

Refugee Review Tribunal

AUSTRALIA

RRT RESEARCH RESPONSE

Research Response Number: NPL30316
Country: Nepal
Date: 12 July 2006

Keywords: Nepal – Myagdi District – Maoists – Christians – Imputed political opinion – Hindus – Congress Party

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

Please provide

1. general information on the Myagdi District and the presence of Maoists in the district;
2. information on the treatment of Christians in Nepal;
3. information on the freedom to practise one's religion;
4. information on the presence of fundamentalists Hindus in Nepal;
5. information on the Congress Party and CPN-UML for the years 1990-1995; and
6. information on the imputing of people as Maoists – such as the likelihood that the authorities suspect persons to be Maoists on the strength of friends who were Maoists, absence from the country, and prior association with CPN-UML.
7. Are there certain groups or characteristics that are more likely to be imputed to be Maoist?
8. Are the Maoists forcibly recruiting?
9. Please provide an update on current political situation of Nepal.

RESPONSE

Please provide

1. general information on the Myagdi District and the presence of Maoists in the district;

A map of Nepal's districts, produced by UN World Food Programme (UNWFP) in February 2002, shows the district of Myagdi – which is situated in western Nepal – as an area which is “highly influenced by Maoist activities”. The UN's Participatory District Development Programme (PDDP) website's Myagdi webpage lists the November 2001 population of Myagdi as 106,873; the page also lists the district's headquarters as Beni Bazar and provides some statistical information on the district as well as a map which details Myagdi's major settlements and roads (this can be expanded electronically for viewing) (for the UNWFP map, see: UN World Food Programme 2002, 'Nepal: Influence by Maoist activities', ReliefWeb website, 1 February

[http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/EDCDA6389603FDA7852570E400620753/\\$File/wfp_SEC_npl010202.pdf?OpenElement](http://www.reliefweb.int/rw/fullMaps_Sa.nsf/luFullMap/EDCDA6389603FDA7852570E400620753/$File/wfp_SEC_npl010202.pdf?OpenElement) – Accessed 10 July 2006 – Attachment 1; see also the regularly updated district specific travel warnings which are available on the RAOnline Nepal website at: <http://www.raonline.ch/pages/np/npmaps01d.html>; for the PDDP webpage on Myagdi, see: ‘Myagdi District’ 2001, Participatory District Development Programme (PDDP) website, November <http://www.pddp.org.np/districts/myagdi.htm> – Accessed 12 July 2006 – Attachment 2).

It would appear that Myagdi has continued to be influenced by Maoist activity in recent times. The following reports, presented in reverse chronological order of publication, provide an overview of the kind of Maoist activities and influences which have been reported in the area of the Myagdi district in the recent year:

- On 10 July 2006, *Kantipur* reported that: “[i]n breach of the truce code, Maoists obstructed the construction of a primary health centre in west Nepal’s Myagdi district” (‘Nepal press selection list 10 July 06’ 2006, *BBC Monitoring South Asia*, source: *Kantipur* (10 July 2006), 10 July – Attachment 3).
- On 11 June 2006, *Nepalnews.com* reported that: “in Myagdi, breaching the code of conduct, some 300 armed militia of the Basanta Smiriti Brigade of the Maoists held a mass meeting (‘Maoists violating code of conduct; continuing atrocities’ 2006, *Nepalnews.com* website, 11 June <http://www.nepalnews.com/archive/2006/jun/jun11/news12.php> – Accessed 12 July 2006 – Attachment 4).
- On 9 June 2006, *Kantipur* reported that Myagdi was one of a number of districts in which Maoists had commandeered vehicles “[i]n order to gather public for the mass meeting they [were] organizing in the capital”. “In many places [the Maoists] issued diktat asking at least one person per household to attend the mass meeting in Kathmandu” (‘Hundreds Of Vehicles Captured By Maoists, Passengers Stranded’ 2006, *Nepalnews.com* website, source: *Kantipur* (9 June 2006), 9 June <http://www.nepalnews.com/contents/2006/englishweekly/spotlight/jun/jun09/newsnotes.php> – Accessed 12 July 2006 – Attachment 5).
- On 7 January 2006, *The Press Trust of India* news agency reported that: “five Maoists, including a section commander, denounced past acts of violence and terror and surrendered before the administration in the districts of Kaski, Dolakha, Ramechhap, Okhaldhunga and Myagdi, the Army said” (‘3 security men killed in Nepal’ 2006, *Press Trust of India*, 7 January – Attachment 6).
- On 11 December 2005, *Rajdhani* reported that: “[s]ecurity forces have destroyed a district level-office of the Maoists and seized logistic and communications equipment from various places in Myagdi district” (‘Security forces destroy Maoist office in west Nepal, seize equipment’ 2005, *BBC Monitoring South Asia*, source: *Rajdhani* (11 December 2005), 12 December – Attachment 7).
- On 10 September 2005, *The Press Trust of India* news agency reported that: “Maoist rebels have abducted more than 100 students from various schools of Myagdi district in western Nepal, police said Saturday. ... The rebels did not give any reason for abducting the students, local teachers said. The incident comes a week after the

