reports describe incidences where police officers and police posts have been attacked by Maoist forces. Intimidation of the police by Maoists is also prevalent, and prevents police from investigating human rights violations committed by Maoist rebels.

The response to this question is divided into the following sections: [Targeting of police officers](#), [Attacks on police posts](#) and [Intimidation of police](#).

Targeting of police officers

An article from *BBC News* dated 27 January 2003 describes the murder of the chief of armed police, Krishna Mohan Shrestha, allegedly by a Maoist hit squad. The involvement of the Maoists in this attack would make Mr Shrestha “the highest-ranking police officer to be killed in seven years of insurgency”, involving relentless violence between Maoist rebels and the Nepalese security forces. It is also reported that Maoist rebels “often target remote police camps”:

The authorities in Nepal are questioning the suspected leader of a Maoist hit squad after the chief of armed police was shot dead.

Officials say the man is believed to be a local rebel commander.

He was captured in Kathmandu, not far from where police chief Krishna Mohan Shrestha, his wife and a bodyguard were gunned down on Sunday.

Police say the suspect led a group of six gunmen in the shooting.

The man is being treated in hospital, apparently for gunshot wounds to his leg. No further details are available.

The Maoists have not said whether they carried out the attack.

But if their involvement is confirmed, Mr Shrestha would be the highest-ranking police officer to be killed in seven years of insurgency.

Security for leading officials has been stepped up following the attack.

The US embassy described the murders as senseless violence.

...The BBC's Daniel Lak in Kathmandu says the shooting has sent shockwaves through Kathmandu's elite.

He says the assassination would be seen as a significant escalation in Nepal's conflict [sic], if it were confirmed as the work of the Maoists.

Failed peace talks

Mr Shrestha became the head of Nepal's armed police force when it was formed about two years ago to combat the rebels.

The rebels are waging a violent campaign to turn the Himalayan kingdom into a communist state.

Violence between the rebels and Nepalese security forces has intensified after failed peace talks last year.

Much of the countryside is either under Maoist control or not actively patrolled by the army or the police.

Correspondents say it is rare for the rebels, who often target remote police camps, to strike in the capital.

The rebellion has destabilised the political situation in Nepal and all but wrecked a once-thriving tourist economy.

The United States has established a \$17m military assistance fund to help the government fight the insurgents.

The Nepalese Government says the insurgency has killed more than 7,000 people, most of them suspected Maoists or civilians ('Nepal hunts police chief's killers' 2003, *BBC News*, 27 January http://news.bbc.co.uk/2/hi/south_asia/2697421.stm – Accessed 22 May 2008 – Attachment 1).

A *BBC News* article dated 5 April 2000 reports that according to Nepalese officials, “nine policemen have been killed and 19 wounded in two separate clashes with Maoist rebels in the west of the country”:

The clashes came a day after five Maoist rebels were killed in fierce fighting with the police.

Reports of an increase in violence have come on the eve of a nation-wide strike called by the rebels.

So far there has been no details of rebel casualties in these two latest incidents, but official confirmation of police fatalities shows the Maoist rebels have stepped up their campaign.

Five policemen were killed, and 19 injured when rebels attacked a police post in the remote hill district of Rukum.

Four other policemen were killed in the neighbouring district of Pyuthan while fighting with rebels.

Strike call

The violence has flared ahead of Thursday’s strike called by the rebels to protest against what they describe as extreme police repression.

The general secretary of the underground Maoist Communist Party, Prachanda, has demanded that detained Maoist activists be released and that information be given about those who have allegedly disappeared in police custody.

Amid fears of a further surge in Maoist related violence, security has been tightened across the country.

Thousands of extra police officers have been deployed and armed police are guarding key government offices and business centres.

More than 1,200 people have died since the Maoist insurgency began four years ago.

The rebels want to overthrow Nepal’s constitutional monarchy and replace it with a Maoist republic (Sharma, S. 2000, ‘Nepal Maoists kill police’, *BBC News*, 5 April http://news.bbc.co.uk/2/hi/south_asia/702579.stm – Accessed 27 October 2009 – Attachment 2).

In addition, A previous research response dated 2 September 2005 describes a number of attacks by Maoists against local government officials, including mayors, members of District Monitoring Committees, members of Village Development Committees, and chief district officers (RRT Country Research 2005, *Research Response NPL17502*, 2 September – Attachment 3).

Attacks on police posts

An International Crisis Group report dated 13 August 2009 describes the first major attack by Maoists on a police district headquarters in Dunai, Dolpa district, in 2000, in which police officers were massacred while the army “sat tight in its barracks”. The army’s refusal to take action against the Maoists was also evident when hundreds of police hostages were taken in Holleri, Rolpa district, in 2001. The report claims that the non-cooperation of the army in these cases resulted in the resignations of Former Prime Minister G.P. Koirala and Home

Minister Govinda Raj Joshi (International Crisis Group 2009, *Nepal's Future: In Whose Hands?*, Asia Report N°173, 13 August, p. 26 – Attachment 4).

An article dated 10 October 2009 describes the vandalism of police posts by Maoist cadres when they were used as a refuge for Nepali Congress members after the Maoists attacked their rally. When the unarmed police officers were unable to offer safety to the victims, they fled to the district headquarters:

At least five persons have been seriously injured when cadres of the UCPN (Maoists) attacked a rally organized by the Nepali Congress in Sorukot village in remote Mugu districts on Friday afternoon.

According to Chief District Officer (CDO) of Mugu Keshar Bahadur KC the NC cadres had rushed to nearby police posts to take refuge after the Maoists attacked the rally. The Maoist cadres also vandalized the police post. The NC cadres had fled to the district headquarters after the seven unarmed seven police personnel deployed in the police unit could not ensure them security.

According to central member of Nepal Students' Union Keshar Shahi, the Maoists attacked them after the NC Mugu district committee member Devi Lal Malla alleged in his speech that the Maoists were bent on inflicting trouble to ordinary people.

Some 150 Maoist cadres led by the district level leaders had attacked the rally. The Maoists' team led by the party's district in-charge Mangal Shahi and Young Communist League (YCL) in-charge Kali Bahadur Rokaya indiscriminately beat up the NC leaders sitting on the dais, alleging that they were engaged in inciting people against the Maoists.

The participants of the rally ran helter-skelter after Maoist attacked. The Maoists also vandalized the dais and burnt the NC flag. The NC leaders participating as chief guests had to take refuge in the neighboring village for the whole night and reached the district headquarters the next day ('Maoists attack NC rally, 5 critically injured' 2009, *Republica*, 10 October

http://www.myrepublica.com/portal/index.php?action=news_details&news_id=10617 – Accessed 16 October 2009 – Attachment 5).

A *Reuters* article dated 8 February 2009 highlights an attack on a police post in western Nepal which resulted in the death of one police officer. The article describes the incident as “the biggest attack on police since Maoist rebels ended a civil war in 2006”. Although no particular group had been found responsible for the attack, Home Ministry spokesman Navin Ghimire explained that it “was carried out in the hit-and-run style used by Maoist rebels”:

Police scoured forested hills and remote gorges in west Nepal on Sunday in search of militants who attacked a police post at the weekend, killing one officer, a government spokesman said.

On Saturday, dozens of heavily armed men stormed the Syaubilang police post, about 240 km (150 miles) west of Kathmandu, and looted weapons including five rifles and a pistol, in the biggest attack on police since Maoist rebels ended a civil war in 2006.

The area is close to Rolpa in west Nepal from where the Maoist insurgency began in early 1996.

“We have mobilised police from all directions who have ringed the area and are looking for the attackers,” Home (Interior) Ministry spokesman Navin Ghimire told Reuters.

He said no group had claimed responsibility for the attack, which was carried out in the hit-and-run style used by Maoist rebels during their decade-long conflict which killed more than 13,000 people.

Many small armed groups have sprung up in the Himalayan nation, demanding regional autonomy or more of a role in the central government since the Maoists joined the political mainstream under a landmark 2006 peace deal (Sharma, G. and Katyal, S. 2009, 'Nepal police post attacked, one officer killed', *Reuters*, 8 February – Attachment 6).

An article from *Radio Nepal* dated 14 February 2008 reports that police were forced to abandon their post in Darchula, western Nepal, after Maoist cadres attacked the officers, and looted and vandalized the post:

Police abandoned a police post in Lati Naath Village, Darchula [far west Nepal], after Maoist cadres chased them away [today].

The Maoists surrounded the police post and attacked the personnel with brickbats to chase them away.

...Chief District Officer (CDO) of Darchula Yagya Raj Bohora said that the police had to abandon their posts after Maoists vandalized the post, looted the food rations and cut off the water supply pipes yesterday ('Maoists attack police post in west Nepal' 2008, *Radio Nepal*, 14 February – Attachment 7).