Maoists declared a three-month unilateral ceasefire” (‘Maoists kidnap over 100 school students in Nepal’ 2005, *Press Trust of India*, 10 September – Attachment 8).

- On 9 August 2005, *Nepal Samacharpatra* reported that: “[t]he Dhorpatan reserve, the only hunting park of Nepal, has been under the control of the Maoists for the past four years. ... The conservation area came under the control of the rebels as there is no presence of security personnel in the area. The reserve area is spread over 1,300 sq.km. and covers Myagdi, Baglung, Rukum and Dolpa districts” (‘Nepal hunting reserve under Maoist control’ 2005, *BBC Monitoring South Asia*, source: *Nepal Samacharpatra* (9 August 2005), 9 August – Attachment 9).
- On 27 August 2005, it was reported from Myagdi by *Rajdhani* that: “Two security personnel were injured in an ambush laid by the Maoist rebels on Friday [26 August]. The rebels had set the ambush to explode the security check post” (‘Nepal: Two injured in Maoist ambush’ 2005, *BBC Monitoring South Asia*, source: *Rajdhani* (27 August 2005), 27 August – Attachment 10).

2. information on the treatment of Christians in Nepal;

3. information on the freedom to practise one’s religion;

4. information on the presence of fundamentalists Hindus in Nepal;

An overview of the situation for Christians in Nepal is provided by Christian Solidarity Worldwide – UK’s (CSW-UK) Nepal country profile (which was recently updated in April 2006). The profile reports that the situation for Christians in Nepal has undergone significant improvements in recent years thanks to more tolerant government attitudes towards Christians and, in particular, the 1992 repeal of the legal prohibition on conversion. CSW-UK finds that “[o]n the whole Nepal allows non- Hindus to practice their religion and to maintain their places of worship” and that “[i]n practice, there is relative freedom for Christians to assemble and worship”. Nonetheless, CSW-UK also notes that this “does not mean that [Christians in Nepal] are everywhere tolerated and never persecuted”. In addition to suffering daily discrimination and institutional marginalisation, it is reported that Christians in Nepal have suffered episodes of violent attack in recent years and that proselytising remains an offence punishable by three years imprisonment. The report notes an April 2003 mob attack on a church in Gorkha district; the suspected extrajudicial killing of a Christian in Pokhara as an imputed Maoist; and a 2003 incident in which three Christians “were arrested for allegedly preaching Christianity”. It is also noted that “the Government has recognised [Hindu fundamentalist] groups such as Shive Sena whose objective is to demolish churches and drive out Christians and Muslims”. According to CSW-UK, “Christians face pressure from three main sources”: “Christians can find themselves targeted by militant Hindu groups”; “Maoist rebels in some areas harass Christians, threatening them if they attend church and forcing young Christians to join them under threat of death”; “and some are targeted by the government as suspected Maoist rebels”. Relevant extracts from the report follow in detail:

In 1992, Parliament passed a Civil Code which repealed the prohibition “voluntarily changing religions” and the one-year jail sentence accompanying it. It also repealed the requirement that Hindus changing their religion must ‘return to their old religion.’ However, despite this, provisions are still in place to imprison for up to six years anyone converting a person to another religion and up to three years for proselytising, both of which imperil religious freedom. Thus legally Christians are still vulnerable.

In practice, there is relative freedom for Christians to assemble and worship. Non-Hindus are allowed to offer religious education and to sell religious books.

...Christians experience registration problems. Churches cannot be registered with the government or own property. Surprisingly, while Christian organisations have been denied registration, the Government has recognised groups such as Shive Sena whose objective is to demolish churches and drive out Christians and Muslims. Because the Christian community is not legally recognised, no land is provided for Christian burial. After experiencing great difficulties, a Christian School has been allowed to become the first Educational Trust to register in Nepal. But no body or organisation can be recognised with “Christian” in its name.

On the whole Nepal allows non- Hindus to practice their religion and to maintain their places of worship. However, Christians suffer discrimination in every day life. For example, they are routinely denied employment in public services such as the police and army. While such discrimination still exists, it is inaccurate to assert that there is full religious freedom and equality for adherents of all faiths

...Although bias against Christians exists, there have been some improvements in the treatment of Christians. Before the constitutional reforms of the 1990s, police interrupted Christian meetings and evicted Christians.

In 1990 all those serving sentences or facing a court trial because of their Christian faith were released and all charges dropped. Since then the churches have grown dramatically and are now able to meet more openly. But that does not mean that they are everywhere tolerated and never persecuted.

Christians face pressure from three main sources. Firstly, Christians can find themselves targeted by militant Hindu groups. Secondly, the Maoist rebels in some areas harass Christians, threatening them if they attend church and forcing young Christians to join them under threat of death. Thirdly, Christians are often caught up in battles between the Maoists and the security forces. Some have been killed indiscriminately by both sides and some are targeted by the government as suspected Maoist rebels.

Attacks upon Christians In April 2000, the church building and several homes of Christians in Gumda village, Gorkha district were destroyed by a local mob. As a result, 36 Christians were made homeless. Encouragingly, the Christians were later able to reconcile their differences and begin to rebuild their homes and resettle.

In Pokhara in 2003 a young Christian was arrested by the army on suspicion of being connected with the Maoists, and was reportedly shot dead during interrogation.

In February 2003, Ramchandra Sigdel, Jagat Bahadur Pun, and Khum Prasad Shrestha, who were carrying bibles and evangelical materials, were arrested for allegedly preaching Christianity. They were finally released on bail in June, and no further action taken against them (Christian Solidarity Worldwide – UK 2006, *CSW Country Profile – Nepal*, April, pp.1-2 <http://www.csw.org.uk/Countries/Nepal/Resources/NepalCountryProfile.pdf> – Accessed 11 July 2006 – Attachment 11).

The US Department of State’s most recent report on religious freedom in Nepal similarly notes that, while the situation is generally improving for Christians in Nepal, problems – in terms of pressure from Hindu fundamentalist groups; harassment by Maoist forces; and general discrimination – continue. According to the latest report, “0.45 percent [of Nepal’s population] are Christian” and “Christian denominations are few but growing. Christian leaders estimate the number of Christians at approximately 400,000. Press reports indicate

that 170 Christian churches operate in Kathmandu alone.” The report would seem to indicate that the most serious problems occur outside the metropolitan areas, where “[t]here are unconfirmed reports that Maoists suppressed religious observance in areas under their control through intimidation and harassment”. “Maoists reportedly attacked Christian schools, orphanages, and homes in efforts to forcibly conscript children.” It is also noted that “[t]hose who choose to convert to other religions, in particular Hindu citizens who convert to Islam or Christianity, sometimes are ostracized socially. They may face isolated incidents of hostility or discrimination from Hindu extremist groups” which, while “not systematic”, “can be vehement and occasionally violent”. The report notes that “[s]ome Christian groups report that Hindu extremism has increased in recent years” and that “[o]f particular concern are the Nepalese affiliates of the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, Shiv Sena Nepal, and Nepal Shivsena. Government policy does not support Hindu extremism, although some political figures have made public statements critical of Christian missionary activities”. The relevant extracts follow:

...For decades dozens of Christian missionary hospitals, welfare organizations, and schools have operated in the country. These organizations have not proselytized and have otherwise operated freely. Missionary schools are among the most respected institutions of secondary education; many members of the governing and business elite graduated from Jesuit high schools. Many foreign Christian organizations have direct ties to churches and sponsor pastors for religious training abroad. After the death of Pope John Paul II, the Government ordered flags flown at half-staff for one day out of respect for the Pope.