An article from the *Indo-Asian News Service* dated 10 August 2007 reports an attack on a police post in Nuwakot, northern Nepal, by a group of Maoist party dissidents. It is claimed that this attack "is the second recorded incident of the Maoists attacking security posts in violation of the truce they signed with the government last year":

While top leaders of Nepal's Maoist party were busy here trying to curb a brewing revolt among its rank and file, a group of dissidents attacked a police post north of Kathmandu in defiance of the peace pact the party had signed last year, signifying that the central leadership was losing its grip.

Nearly two dozen guerrillas, led by their local leader Raj Kumar Regmi, captured a police post in Phikuri village in Nuwakot district Thursday, and made off with three firearms and several rounds of ammunition.

This is the second instance of revolt by the Maoists in less than 10 days. Recently, a Maoist soldier alleged that over 1,000 personnel of their People's Liberation Army (PLA) had deserted due to mounting frustration.

The soldier, known by his action name Kusum, also accused the Maoist leadership of misappropriating the money given by the government for the PLA troops and failing to provide medical care to those who had been injured in the course of the 10-year insurgency.

The Nuwakot attack is the second recorded incident of the Maoists attacking security posts in violation of the truce they signed with the government last year that enabled them to shed their terrorist tag and join the ruling coalition.

The attackers told local media that they had raided the police post to protest against the police patronage given to a newly formed political party, the Madhesi Janadhikar Forum.

The forum, a group from the Terai in the south, has become a target of the Maoists due to its growing influence in the plains and has been frequently locked in fierce battles with the rebels.

Left red-faced by the raid, the Maoist leadership began a damage-control exercise, saying they would punish the people involved.

The Maoist leader in charge of the district, Bijay, issued a statement to the media, admitting his men were behind the attack and promising that his party would conduct an investigation and help the government in punishing the guilty.

Earlier, a Maoist MP had denied the involvement of his party. Rebel legislator Hit Bahadur Tamang had told parliament that the attack was carried out by hooligans posing as Maoists.

Though the policemen were not hurt in the Nuwakot attack and only three firearms were stolen, it is still significant as it indicates that some of the guerrillas are not ready to give up violence and are gradually shaking off control.

The recently ended plenum of the Maoists in the capital, where nearly 2,500 representatives took part, saw the majority demanding that the party quit the government and begin a new revolt.

Though Maoist supremo Prachanda succeeded in persuading them to stay in the cabinet and not break the ceasefire, it remains to be seen how long he can control the dissidents ('Out-of-control Nepal Maoists attack police post' 2007, *Indo-Asian News Service (IANS)*, 10 August – Attachment 8).

An article dated 11 August 2007 also describes the attack in Nuwakot, and explains the rise of breakaway dissident groups from the Maoist party:

A group of Nepali Maoist guerrillas Saturday said they were rebelling against their party and beginning a new armed revolt.

The group had attacked a police post Thursday and looted weapons in violation of the peace pact with the government.

Raj Kumar Regmi, a disgruntled Maoist, who headed Thursday's attack on the Fikuri police post in Nuwakot district north of Kathmandu, said nearly four dozen rebels had left the party with him and were supporting him.

Regmi, who is known by his nom de guerre Sandesh, said the splinter group has been named Janabadi Yuva Sangathan – People's Youth Group – and would resume the armed revolt the Maoists had started in 1996.

This is the sixth breakaway group from the Maoist party in Nepal.

Currently, there are three factions of the Janatantrik Terai Mukti Morcha, which are active in the Terai plains in the south.

A fifth group is headed by Roshan, a former senior Maoist leader from the Tharu community, one of Nepal's most disadvantaged groups.

The sixth group, said to be based in Kathmandu, has also said it will resume armed struggle.

Regmi said he and his followers had left the party due to disillusionment, corruption and nepotism.

Maoists however said Regmi and his men had been expelled for going against party principles.

Since Thursday's attack, security personnel as well as the Maoists' youth wing, the Young Communist League, have been searching for the deserters, who made off with three firearms and several rounds of ammunition.

However, till Saturday, the deserters had not been traced nor the arms recovered ('Maoist faction announces revolt after storming police post' 2007, *Indo-Asian News Service (IANS)*, 11 August – Attachment 9).

An article dated 12 August 2007 explains that the weapons stolen in the attack on the Nuwakot police post had been returned; however, the rebels responsible for the attack had not yet been apprehended. The article claims that while the Maoist YCL is thought to have captured the rebels, the government would not dare to request that they be handed over. In addition, the government has been criticised by former Prime Minister Sher Bahadur Deuba as being unable to protect the police:

The Maoists in Nepal have rushed to put out a rebellion in their party and spruce up their tarnished image as they returned to local authorities the firearms looted by dissidents from a police post three days ago.

Bhanu Bhakta Pokhrel, chief administrative officer of Nuwakot district, where the rebels in the Maoist party had attacked a poorly guarded police post Thursday, told the official media the stolen arms had been returned.

'The Maoists returned two rifles, a pistol, ammunition and two handcuffs they looted from the police post in Fikuri village,' Pokhrel said Sunday.

However, the fate of the nearly 50 dissidents who had staged the attack under the leadership of their former area in-charge Raj Bahadur Regmi, known in the party as Sandesh, was not known immediately.

Though security forces launched a massive manhunt to ferret out the rebels, they are yet to locate them.

However, the Maoist leadership, alarmed at the rebellion announced by the faction and anxious to put it down, sent members of their controversial youth wing, the Young Communist League (YCL), to the area to search for the missing comrades.

The YCL discovered Sandesh's hideout and took him under their control. Since they recovered the entire stolen arsenal, it is also likely that they have several other rebels in their control.

However, they are yet to hand them over to the government. Nor did the government, which has failed to take any action against lawbreaking YCL cadres, dare to ask the guerrillas to hand them over to it.

The attack, violating the peace pact the guerrillas signed with the government last year, shocked Nepal, coming as it did on the eve of a historic election to be held in November.

Former prime minister Sher Bahadur Deuba, who was unable to hold general elections during his tenure due to the Maoist insurgency, has criticised the government, saying if it was unable to protect its own police forces, it was inconceivable it would be able to hold free and fair elections.

Though the Maoists ended their 10-year People's War and agreed to take part in the November election, there are at least six dissident rebel factions that have started separate armed revolts ('Maoists return arms looted from police' 2007, *Indo-Asian News Service (IANS)*, 12 August – Attachment 10).

An article from *eKantipur* dated 8 January 2007 describes the restoration of a number of police posts that were destroyed during the Maoist insurgency:

Following the Home Ministry's circular to restore all displaced police posts by mid-January and Maoist chairman Prachanda's directive to his party cadres not to hinder policemen from reaching villages, re-establishment of police units in several districts has been intensified.

Our correspondent from Biratnagar reported that 49 more police units have been reinstated after Maoist chairman Prachanda's instructions. Prior to that, 94 police posts had been restored in the region.

Altogether 330 police units had been displaced from rural areas in the eastern development region during the insurgency. Among them, 143 have been reinstated while 187 are yet to be restored in the region, according to officials at the regional police office.

Likewise, our correspondent from Surkhet reported that altogether 47 police posts have been reinstated until Sunday in the mid-western development region.

Twenty-two more police posts in the region have been reinstated while 25 units were restored after the agreement reached between the government and Maoist leadership, said DIG Dipendra Bista.

However, Maoists have been objecting to sending policemen to rural areas, mainly the the [sic] hilly parts of the region. An all-party meeting held on Sunday in Surkhet ended inconclusively due to Maoist objection to restoring police posts in the hilly parts. Maoists had ravaged 195 of the total 243 police units in the mid-western region during the insurgency.

In Ramechhap, despite Maoist objection, five police posts were reinstated at Choprang, Bethan, Dhobi area, Khimti and Lubhughat on Sunday. Two police posts were reestablished at Ramechhap and Doramba on Saturday according to the DPO.

In Pyuthan, an all-party meeting held on Sunday at the DAO decided to start restoring police units in the district. Recently re-established police post at Bijuwar, the major commercial center of the district, has even started functioning.

In Bara, three police units have been re-established at Chhatana, South Jhitkaiya and Fattepur, according to district police office (DPO).

In Arghakhanchi, one area police office and two police posts were reinstated.

In Kavre, despite Maoist objection, three police posts were reestablished in Nala, Khopasi and Dolalghat areas in the district, according to police ('Reinstatement of police units intensify' 2007, *eKantipur*, 8 January – Attachment 11).

An article from *rediff News* dated 21 March 2006 reports two separate attacks on police posts in eastern Nepal, one of which resulted in the deaths of nine police officers and injuries to 22 more, the other in which one police officer was killed:

Violence continued to spiral in Nepal for the second day Tuesday with the Maoists attacking a police post in the country's east, killing nine policemen and the security forces stepping up their anti-insurgency operations gunning down 20 rebels.

The rebels launched the attack on the police station at Birtamod, about 500 km southeast of Kathmandu, early Tuesday morning. Nine policemen were killed and 22 were injured, security sources said.

Two Maoist guerillas were also killed during the ensuing encounter.

The policemen who sustained injuries have been admitted to Mechi Zonal Hospital for treatment.

...In a separate incident, Maoists attacked the Ilaka Police Post in Bhanuchowk area of Dharan in eastern Nepal killing at least one policeman, army said (Pradhan, S. B. 2006, 'Nepal: 9 cops killed in Maoist attack', *rediff News*, 21 March <http://election.rediff.com/news/2006/mar/21nepal.htm> – Accessed 16 October 2009 – Attachment 12).

An article from the United Nations High Commissioner for Refugees website dated 22 September 2003 describes an attack by Maoist rebels on a police post situated at a Bhutanese refugee camp in eastern Nepal, which resulted in the killing of the deputy police inspector at the post:

Suspected Maoist rebels shot and killed a police officer before blowing up his outpost at a Bhutanese refugee camp in Nepal's eastern district of Jhapa on Sunday night, police told staff of the UN refugee agency.

There were no refugee casualties in the attack at Khudunabari camp, home to 12,000 of the 100,000 refugees who have been in Nepal since the early 1990s.

Police said the attackers gunned down the deputy police inspector, and told another policeman to leave before setting off explosives in the outpost ('Suspected Maoists attack police post at Nepal refugee camp' 2003, United Nations High Commissioner for Refugees (UNHCR) website, 22 September <http://www.unhcr.org/3f6f1a1a4.html> – Accessed 16 October 2009 – Attachment 13).

A response from the Immigration and Refugee Board of Canada (IRB) dated 27 January 2003 outlines a violent conflict in Salleri, the administrative capital of the Solukhumbu district of Nepal, on 25 November 2001, in which Maoists attacked various government facilities, including the District Police Office, and killed the Chief District Officer and 27 police officers. The response also highlights a second attack on the District Police Office in Solukhumbu district; however, no casualties were reported:

According to the Himalayan Times, "although some of the places in the Solukhumbu region are considered safe in terms of Maoists insurgency, Salleri, Surki and the Jiri road to Khumbu region are still considered as Maoist affected areas" (5 Oct. 2002). Most reports of Maoist rebel activity in the Solukhumbu district of Nepal concentrate on the 25 November 2001 violent conflict in Salleri, the district's administrative capital (The Kathmandu Post 26 Nov.

2001; BBC 26 Nov. 2001; Nepali Times 7-13 Dec. 2001; rediff.com 26 Nov. 2001). According to The Kathmandu Post,

the Maoists had launched daring attacks on different government facilities in Solukhumbu, including the Faplu Airport, District Administration Office, District Police Office, District Jail and the local army barracks. The Maoists had killed, among others, the Chief District Officer, 27 policemen and five army men in these incidents (5 Dec. 2001).

Moreover, the Defence Ministry confirmed that approximately 200 Maoists were killed in the conflict (The Kathmandu Post 5 Dec. 2001). The Kathmandu Post called the “Salleri tragedy ... the biggest in terms of casualties ever since the Maoist insurgency broke out six years ago” (ibid.).

For further details on the Maoist attack in Salleri, Solukhumbu, please refer to the attached Nepali Congress Report of 15 December 2001.

On 17 December 2001, The Kathmandu Post reported the occurrence of

Maoist ... attacks on the District Police Office and military barracks in Solukhumbu district This is the second such attack in three weeks, however, this time no casualties or property losses have been reported.

“Around 20 Maoists all of a sudden entered the DPO [District Police Office] premises and started firing,” said a policeman at the DPO. One of the officers at the Rajbiraj Regional Police Office said that the rebels were forced to disperse after the joint security team of the Armed Police Force and the Royal Nepal Army (RNA), repulsed the offensive in a half-hour clash (Immigration and Refugee Board of Canada 2003, *NPL41047.E – Nepal: Reports of Maoist rebel activity in the Solukhumbu district; whether the Maoists commit abuses against the ethnic Sherpa living there; whether the Maoists have extorted money from Sherpas and owners of trekking lodges in the Solukhumbu district (2001-2003)*, 27 January – Attachment 14).

An article from *The Independent* dated 18 February 2002 describes a number of attacks on police posts, including a Maoist raid on police and army posts in Accham district, causing the deaths of 129 people, including 76 police officers and “[t]he top civilian official in the district, Chief District Officer Mohan Singh Khadka”. An additional 22 police officers were killed in an attack on an airstrip at Sanphe Bagar, in Accham district, while an attack on a police post in Sarlahi district resulted in the deaths of four police officers. The article highlights the trend of Maoist raids on “remote police posts where demoralised officers vainly tried to defend themselves with ancient weaponry”:

Maoist rebels killed at least 129 people, including 76 police officers and 48 soldiers, in their biggest ever raid on police and army posts and a small airport in a remote mountainous district of western Nepal.

The guerrillas stormed the town of Mangalsen in Accham district in the early hours of yesterday morning, setting fire to buildings and starting a gunfight with government forces that lasted the rest of the night. The top civilian official in the district, Chief District Officer Mohan Singh Khadka, was killed, as was an official in the central intelligence bureau.

The rebels also attacked the district’s airstrip at Sanphe Bagar, 13 miles north, the area’s lifeline to the rest of the country. Twenty-two policemen were killed but it is not known how

many rebels died in the attack. They normally make a point of taking their dead with them after an assault.

Four other policemen died in a separate attack on a police post at Lalbandi in Sarlahi district, 190 miles east of the capital. Police reinforcements are believed to have been sent, but were delayed from reaching the spot by bad weather and mountainous terrain. Last night, Devendra Raj Kandel, the Minister of State for Home Affairs, said in the capital, Kathmandu, that more troops had been dropped by helicopter into the remote area.

The scene of the attack is more than 380 miles north-west of Kathmandu with a population of 12,000, no roads for cars and little infrastructure. It has been a rebel stronghold for several years, and in many districts rebels have declared "people's governments". The Maoists are fighting to end Nepal's constitutional monarchy and replace it with a republic.

Last July, the government opened peace talks with the rebels for the first time, but they broke down in November over the Maoists' refusal to compromise on the monarchy.

Subsequently, the rebels launched attacks in 20 of the country's 75 districts, and on 26 November the government responded by declaring a state of emergency and deploying the army for the first time. Until that point the Maoists were getting the better of a lopsided conflict in which, in huge numbers, they raided remote police posts where demoralised officers vainly tried to defend themselves with ancient weaponry. The army, which owes direct loyalty to King Gyanendra, was supposed to make all the difference in putting an end to the insurgency. The new attacks prove that it will not be easy.

The army claims to have killed nearly 500 Maoists since it was deployed, and to have captured 1,400. But the Maoists have gained enormous support in many rural districts, largely owing to the dismal failure of successive governments, democratic and otherwise, to bring even the most rudimentary benefits of development to the country. Across vast areas of this uniquely inaccessible land, the mass of people live exactly as they did in the Middle Ages, without electricity, roads, piped water, sanitation, hospitals, schools or any other amenities. The Maoists have succeeded in persuading many peasants that they and they alone offer liberation from poverty.

Today Sher Bahadur Deuba, the Prime Minister, who came to power last July with a promise of negotiating peace, is expected to ask parliament to extend the state of emergency for a further three months. For their part, the Maoists have called a general strike for next Friday and Saturday to mark the sixth anniversary of the uprising (Popham, P. 2002, 'Nepalese Maoists kill 129 in biggest ever attack', *The Independent*, 18 February <http://www.independent.co.uk/news/world/asia/nepalese-maoists-kill-129-in-biggest-ever-attack-661109.html> – Accessed 16 October 2009 – Attachment 15).

A *Frontline* article from April-May 2001 describes the deaths of 29 police officers in a Maoist attack on a police post in Dailekh district on 7 April 2001; and the deaths of 36 police officers in the Rukum and Dolakha districts, which resulted in part from explosions specifically targeted at the residences of police officers. The article claims that 344 police officers have been killed since the Maoists initiated an armed rebellion in February 1996, in order to establish a one-party Communist republic in Nepal:

TWO naxalite attacks occurring within a week of each other, one in Nepal and the other in Jharkhand State, have once again evoked suspicions of a coordinated movement by Maoist rebels in areas along the international border in the Indian States of Bihar and Uttar Pradesh and in Nepal. A group of militants belonging to the National Socialist Council of Nagalim (Isaac-Muivah) is also reported to be maintaining close ties with the Maoists of Nepal.