...Members of minority religions occasionally complain of police harassment. Some Christian groups are concerned that the ban on proselytizing limits the expression of non-Hindu religious belief. The Government investigates reports of proselytizing. There were no incidents of punishment for conversion or proselytizing during the reporting period. On April 27, police arrested a couple and investigated them for reports of forcibly converting children; the police released them on May 9. Nongovernmental organizations (NGOs) or individuals were free to file charges of proselytizing against individuals or organizations.

Christian groups report that government officials refuse to register any religious organizations whose titles contain the words, “Jesus, Bible, Christian, or Church.” These groups note that, unless registered, such organizations cannot own land, important for establishing churches or burial of members. However, by removing the Christian words from their titles, some groups have registered their organizations and practiced their faith. Some Christians bury their dead in Christian cemeteries in Kathmandu and some other areas around the country, and others use cremation. Civil servants can take off religious holidays and celebrate them on private property without government interference.

According to one Christian organization, Maoists began demanding the use of church grounds for their indoctrination programs in eastern areas. When the demands were refused, Maoists forced churches to close.

...In addition to attacking regular schools, Maoists reportedly attacked Christian schools, orphanages, and homes in efforts to forcibly conscript children.

...Some Christian groups report that Hindu extremism has increased in recent years. Of particular concern are the Nepalese affiliates of the India-based Hindu political party Shiv Sena, locally known as Pashupati Sena, Shiv Sena Nepal, and Nepal Shivsena. Government policy does not support Hindu extremism, although some political figures have made public statements critical of Christian missionary activities. Some citizens are wary of proselytizing and conversion by Christians and view the growth of Christianity with concern. There are

unconfirmed reports that Maoists suppressed religious observance in areas under their control through intimidation and harassment.

Those who choose to convert to other religions, in particular Hindu citizens who convert to Islam or Christianity, sometimes are ostracized socially. They may face isolated incidents of hostility or discrimination from Hindu extremist groups. Some reportedly have been forced to leave their villages. While this prejudice is not systematic, it can be vehement and occasionally violent. Nevertheless, converts generally are not afraid to admit in public their new religious affiliations (US Department of State 2005, *International Religious Freedom Report for 2005 – Nepal*, 8 November <http://www.state.gov/g/drl/rls/irf/2005/51620.htm> – Accessed 9 November 2005 – Attachment 12).

Recent reports warn that there is some potential for the situation in Nepal to deteriorate for Christians. Following the recent return to power of the Nepali parliament and its declaration, on 18 May 2006, that Nepal will no longer be a Hindu Kingdom and will, instead, be a secular state, Hindu organisations of a nationalist and/or fundamentalist nature have engaged in street protests and have warned that the peaceable religious environment currently enjoyed by Nepal might be disturbed if it becomes necessary for them to undertake political action to overturn the recent declaration.

From *The Christian Science Monitor*:

The May 18 declaration by Nepal's parliament ending the country's distinction as the world's only Hindu state was one of the several hard decisions taken by the new government to coax Maoist rebels to join in a peaceful political process. But the move has bred new conflict with the country's Hindu majority.

Hindu groups in Nepal – which have strong backing from powerful Hindu fundamentalist organizations in neighboring India – have termed the declaration of a secular Nepal as “defamatory” and “dangerous,” and have said that it could provoke a “religious crusade” in this tiny Himalayan nation.

Following the announcement, Hindu groups organized rallies in at least four districts here, and forced the southern industrial town of Birgunj to close for two days last week. Hindu holy men in saffron gowns have been taking to the streets in the capital, Kathmandu, and other cities demanding the reversal of the declaration. Hindu leaders warn that this is just the beginning of what would be a nationwide campaign in the country, which is 80 percent Hindu.

...While neutral observers say the parliament should not have invited trouble by dividing Nepal over religious, caste, and ethnic lines at such fluid times, leaving this question for the constituent assembly to decide when it drafts a new constitution, political leaders see the move as essential in addressing many of the causes of conflict.

...“The declaration has given the minorities a feeling of ownership of the state,” says Raghu Ji Pant, parliamentarian and senior leader of Communist Party of Nepal-United Marxist Leninist, the biggest party in the alliance of seven democratic parties. “The declaration has also ended the Hindu hegemony which legitimized the rule of autocratic Vishnu incarnations in the country,” he adds.