On April 7, armed members of the Communist Party of Nepal (Maoist) struck in a central mid-western Nepali district of Dailekh, killing 47 people, including 29 policemen. The rebels attacked a police post at Naummle village in the district. They overwhelmed the 72-man force after a three-hour gun battle. The police gave up the fight after the guerillas bombed the post. The force commander, Inspector Dhruva Prasad Dahal, and 28 policemen were killed in the encounter, in which 19 others also lost their lives.

The Dailekh incident is yet another instance of increased Maoist attacks on police posts. On April 2, Maoist extremists struck in the mid-western Rukum district and the north-central Dolakha district, killing 36 policemen. The extremists have been setting off explosions at select targets, which included residences of ruling Nepali Congress leaders and former police officers.

The underground Maoists launched an armed “people’s war” in Nepal six years ago for the establishment of a republic as opposed to the constitutional monarchy in a multi-party parliamentary democracy. Since then, 1,658 people, including 344 police officers, have been killed in encounters. Initially the Maoists were active in some remote villages but soon their operations spread to more than 30 districts. The Maoists, considered to be ideologically close to Peru’s Shining Path guerillas, started an armed rebellion in February 1996 to set up a one-party Communist republic. They started their low-intensity, but sustained, campaign from the villages located in the Himalayan foothills. Pushpakamal Dahal and his close associate Baburam Bhattarai, who lead the movement, are reported to be in contact with their Indian counterparts in Bihar – the Maoist Communist Centre (MCC) and the People’s War Group (PWG). The PWG is also active in Andhra Pradesh and in Bastar district of Chattisgarh. The PWG, which did not want Bastar to be included in the new State, is running a parallel administration in southern Bastar district (Chaudhuri, K. 2001, ‘A spurt in Maoist attacks’, *Frontline*, Vol. 18, Issue 9, 28 April – 11 May <http://www.thehindu.com/fline/fl1809/18091270.htm> – Accessed 16 October 2009 – Attachment 16).

Intimidation of police

An article from the *South Asia Intelligence Review* dated 15 June 2009 implicates the Maoist Young Communist League (YCL) in a number of criminal activities, and also occasional policing activities. The YCL has “openly challenged Government authorities, including the police, and progressively established a parallel authority and system”, resulting in the demoralisation and displacement of the police, who are often “unable to act due to continuous political intervention”:

With tacit protection from the erstwhile Maoist-led Government, YCL [Maoist Young Communist League] continued to engage in various criminal activities, including murder, extortion, and abduction, silencing political opponents across Nepal. On occasion, the YCL has also been involved in quasi-policing activities, such as traffic management, night patrolling, demolition of illegal houses, and the capture of alleged gangsters. Backed by the full might of the Maoists, YCL cadres openly challenged Government authorities, including the police, and progressively established a parallel authority and system.

As a consequence, the demoralized Police, unable to act due to continuous political intervention, have been progressively displaced by armed gangs linked to the major political parties (Marks, T. 2009, ‘Nepal: Will the Real Prachanda Stand Up?’, *South Asia Intelligence Review*, vol. 7, no. 49, 15 June http://www.satp.org/satporgtp/sair/Archives/7_49.htm#assessment2 – Accessed 22 September 2009 – Attachment 17).

A Human Rights Watch article dated 8 September 2008 describes the intimidation of police by Maoist forces, claiming that when relatives of individuals who were allegedly abducted, tortured or killed by Maoists have attempted to file complaints with the police, the Maoists have threatened reprisals against both the relatives and the police involved. As such, many police are too fearful to investigate or prosecute such crimes:

The new Maoist-led government of Nepal should investigate and prosecute those responsible for thousands of extrajudicial killings, torture, and enforced disappearances during the country's decade-long armed conflict, Human Rights Watch and Advocacy Forum said in a joint report released today.

...To date, not a single perpetrator has been brought to justice before a civilian court. Fearing both the army and Maoists, at times police refuse to register complaints altogether, saying they will be dealt with by a proposed transitional justice body.

For instance, almost four years after eyewitnesses saw army personnel seize and shoot Madhuram Gautam dead in Morang District on December 18, 2004, police are still refusing to file a criminal complaint into his death. This is despite interventions by lawyers, representatives of the National Human Rights Commission of Nepal and the UN Office of the High Commissioner for Human Rights-Nepal, and even an order from the Biratnagar Appellate Court requiring police and the chief district office to register the complaint. But when Madhuram's family and Advocacy Forum visited Morang police on September 1, 2008, to file the complaint, the superintendent of police still refused to register it.

When police do register complaints, they often fail to interview suspects and witnesses and conduct the most rudimentary of investigations. Public prosecutors have been reluctant to scrutinize ongoing police investigations, and courts have been unreceptive and submissive to political influences. Meanwhile the army flatly refuses to cooperate with investigations.

Fifteen-year-old Maina Sunuwar was "disappeared" after her arrest in February 2004, and Kavre police registered a complaint in November 2005 only after considerable national and international pressure. But slow action by police in the process of identifying and verifying human remains has hampered investigations. In July 2008, DNA test results finally confirmed that human remains found buried at the Panchkal army camp were Maina's. Despite a February 2008 court order issuing summons for the arrest of four accused army officers, none has yet been arrested.

"Due to fear, ignorance, or incompetence, police and prosecutors have time and again failed in their duty to investigate and prosecute these crimes," said Sharma. "If the political will is there, then we can achieve justice. The government needs to support the police to do their job of investigating crime and restore people's trust in the rule of law and state institutions."

While only two of the 62 documented cases in the report implicate Maoists, Maoist forces have also abducted, tortured, and killed civilians. During the conflict and since, many victims have been afraid to file complaints against them. Maoists abducted and allegedly killed Arjun Bahadur Lama in December 2005, but police refused to register a complaint fearing reprisals from the Maoists. More than a hundred Maoists intimidated police and relatives when the relatives tried to file a complaint with police. Following a Supreme Court order for the police to register a murder case against five Maoist members and a Maoist Central Committee member on August 11, 2008, the Kavre police finally registered a complaint (Human Rights Watch 2008, 'End cycle of impunity and deliver justice to victims', 8 September – CISNET Nepal - Attachment 18).

The Human Rights Watch world report released in January 2009 similarly describes the failure and resistance of police to investigate human rights abuses committed by either the army or the Maoists:

Even after they signed a peace agreement in November 2006, both the army and Maoists failed to cooperate with police investigations. At this writing, not a single perpetrator had been brought to justice before a civilian court. The Nepal Army continues to resist accountability. The police, subservient to the army, resist filing cases of human rights violations (Human Rights Watch 2009, *World Report 2009 – Nepal*, January – Attachment 19).

A report on Nepal by the Asian Centre for Human Rights, released in May 2009, highlights the inability of the police force to contain the Maoist violence, also explaining that impunity for abuses has resulted in an increase in the number of armed groups throughout the country:

The inability of an unreformed police to curb violence by the Maoists or other armed groups is serious. Impunity means that there is no disincentive against using violence, abusing opponents and intimidating local populations. With peaceful politics visibly failing to deliver, it is hardly surprising that armed ethnic groups are emerging in areas outside the Terai. There is little incentive for any armed group or individual to act within the rule of law while the State itself fails to do so (Asian Centre for Human Rights 2009, 'Nepal in Crisis', Briefing Papers on Nepal, Issue No. 1, 1 May – Attachment 20).

The US Department of State human rights report released in February 2009 similarly describes the lack of police action against Maoist acts of violence, and highlights the problem of impunity, which has allowed Maoist and YCL rebels to be released by political leaders after being detained by police:

The CPA called on the NP and the APF to enforce law and order across the country. However, police stood aside during most incidents of violence, particularly events involving Maoists and occasionally armed groups in the Terai. According to police accounts, government officials instructed police not to intervene in the case of Maoist and Madhesi violence for fear of endangering the peace process and elections. There were multiple events during the year in which police detained Maoist and YCL cadres for illegal acts, only to have them freed by political leadership within the Home Ministry or after intervention by other political leaders.

Both the police and NA have human rights cells to investigate cases of abuse; however, corruption and impunity remained problems. Police generally were unarmed and had the role of preventing and investigating nonterrorist criminal behavior (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Nepal*, February, Section 1d – Attachment 21).

2. Please provide any information on the targeting of Pahadi Brahmins by Maoists or Tharu people.

Although no information regarding specific attacks against Pahadi Brahmins by either Maoists or Tharus could be located among the sources consulted, there are reports which suggest that the Tharu people have traditionally been oppressed by the Pahadis. The sources consulted indicate that the Maoists have gained support from the Tharus as the Maoist insurgency brought changes to the balance of power in rural Nepal.

Some articles indicate that the Tharu people have recently staged a series of protests against the government's decision to classify them in the broader group of Madheshis; however, no reports of attacks against Pahadi people could be found. In addition, a number of articles from 2007 describe protests organised by the Madheshi people, who demanded autonomy in the Terai region of Nepal. While these demonstrations were generally peaceful, two militant Madheshi groups attacked Pahadis and attempted to seize land owned by Pahadis in the Terai (in which Nepalgunj is located).

The response to this question is divided into the following sections: [Dominance of Pahadis](#); [Tharu Protests](#); [Madheshi Protests](#); [Maoist Attacks](#).

Dominance of Pahadis

A working paper published by the Chronic Poverty Research Centre in June 2009 describes the historical dominance of Pahadis, particularly over Tharus, in the Terai region of Nepal. The paper indicates that land ownership privileges provided to Pahadis who were loyal to the ruling regime in the 19th century are now being challenged by protests and violent movements carried out in the Terai region by militant groups, including Tharus:

The historical dominance of Pahadis, who long relegated Tharus to be their underlings, originated in the 19th century, when the southern Terai plain was mostly a sparsely inhabited jungle, and was regarded by the then ruler engrossed in state building as a frontier for new cultivation with its fertile soil and sub-tropical climate, and thus as a promising source of revenues. Various resettlement programmes were consequently undertaken for those Pahadis loyal to the regime, residing in the hill region, to migrate to the Terai, in order that they would assist as local landlords in strengthening the Nepalese state by extracting surpluses from the peasantry.

...It is this time-honoured alliance privileging local Pahadi landlords that a growing number of militant groups of southerners (including Tharus) are presently challenging through their mass movements and violent protests in many places in the Terai.

This was also the case with Bardiya, which was thinly populated, mostly by Tharus, until the ruler granted large tracts of land in the district in the 19th century, as rewards to his loyal Pahadi courtiers and generals. As a result, the majority of Tharus became tenants or labourers for their new landlords, while Pahadi immigrants were given power, not only to levy land rents but also to exact from Tharus unpaid labour for the construction and maintenance of village infrastructure,⁷ in the name of introducing development into the backwater. Local Tharus consequently had to suffer from the double burden of high rents and corvee obligations (Robertson and Mishra, 1997).

Pahadis thereafter continued to maintain control of governmental programmes, drawing on their caste and kinship affiliations with government functionaries. This was also the case with major land reform programmes in the 1960s and 1970s, in which Tharus had been deceived into waiving their rights to land. As a consequence, the ownership of land remained skewed in favour of Pahadis, even at the time of my fieldwork in 2000-2001 (Masaki, K. 2009, 'Rectifying the anti-politics of citizen participation Insights from the internal politics of a subaltern community in Nepal', Chronic Poverty Research Centre, Working Paper No. 147, June, pp. 10-11 http://www.chronicpoverty.org/uploads/publication_files/WP147%20Masaki.pdf – Accessed 29 October 2009 – Attachment 22).

An article in *The New York Times* dated 5 February 2004 explains how the Maoist insurgency has encouraged a shift in the balance of power in some rural areas of Nepal, resulting in the

displacement of many high caste landlords, including Brahmins and Chhetris, who “hold the highest positions in government, politics and business...control the army and the press [and]...own the land”. As such, the Maoists have gained support from disadvantaged groups such as the Tharus, who, while “[o]nce self-sufficient farmers...were gradually dispossessed as the government granted land to high castes to secure their loyalty and expand its reach”:

Until two-and-a-half years ago, Rachna Sharma and her husband lived as zamindars, or landlords, in this district in western Nepal, presiding over an ample estate just as their forebears had done.

As members of a high caste, they did not dirty their hands working their land. That was left to the Tharus, a landless and powerless ethnic group indigenous to this plain area. Until 2000, when the government, under pressure, freed them, thousands of Tharus -- including 15 families on Mrs. Sharma’s estate -- lived as bonded laborers, equal to slaves.

But today Mrs. Sharma, an aristocratic beauty, lives as a refugee, if a cosseted one, in the town of Nepalganj. Maoist rebels are living in her former house and cooking in her kitchen. The Tharus are farming her lands -- and keeping all of the crops.

When they come to see her in town, she tries, futilely, to wheedle a share, making requests where she once issued commands.

“Now we have to be polite to them,” Mrs. Sharma, 36, said.

The guerrilla insurgency that the Communist Party of Nepal (Maoist) began against the constitutional monarchy eight years ago has wreaked great damage in this country of Himalayan scenery and epic poverty. More than 8,500 people have died, including more than 1,500 since the end of August, when a cease-fire broke down.

The insurgency has also, in parts of rural Nepal, wrought changes in the balance of power between the landed and the landless that multiparty democracy -- ushered in with great expectations in the early 1990’s -- failed to bring.

That dynamic helps explain why a rebellion that many say has become a criminal enterprise as much as a political movement still finds support among the Tharus and other disenfranchised ethnic groups and the country’s low castes.

In the villages of Bardiya, young Tharus talk happily about how the landlords have had to flee the Maoists’ wrath. “All the zamindars are scared of us now,” said Bal Krishna Chaudhary, an intense 18-year-old Tharu student from a family of former bonded laborers.

His eldest sister, Sita, was a Maoist supporter taken by the army more than two years ago. They said she was carrying a bomb, a charge he denies, but he does not dispute her Maoist sympathies.

“They speak for the people,” he said, explaining why. “They speak for the Tharus.”

Like a creeper wrapping itself around a tree, the Maoist movement has used the entrenched poverty and discrimination of this Hindu kingdom’s deeply feudal society to build its insurgency. Nepal has perhaps the most rigid caste hierarchy remaining today.

This country has been, and still is, dominated by two high castes: the Brahmins -- called Bahuns in Nepal -- or priestly caste, of Mrs. Sharma; and Chhetris, or warrior caste, of her husband.

The two castes hold the highest positions in government, politics and business. They control the army and the press. And perhaps most crucially in a society still reliant on agriculture, they own the land.

Much of that land was once farmed by the Tharus, an aboriginal group in Nepal's lowlands. With a population of about 1.2 million, out of Nepal's 24 million, they are one of the country's largest ethnic groups.

Once self-sufficient farmers, the Tharus were gradually dispossessed as the government granted land to high castes to secure their loyalty and expand its reach. Then, the eradication of malaria -- to which Tharus are believed to be immune -- drew in large numbers of hill migrants to claim Tharu lands.

Tharus, little educated and ill-equipped to battle for their rights, went from being owners to landless tenants. For several generations, an estimated 20 percent or more of Tharus in western Nepal -- some 20,000 families -- were indentured, usually with no hope of escape.

The Maoists did little or nothing to free the Tharus from bonded labor; the pressure on the government came from domestic and international organizations.

But the Maoists have woven the uplifting of the Tharus -- and of Nepal's other downtrodden groups -- into their tapestry of slogans, and it has resonated among a people who believe that both royalist rule and multiparty democracy have failed them.

"We work with them because we think they can help raise our issues and get us our rights as citizens," Bal Krishna Chaudhary, the student, said. He knew seven people who had joined the Maoists, he said. Most are dead or missing.

Ekraj Chaudhary, a Tharu radio journalist based in Nepalganj, said he believed that most Tharus were involved with the Maoists, even if only passively. But even in the movement, he said, they were still relegated to low-level militants, and thus easy prey for the army.

Col. Dipak Gurung, a spokesman for the Royal Nepal Army, said the Maoists were exploiting the Tharus. "Tharus are very meek people, they normally don't resist," he said. "By nature, by culture, they are submissive."

No longer, as Mrs. Sharma could testify. At 45, Mrs. Sharma's husband is working in Nepalgunj as a computer instructor -- the first job he has ever held -- to support their family. "Zamindars never worked," she said. "It's very strange" (Waldman, A. 2004, 'Maoist Rebellion Shifts Balance of Power in Rural Nepal', *The New York Times*, 5 February <http://www.nytimes.com/2004/02/05/world/maoist-rebellion-shifts-balance-of-power-in-rural-nepal.html?pagewanted=all> -- Accessed 29 October 2009 -- Attachment 23).

Tharu Protests

A number of recent articles outline the decision by the government to include the Tharu people in the classification of Madheshi, a separate ethnic group, and the Tharu protests which were held as a result. However, no reports of specific attacks by the Tharu people against Pahadis could be found.

One article in *The Kathmandu Post* dated 13 March 2009 explains that "[t]he government passed an ordinance on inclusivity, which should have been a progressive act, but it did it without telling the Tharus they were now Madheshis". The article further claims that "[d]ispossessed by both Pahadis and Madheshis, it is no surprise that the Tharus are not

taking kindly to being lumped in with the uber term of Madheshi” (‘You are now Madheshis’ 2009, *The Kathmandu Post*, 13 March – Attachment 24).