While observers warn that the democratic parties might lose their votes to new parties that could come up with Hindu fundamentalist agendas in future elections, Mr. Pant insists that the parties have not antagonized the Hindu population of the country. “Never have the Nepalese people voted on the basis of their religious faiths. For them, political beliefs are supreme when it comes to casting votes” (Sangraula, B. 2006, ‘Nepal faces Hindu backlash

over declaration as secular state', *Christian Science Monitor* website, 30 May <http://www.csmonitor.com/2006/0530/p04s01-wosc.html> – Accessed 11 July 2006 – Attachment 13).

From *Nepalnews.com*:

Some Hindu groups took to the streets in the southern town of Birgunj on Monday denouncing the parliament's decision to turn the world's only Hindu kingdom into a secular state. They also demanded that the country be declared a Hindu kingdom once again.

...Talking to *Nepalnews*, Chintamani Yogi, Principal of Hindu Vidyapeeth – Nepal (HVP-N) said that the need of the hour is to ensure safe landing of the Maoist insurgency. "We should not extend support to the King unnecessarily in the name of 'Hindu rastra' (Hindu nation) but he cautioned that the parliament's decision to declare Nepal as a secular state could give chances for the regressive to unite under the banner of Hinduism.

...Yogi further cautioned that Missionary activities could flare up in the days to come in the aftermath of Nepal being declared a secular state and age-old harmony among various religious groups within the country could be endangered. "Muslim brothers sell bangles to Hindu sisters in front of Krishna temple in Lalitpur. Such a harmony might be destroyed if we try to politicize religious matters," he warned.

...Minority communities in Nepal have hailed the HoR proclamation terming it as a bold step. Dr. K. B. Rokaya, General Secretary of National Council of Churches of Nepal – a representative body of all Churches in the country – said the proclamation was positive, adding, "There should be religious freedom in the country and people should have opportunity to adopt any religion they prefer."

"India is a secular country but there are limitations in exercising religious freedom. Secularism alone will not resolve the problem. Hence, focus should be given to the religious freedom," said Rokaya, who is also the vice-president of Inter Religious Council Nepal, a representative body of all religions in the country.

Rokaya alleged that some religious groups were posing threats to the nationality and national identity, so the government should set up a Ministry of Religious Affairs or Department of Religious Affairs to regulate and coordinate among different religious groups.

Hindu leaders are, however, furious and blame the SPA [the Seven Party Alliance] of betraying the country. Bharat Keshar Simha, chairman of World Hindu Federation (WHF), said that the decision was illegal and a conspiracy against the country.

Simha – who had advocated an active role for monarchy and claimed that Hindu King was above the law – said the decision was taken by a handful of people and would not acceptable to all the Nepalis.

...Simha further said that WHF would organize various protest programmes against the decision and would also take to the street to protest what he called the "unconstitutional declaration" of the House of Representatives (Baidya, P. 2006, "'Secular Nepal' finds itself in the eye of controversy', *Nepalnews.com* website, 24 May http://www.nepalnews.com/archive/2006/others/feature/may/news_feature07.php – Accessed 11 July 2006 – Attachment 14).

On 25 May 2006, *Kantipur* reported that "CPN-UML [Communist Party of Nepal – Unified Marxist-Leninist] parliamentarians Raghu Panta, Vidhya Devi Bhandari and other members called on the government to arrest those trying to destabilize the religious harmony of the country":

The parliamentarians demanded that the government take into custody those involved in the recent wave of vandalism and anarchy in the name of the country being declared a sovereign state. They say that some people are trying to make the issue of a secular state as a pretext to cause disharmony in the country by using religion to fragment Nepalese society. They say that Hindu extremists were trying to use religion as an excuse to cause tensions in the country.

...Vidhya Devi Bhandari said that people like Sachit Shamsheer Rana and Bharat Keshar Singh were regressive forces who were not turning out to be active in the name of religion to destabilize the country. She said that the two, who were staunch supporters of the royal regime were now active to discredit the people's movement and she called on the government to immediately arrest them ('Nepal parliamentarians express concern over recent protests' 2006, *BBC Monitoring South Asia*, source: Kantipur (25 May 2006), 26 May – Attachment 15).

An extensive corpus of research on the treatment of Christians in Nepal has been accumulated by RRT Country Research in recent years and this is overviewed in *Research Response NPL17500*, of 31 August 2005, which is supplied as Attachment 16. In addition to information on the targeting of Christians by various forces, this response provides information on the social ostracism which Christians can face and the potential for their treatment as "untouchables" in caste terms (RRT Country Research 2005, *Research Response NPL17500*, 31 August – Attachment 16).

5. information on the Congress Party and CPN-UML for the years 1990-1995;

The Nepali Congress Party (NC) and the Communist Party of Nepal – United Marxist-Leninist (CPN-UML or UML) emerged as the two most significant parliamentary parties in Nepal following the 1990 restoration of democracy. The following extracts, sourced from an Asia Society research group paper, provide an historical overview of the manner in which the NC and the UML first shared power, as part of a coalition interim government, and then competed as bitter political rivals in two national elections; with the NC taking power in the elections of 1991 and the UML winning a minority government in the elections of 1994.

Hopes were high when democracy was restored in 1990 when the Nepali Congress and the United Left Front led *Jana Andolan* (People's Movement) culminated in lifting of the ban on the political parties and restoration of multi-party system. After 30 years of rule under the party-less *Panchayat* system when the King reigned supreme, an all-party interim government oversaw the drafting of a new constitution that made the Nepali people sovereign one more time. The government led by the Nepali Congress leader, Krishna Prasad Bhattarai also held the second general elections in the nation's history. In 1959, the first popularly elected government in Nepali history was unceremoniously dissolved by the then King Mahendra, the reigning king's father.

Thirty years later, as in 1959, it was the Nepali Congress (NC) that emerged as the largest party in the first election post-1990. But there was also a sizeable communist presence in the 205-member House of Representatives-82 in all-exhibiting a dramatic growth of communist parties as an electoral force. The Communist Party of Nepal Marxist-Leninist (CPN-UML) with 69 seats emerged as the main opposition party. The pro-Maoist United People's Front (UPF) secured 9 seats; Community Party of Nepal (Democratic) 2 seats; and Nepal Workers and Peasants Party (NWPP) 2 seats. The democratic parties enjoyed such groundswell of popular support that the majority of the Panchayat candidates, including the party veterans, were routed in the elections. Indeed, the remnants of the autocratic Panchayat system-who

contested the 1991 elections as the Rastriya Prajatantra Party (Chand) and Rastriya Prajatantra Party (Thapa) candidates-only secured a total of 4 seats in the House.

Buoyed by a popular mandate, the Nepali Congress government led by Girija Prasad Koirala embarked on bold market reforms, often at the prodding of western donors and Bretton Woods institutions. Unfortunately, it was also a time of intra-party feuds, which would later take nasty forms of factional battles within the Nepali Congress. Loyalists to the interim Prime Minister Bhattarai attributed his unexpected defeat in the 1991 parliamentary election to sabotage engineered by none other than Koirala.

The intra-party squabbling came to a head in 1994 when Prime Minister Koirala dissolved parliament and announced midterm elections after 36 dissidents of his own party abstained from a crucial vote in *Pratinidhi Sabha*, lower house of the parliament. The elections gave way to an extremely volatile “coalition era” with neither of the two major parties-NC and CPN-UML securing a clear majority. As public got increasingly disenchanted with the ever-warring mainstream parties, the RPP parties made solid electoral inroads to secure 20 seats in the new hung parliament- up from 4 seats in 1991.

In November 1994 CPN-UML, the largest party in the factitious parliament, formed a minority government but it collapsed after only nine months in office. This period saw two major parties- NC and CPN-UML-locked up in ugly display of political one-upmanship. In May 1995, the opposition led by NC moved a vote of no confidence against the CPN-UML. Prime Minister Manmohan Adhikari respond to the NC move by dissolving the parliament instead of facing the vote. What ensued was a period of deep political polarization and disregard for democratic ethos.

In September, the Supreme Court declared that Prime Minister Adhikari’s call for the dissolution of parliament and fresh polls was unconstitutional. The verdict established the supremacy of parliament and argued that so long as possibilities to form a government exists in a given parliament, that option should be exercised before going for fresh elections. The decision became immediately controversial.

The opposition parties, including NC, hailed the decision, arguing that it had saved the country from another expensive election. CPN-UML, still in office, lost no time in branding the then Chief Justice Biswonath Upadhyay, who enjoyed close personal ties with a number of NC leaders, as a “traitor” who had trashed conventions for convenience.