An article in *The Kathmandu Post* dated 8 March 2009 outlines an interview with Raj Kumar Lekhi, the General Secretary of the Tharu Welfare Council (TWC), which is one of the organisations leading the protests in the Terai. Lekhi explains that the Tharu language and traditions are distinctly separate from that of the Madheshi, and should be recognised as such in Nepal’s Constitution. He argues that the TWC “is not an armed organisation” and that its members believe in fighting for their rights peacefully (‘They’re imposing their identity on us’ 2009, *The Kathmandu Post*, 8 March – Attachment 25).

However, an article in the *Telegraph Nepal* dated 7 March 2009 explains that “the Tharu uprising [took] on a violent turn after the death of two innocent civilians and a police official on Friday March 6, 2009” (‘Address Tharu demands: Nepal’s political actors’ 2009, *Telegraph Nepal*, 7 March http://www.telegraphnepal.com/news_det.php?news_id=4972 – Accessed 29 October 2009 – Attachment 26).

An article in *Nepalnews* dated 14 March 2009 also reports clashes between demonstrators and police, resulting in at least five deaths, including that of a security official (‘Maoist secretariat asks govt to address Tharu demands after political Consensus; PM to talk to Tharu leaders’, *Nepalnews*, 14 March <http://www.nepalnews.com/archive/2009/mar/mar14/news06.php> – Accessed 29 October 2009 – Attachment 27).

Madheshi Protests

A number of earlier reports describe Madheshi protests in the Terai region, and violence against Pahadis by militant Madheshi factions; however, there is no specific mention of Tharu people targeting Pahadis.

An *IRIN News* article dated 9 April 2007 explains that “ethnic Madheshi groups have been demanding regional autonomy and greater political rights for their community in the Terai”; however, “[w]hat started as anti-government protests has turned into violence between various ethnic groups, largely the Madhesis and the Pahadis”:

As Nepal continues its transition from a decade-long armed conflict towards a peaceful democratic nation, analysts say a serious hurdle stands in its way – violence and unrest in the country’s southern Terai region.

For the past three months, ethnic Madhesi groups have been demanding regional autonomy and greater political rights for their community in the Terai – home to almost half of Nepal’s 27 million inhabitants, the majority of whom are Madhesis.

More than 60 people have been killed in violent clashes between police and Madhesi protestors, largely led by the popular Madhesi People’s Rights Forum (MPRF) – known as a platform for all pro-Madheshi activists and supporters but yet to be recognised as political party.

There are other Madhesi political groups, including militant ones, which are gaining notoriety for abductions, kidnappings and killings of civilians, government officials and observers say.

What started as anti-government protests has turned into violence between various ethnic groups, largely the Madhesi and the Pahadis. The Pahadis are from the hill areas, but over the past half-century many migrated to the Terai to escape hardship in the hills.

Terai is a fertile area which is considered the country's breadbasket, in contrast to less productive hill and mountain areas. Pahadis make up about 30 percent of the Terai population.

Most of the Pahadis are better educated and richer than the Madhesi, say analysts. They are more active and dominant in Nepal's political parties and government offices.

The Madhesi leaders say their community has been neglected and excluded from most of the country's developmental and political processes due to Pahadi leaders discriminating against them.

Security in Terai worsening

Analysts say the security situation in the Terai is worsening with extortions, intimidation, threats and kidnappings occurring every day. The government frequently announces curfews to maintain security.

Last week, some senior officials were abducted by a Madhesi-affiliated group known as the Terai People's Liberation Front. The police have been pursuing the case but with no success.

Independent analysts, both local and international, have urged the government to take Madhesi demands seriously.

There are fears that if these demands are not addressed, the current regional uprising is at risk of escalating into a full-blown war between the Madhesi and Pahadi communities.

"This fear is always there. The risk of communal war is always there whenever you have inefficient political parties and government," said Chandra Kishore Lal, a prominent analyst in Nepal. He added that the government was taking the issue as a law and order case rather than a crucial political issue.

International specialists say Madhesi demands should not be construed as political gimmicks to jeopardise the peace process, as has been implied by the Maoists and other political parties.

"The issues need to be taken seriously as we have already seen that the country was recently on the brink of paralysis," Rhoderick Chalmers, an analyst with the International Crisis Group (ICG), told IRIN. He added that there was still a chance to address the Madhesi issue by promoting an inclusive political process, particularly one that includes a majority of Madhesi in the electorate.

Pivotal role of elections

Nepal is for the first time preparing for Constituent Assembly (CA) elections, scheduled for June, but the CA hardly addresses the Madhesi issue, analysts say.

"Even the formation of the CA mechanism fails to address any aspiration of the Madhesi and there is still no talk of how to develop the mechanism process," said Lal. He added that instead of resolving the issue, its main aim is to legitimise former Maoist rebels by bringing them into mainstream politics.

With the elections nearing, Madhesi groups have said they will jeopardise them and make the CA irrelevant. Madhesi leaders have already gone underground and taken refuge in India, from where they are giving directions for more protests, said Lal, an ethnic Madhesi himself.

Some political party leaders, who did not want to be identified, said the elections should be postponed until the Madhesi issue is sorted out.

“The next few months prior to the elections will be very critical for Nepal’s new phase but there are fears of the country slipping into conflict again if the Terai issue is not resolved,” said Natalie Hicks from International Alert, an NGO working on early warning issues.

Local NGOs say that many families in the Terai have already left their villages and migrated to India in search of better security and livelihoods. They say there is no longer the old harmony between the Madhesis and Pahadis.

“I fear to walk at night in the Madhesi neighbourhood,” said Sharan Poudel, an ethnic Pahadi in the southwestern city of Nepalgunj.

Om Kumar Kurmi, a Madhesi who also lives in Nepalgunj, now fears the Pahadis. “I fear that I might get beaten up by the Pahadis for my Madhesi identity. I have nothing against them and most of my friends used to be from the Pahadi community, but the situation has completely changed now,” he said (‘Tension in south could lead to war, analysts warn’ 2007, *IRIN News*, 9 April <http://www.irinnews.org/Report.aspx?ReportId=71235> – Accessed 29 October 2009 – Attachment 28).

A *BBC News* article dated 12 February 2007 indicates that Madheshi demonstrations have mostly been non-violent; however, some protestors have attacked the police. In addition, two militant Madheshi groups have started an insurgency in the Terai region, which has involved attempts to seize land owned by Pahadis, who as a result have been forced to flee the Terai:

Burnt-out buses, shattered glass, blaring curfew orders, jittery looking security forces, burning tyres, trees felled across the highway and angry demonstrators.

Until Thursday this was how south-eastern Nepal looked.

Part of the extensive flatlands or Terai, it was ablaze with the anger of Madheshis, or southern Nepalese, complaining that the state discriminates against them.

Violence, leaving over 25 dead, has cast a shadow over a country at a time when the United Nations has been rolling out its new peace mission to consolidate the end of the Maoist insurgency.

And the agitation is not over yet, it is merely suspended for 10 days, insists the chairman of the Madheshi Janadhikar Forum (MJF), Upendra Yadav.

He refuses even to talk to the government unless Home Minister Krishna Sitaula is sacked and the deaths are investigated at the highest level.

Real grievances

He told the BBC there would be “strict action” if the 10 days passed without results.

In future he wants an autonomous Terai state within a federal system.

The recent troubles have brought to the forefront issues of regional and ethnic identity never before aired so prominently.

There are problems in defining the Madheshis, but they have very real grievances.

They are peoples speaking languages also spoken across the border in India, such as Maithili.

“From west [Nepal] to east, we have linguistic links and the same food habits and livelihoods,” says Madheshi academic Bijay Karna.

Most of Nepal’s small Muslim minority is also Madheshi.

But there is disagreement on whether the category also includes Tharus, an indigenous ethnic group living throughout the Terai.

There are some senior Madheshi politicians, such as the deputy speaker, and one of the seven ruling parties is a Madheshi party.

But, considering more than one in three Nepalese is a Madheshi, they are under-represented in power.

Their campaigners say there is not a single one employed at the Royal Palace; that only one of the 75 district chiefs is a Madheshi; and there are very few in the army.

They say they are not trusted by the establishment but are used and exploited.

‘Excessive force’

Many do not even have Nepalese citizenship.

Most of the victims of the recent violence were Madheshi and were killed in what the UN has called excessive use of force by the police.

Many of their demonstrations have been non-violent. In the troubled town of Inaruwa we were escorted into a meeting of the Madheshi Intellectuals’ Forum, whose leaders addressed us with great courtesy.

But there has also been brutality among the Madheshi demonstrators, including the MJF which professes to be non-violent.

Demonstrators have attacked police and others with swords and bows and arrows.

Last Wednesday, after at least two protesters were killed by police in the city of Biratnagar, a crowd locked non-Madheshi local residents inside their houses and set fire to them. Prompt action by the fire services prevented casualties.

Certainly not all the violence has come from the MJF. Reports say criminal elements have entered from India to take advantage of the trouble.

The government and the Maoists have both accused “royalists” and Hindu activists of involvement – three royalist former ministers have been arrested and locked up without charge for three months.

Madheshi academic Bijay Karna believes there has been some such infiltration, “but not large-scale”.

Notably, Wednesday's violence began when the crowd tried to storm a prison in which one of the former ministers and an Indian gang-leader are being held.

There are also two avowedly militant Madheshi groups involved – the two factions of the Janatantrik Terai Mukti Morcha (JTMM) which are waging an insurgency and have radical demands including the seizing of Terai land owned by non-Madheshis (Pahadis, or hill people).

Resulting from all this violence, a stream of non-Madheshis have now fled the Terai or moved from villages to towns.

They include ordinary people warned to get out at dead of night; people whose houses were burned; journalists threatened with their lives because activists disliked their reporting.

Nepal's politicians, most of whom are indeed people of hill origin, have struggled to respond to all this.

Confused

The ruling parties, keen to have credibility with the Madheshi lobby, have mostly said they support their demands.

Prime Minister GP Koirala says the widely criticised new constitution will be changed to give the Terai the number of constituencies proportionate to its population and make the country federal.

The Maoists seem confused.

The protesters bracket them together with the government.

For the first time, the Maoists have seen effigies of their leader, Prachanda, burned in public.

Prachanda's initial reaction to the Madheshi violence was that he would "not negotiate with criminals and gangsters" – ironically echoing King Gyanendra's description of the Maoists.

But to a large extent the Maoists have encouraged the growth of regional sentiment.

To attract support while rebels, they formed ethnically based fronts for their party and drew up a map in which Nepal was divided into regions named after ethnic groups.

The JTMM originally broke away from one such front in 2004, much to the Maoists' anger – and now its two factions, under different leaders, have taken up the Maoists' old role as insurgents.

Even though some commentators now favour regionally-based federalism, many criticise the Maoists' ethnic model.

Nepal has more than 100 ethnic groups and castes, but they are very mixed up with each other.

There are signs that the Maoist leadership may feel they made a mistake in carving up the country on a map. On Friday deputy leader Baburam Bhattarai said it was essential to advance "politics based on class ideology, while integrating ethnic concerns".

Yet regional and ethnic sentiments are now growing, not only among Madheshis. Countless others also feel marginalised and impoverished.

In the past few weeks, there have been strikes by the Tharus of the Terai, western hill people, eastern hill people, and an umbrella body – the Nepal Federation of Indigenous Nationalities (NEFIN).

On Sunday, more than 15 people were injured when yet another group, wanting autonomy for one south-eastern district, tried to enforce a strike (Haviland, C. 2007, 'Nepal's minorities raise the stakes', *BBC News*, 12 February http://news.bbc.co.uk/2/hi/south_asia/6353363.stm – Accessed 27 October 2009 – Attachment 29).

Another *BBC News* article dated 25 February 2008 indicates that the protests by the Madheshi people are a result of their long-standing exclusion from “the political establishment”. The article claims that the Madheshis are demanding an autonomous state for their people within Nepal; however, this has been strongly opposed by their Tharu neighbours. In addition, the article reports that “many Pahadis have been violently targeted by more militant Madheshi factions”:

Much of the Terai or southern plains is in turmoil, as I have just witnessed in the industrial town of Birgunj.

On Friday there was seething anger in the streets among the majority Madheshi population.

Madhesis are a group of southern Nepali peoples with a distinctive culture. Up to one-third of the country's population, they have always been excluded from the political establishment. They say they are fed up with being ignored.

With shops shut and cars grounded because of a general shutdown ordered by three Madheshi parties, bicycles jostled for space in the bazaar area under the pagoda clock-tower.

On every corner Madhesis were huddled in angry conclaves, their denunciation of the security forces and government booming through megaphones.

Straw effigies of politicians – the prime minister, the Maoist leader and others – were paraded, beaten with shoes in a frenzy and then burned.

The demand which kept surfacing was for an autonomous state within Nepal for Madheshis, comprising the whole strip of the plains from east to west.

There was anger at the curfews which keep being imposed in many southern districts.

And there was anger at alleged police beatings and invasions of homes and the shooting dead of more Madheshi demonstrators (Haviland, C. 2008, 'Dark clouds gather over Nepal', *BBC News*, 25 February – http://news.bbc.co.uk/2/hi/south_asia/7263399.stm – Accessed 27 October 2009 – Attachment 30).

A *BBC News* article dated 24 December 2007 similarly attributes the Madheshi protests to years of neglect while the Pahadis have “ruled Nepal”. One major militant Madheshi group is reported to be demanding “complete independence for the Terai”, and promising to punish “anyone who supports the absolute rule of the hill people...[and] to destroy those Pahadi people who have absolute power and those supporting them”:

Perhaps most worrying of Nepal's new troubles is the violence in the Terai, the southern plains, where an ethnic community known as the Madhesis – roughly a third of Nepal's population – is now demanding rights after years of neglect.

People of hill origin, loosely known as Pahadis, have always ruled Nepal. The Madhesi complain there is no sign of this changing.

Political violence has killed over 100 people there this year.

In the city of Janakpur a prosperous doctor, Vijay Singh, dressed in a lungi like a sarong, served me tea. An assertive advocate of the Madhesi cause, he dismisses the notion that Madhesi feel closer to India, despite cultural similarities.

“We are essentially Nepalese,” he said. “[But] we have not been provided citizenship easily. In all the structure of Nepal, the police structure, army structure, any wing of the government, the representation of Madhesi is almost nil.”

Many groups voicing such grievances have formed. Some are moderate. Some are militant, carrying out constant killings and kidnappings.

In a secret location I met Rajan Mukti, an unsmiling 25-year-old in a white shirt and red scarf, representing a major underground group called the JTMM Jwala Singh faction.

He wants complete independence for the Terai.

“Our liberation army punishes anyone who supports the absolute rule of the hill people. We want to destroy those Pahadi people who have absolute power and those supporting them.”

‘Security problem’

Ethnicity makes many a target. I visited Madhav Acharya, an old, deaf man. A militant group has confiscated the land where he grows his paddy.

“More than 70% of the Pahadis here in Janakpur have left. They’ve been displaced,” he said.

“But it’s difficult for me. My children are studying. I can’t go anywhere else. I’m scared, but I don’t know who to turn to.”

Conversely, Madhesi campaigners say the authorities ignore their grievances. Madhesi human rights activist Dipendra Jha fears that a new task force sent in to tackle violence is counter-productive.

“Most of the armed forces are from the hilly area,” he says. “They don’t know about the cultural, social sensitivity of the Terai. Most politicians perceive the problems in the Terai as a security problem rather than looking at the political, social, economic, cultural demands. So the situation is getting worse and worse.”

In several other regions, too, as ethnic sentiment grows, self-defence groups are emerging in the name of different communities.

In fact, Nepal consists of dozens of minorities, geographically intermingled but now demanding a voice.

They will be hoping to be better heard, as under the new agreement more than half the assembly members will be elected under proportional representation.

But in a deeply uneven, caste-dominated, male-dominated society, securing real change will not be easy.

Getting rid of the monarchy may be just one small detail in a much larger process of upheaval (Haviland, C. 2007, 'End of Nepal monarchy – or trouble?', *BBC News*, 24 December http://news.bbc.co.uk/2/hi/south_asia/7159258.stm – Accessed 27 October 2009 – Attachment 31).

Maoist Attacks

The US Department of State human rights report for 2008 outlines a range of human rights abuses committed by Maoists; however it does not mention the Tharu or Pahadi people:

Members of the security forces committed some human rights abuses during the year, and the Maoists, the Maoist-affiliated Young Communist League (YCL), and members of other small, often ethnically based armed groups committed numerous grave human rights abuses. Members of the Nepal Army (NA) were confined to their barracks in accordance with the Comprehensive Peace Agreement (CPA) of 2006. Members of the Nepal Police (NP) and Armed Police Force (APF) occasionally used excessive and lethal force in response to continued demonstrations throughout the country. Maoists frequently employed arbitrary and unlawful use of lethal force, including torture and abduction. Violence, extortion, and intimidation continued throughout the year. Numerous armed groups, largely in the Terai region in the lowland area near the Indian border, engaged in attacks against various entities, including civilians, government officials, members of particular ethnic groups, each other, or Maoists.

...During recurrent unrest in the Terai region in January and especially the last two weeks of February, authorities often used unwarranted and at times lethal force. According to a report by the UN Office of the High Commissioner for Human Rights (OHCHR), authorities killed six persons during protests in Nepalgunj and the districts of Siraha, Saptari, Nawalparasi, and Sunsari. Five male civilians died as a result of police fire, and one man died from injuries sustained when police hit him with heavy clubs called lathis.

...During the year Maoists committed 141 acts of torture, according to AF. The government failed to conduct thorough and independent investigations of reports of security force or Maoist/YCL brutality and generally did not take significant disciplinary action against those involved.

...Despite being a signatory to the CPA that ended the decade-long insurgency, Maoists continued to commit abuses during the year.

Maoists regularly extorted money from businesses, workers, private citizens, and NGOs. When individuals or companies refused or were unable to pay, Maoist recrimination frequently was violent or implied the threat of violence.

On January 27, CPN-M affiliated trade union workers in Sankhuwasabha began "taxing" passenger buses, trucks, and other vehicles. Maoists reportedly threatened to beat drivers who did not comply. The government did not take any corrective action to investigate.

According to the OHCHR, abuses by the YCL were conducted in a manner similar to those carried out earlier by other CPN-M cadres. They included abductions and ill-treatment in captivity, attacks on physical and mental integrity, and the violent disruption of political activities. They also included threats and violence against several government officials and property. Although the media reported that the YCL continued to commit tax extortion, at year's end the OHCHR had not received reports of such activities (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Nepal*, February, Introduction, Sections 1a, 1c, 1g – Attachment 21).

List of Sources Consulted

Internet Sources:

Government Information & Reports

US Department of State website <http://www.state.gov>

UK Home Office <http://www.homeoffice.gov.uk/>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Human Rights Watch (HRW) website <http://www.hrw.org/>

International Crisis Group <http://www.crisisgroup.org/>

Chronic Poverty Research Centre <http://www.chronicpoverty.org/>

United Nations

United Nations High Commissioner for Refugees (UNHCR) <http://www.unhcr.org/>

UNHCR Refworld website <http://www.unhcr.org/refworld/>

IRIN News <http://www.irinnews.org/>

International News & Politics

The New York Times <http://www.nytimes.com/>

BBC News <http://news.bbc.co.uk/>

rediff News <http://ia.rediff.com/news/>

The Independent <http://www.independent.co.uk/>

Frontline <http://www.thehindu.com/fline/>

Region Specific Links

Republica <http://www.myrepublica.com/>

Telegraph Nepal <http://www.telegraphnepal.com/>

The Kathmandu Post <http://www.ekantipur.com/tkp/>

Nepalnews <http://www.nepalnews.com/>

South Asia Intelligence Review <http://www.satp.org/>

Search Engines

Google <http://www.google.com.au/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. 'Nepal hunts police chief's killers' 2003, *BBC News*, 27 January http://news.bbc.co.uk/2/hi/south_asia/2697421.stm – Accessed 22 May 2008.
2. Sharma, S. 2000, 'Nepal Maoists kill police', *BBC News*, 5 April http://news.bbc.co.uk/2/hi/south_asia/702579.stm – Accessed 27 October 2009.

3. RRT Country Research 2005, *Research Response NPL17502*, 2 September.
4. International Crisis Group 2009, *Nepal's Future: In Whose Hands?*, Asia Report N°173, 13 August.
5. 'Maoists attack NC rally, 5 critically injured' 2009, *Republica*, 10 October http://www.myrepublica.com/portal/index.php?action=news_details&news_id=10617 – Accessed 16 October 2009.
6. Sharma, G. and Katyal, S. 2009, 'Nepal police post attacked, one officer killed', *Reuters*, 8 February. (CISNET Nepal CX220099)
7. 'Maoists attack police post in west Nepal' 2008, *Radio Nepal*, 14 February. (CISNET Nepal CX193557)
8. 'Out-of-control Nepal Maoists attack police post' 2007, *Indo-Asian News Service (IANS)*, 10 August. (CISNET Nepal CX182807)
9. 'Maoist faction announces revolt after storming police post' 2007, *Indo-Asian News Service (IANS)*, 11 August. (CISNET Nepal CX182811)
10. 'Maoists return arms looted from police' 2007, *Indo-Asian News Service (IANS)*, 12 August. (CISNET Nepal CX182812)
11. 'Reinstatement of police units intensify' 2007, *eKantipur*, 8 January. (CISNET Nepal CX168348)
12. Pradhan, S. B. 2006, 'Nepal: 9 cops killed in Maoist attack', *rediff News*, 21 March <http://election.rediff.com/news/2006/mar/21nepal.htm> – Accessed 16 October 2009.
13. 'Suspected Maoists attack police post at Nepal refugee camp' 2003, United Nations High Commissioner for Refugees (UNHCR) website, 22 September <http://www.unhcr.org/3f6f1a1a4.html> – Accessed 16 October 2009.
14. Immigration and Refugee Board of Canada 2003, *NPL41047.E – Nepal: Reports of Maoist rebel activity in the Solukhumbu district; whether the Maoists commit abuses against the ethnic Sherpa living there; whether the Maoists have extorted money from Sherpas and owners of trekking lodges in the Solukhumbu district (2001-2003)*, 27 January. (REFINFO)
15. Popham, P. 2002, 'Nepalese Maoists kill 129 in biggest ever attack', *The Independent*, 18 February <http://www.independent.co.uk/news/world/asia/nepalese-maoists-kill-129-in-biggest-ever-attack-661109.html> – Accessed 16 October 2009.
16. Chaudhuri, K. 2001, 'A spurt in Maoist attacks', *Frontline*, Vol. 18, Issue 9, 28 April – 11 May <http://www.thehindu.com/fline/fl1809/18091270.htm> – Accessed 16 October 2009.
17. Marks, T. 2009, 'Nepal: Will the Real Prachanda Stand Up?', *South Asia Intelligence Review*, vol. 7, no. 49, 15 June http://www.satp.org/satporgtp/sair/Archives/7_49.htm#assessment2 – Accessed 22 September 2009.

18. Human Rights Watch 2008, 'End cycle of impunity and deliver justice to victims', 8 September. (CISNET Nepal CX210030)
19. Human Rights Watch 2009, *World Report 2009 – Nepal*, January.
20. Asian Centre for Human Rights 2009, 'Nepal in Crisis', Briefing Papers on Nepal, Issue No. 1, 1 May.
21. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Nepal*, February.
22. Masaki, K. 2009, 'Rectifying the anti-politics of citizen participation Insights from the internal politics of a subaltern community in Nepal', Chronic Poverty Research Centre, Working Paper No. 147, June
http://www.chronicpoverty.org/uploads/publication_files/WP147%20Masaki.pdf – Accessed 29 October 2009.
23. Waldman, A. 2004, 'Maoist Rebellion Shifts Balance of Power in Rural Nepal', *The New York Times*, 5 February <http://www.nytimes.com/2004/02/05/world/maoist-rebellion-shifts-balance-of-power-in-rural-nepal.html?pagewanted=all> – Accessed 29 October 2009.
24. 'You are now Madheshis' 2009, *The Kathmandu Post*, 13 March. (FACTIVA)
25. 'They're imposing their identity on us' 2009, *The Kathmandu Post*, 8 March. (FACTIVA)
26. 'Address Tharu demands: Nepal's political actors' 2009, *Telegraph Nepal*, 7 March http://www.telegraphnepal.com/news_det.php?news_id=4972 – Accessed 29 October 2009.
27. 'Maoist secretariat asks govt to address Tharu demands after political Consensus; PM to talk to Tharu leaders', *Nepalnews*, 14 March
<http://www.nepalnews.com/archive/2009/mar/mar14/news06.php> – Accessed 29 October 2009.
28. 'Tension in south could lead to war, analysts warn' 2007, *IRIN News*, 9 April
<http://www.irinnews.org/Report.aspx?ReportId=71235> – Accessed 29 October 2009.
29. Haviland, C. 2007, 'Nepal's minorities raise the stakes', *BBC News*, 12 February
http://news.bbc.co.uk/2/hi/south_asia/6353363.stm – Accessed 27 October 2009.
30. Haviland, C. 2008, 'Dark clouds gather over Nepal', *BBC News*, 25 February –
http://news.bbc.co.uk/2/hi/south_asia/7263399.stm – Accessed 27 October 2009.
31. Haviland, C. 2007, 'End of Nepal monarchy – or trouble?', *BBC News*, 24 December
http://news.bbc.co.uk/2/hi/south_asia/7159258.stm – Accessed 27 October 2009.