The CPN-UML government gave way to a coalition headed by Sher Bahadur Deuba. And three parties-Deuba’s Nepali Congress, RPP, and the Terai-based Nepal Sadbhavana Party-shared the spoils. The “coalition era” significantly put the party of former Panchas-political untouchables until then in the driving seat. Neither of the large parties-NC and CPN-UML-could now get into the office without help from RPP, the third largest party in parliament.

RPP stalwarts, many of who were battle-hardened politicians of the Panchayat era, proved to be too wily for Prime Minister Deuba who steadily lost control over his council of ministers. Soon, he found himself battling on two fronts-on one hand, the NC boss and former Prime Minister Koirala was nervous about Deuba’s growing stature in the party; on the other, he had little control over the cabinet colleagues outside his own party.

Much to Deuba’s chagrin, Koirala faction prevailed, resulting in the collapse of the Deuba government collapsed after less than two years in the office. Deuba’s government was forced out when two Nepali Congress lawmakers were mysteriously kept out of a crucial confidence vote in parliament.

“One of the tragedies of post-1990 Nepal,” explains analyst Deepak Thapa in his book *The Growth of the Maoist Movement*, “has been the unstable politics at the Centre which saw twelve changes of government between 1991 and late 2002.”

Significantly, this was also the time (February 1996) when the Communist Party of Nepal (Maoist) decided to go underground after the Deuba government failed to meet its 40-point demand. To be fair to Deuba, many of the demands were unreasonable as well as politically explosive: far from easy to meet and politically explosive too: Abrogation of the 1950 Treaty of Peace and Friendship with India and the Indo-Nepal Mahakali River Treaty; curtailing all privileges of the royal family; drafting of the new constitution through a constituent assembly; nationalizing the property of “comprador and bureaucratic capitalists.” Even if Deuba was supportive of these demands, he was in no position to accept them on his own.

In 1998, Nepal held its third general election in eight years. Once again, the Nepali Congress managed to defuse the intra-party dispute to regain the parliamentary majority it had lost since 1994. Predictably, the honeymoon was short-lived and the K.P. Bhattarai government was forced to step down by the Koirala faction on charges of failure to resolve the Maoist insurgency. Later, Koirala himself was forced to resign when the Royal Nepali Army defied his call for mobilization against the Maoists. In July 2001, Sher Bahadur Deuba formed the third Nepali Congress government after 1998 (Upadhyay, A. 2003, ‘Understanding Nepal’s Maoist Insurgency: Strategies for Sustainable Peace and Democracy’, Asia Source website, 16 June http://www.asiasource.org/asip/nepal_report.pdf – Accessed 11 July 2006 – Attachment 17).

In 1995 Professor Lok Raj Baral, of Kathmandu’s Tribhuvan University, observed of the 1990-1995 period that “[t]he opposition [the UML], during the three years of NC rule, resorted to violent forms of agitational politics, even on small pre-texts, that claimed both lives and property”; and that “[t]he November [2004] elections were not free from violence and signs of the ‘criminalization of electoral’ politics. Altogether, seven persons lost their lives during and after the campaigns, the worst affected areas being the south-western and the eastern districts of Dang and Ilam.” Baral’s contemporary study provides extensive information on the intricacies of Nepali politics during this period and is supplied as Attachment 18. Pages 71 to 73 of Narayan Khadka’s ‘Factionalism in the Communist Movement in Nepal’ and pages 53 to 55 of Raymond C. Taras’s ‘Rising Insurgency, Faltering Democratisation in Nepal’ are also recommended and these are supplied as Attachment 19 and Attachment 20 respectively (Baral, L.R. 1995, ‘The 1994 Nepal Elections: Emerging Trends in Party Politics’, *Asian Survey*, vol.35: no.5, May pp.426-440 – Attachment 18; for more on the intricacies of the complexities of relations between the UML and the NC at this time, see pages 71 to 73 of: Khadka, N. 1995, ‘Factionalism in the Communist Movement in Nepal’, *Pacific Affairs*, vol.68: no.1, Spring, pp55-76 – Attachment 19; and for further general background, see: pages 53 to 55 of: Taras, R.C. 2006, ‘Rising Insurgency, Faltering Democratisation in Nepal’, *Journal of South Asian Development*, vol.1: no.1, pp.51-76 <http://sad.sagepub.com/cgi/reprint/1/1/51.pdf> – Accessed 11 July 2006 – Attachment 20).

A report published by Canada’s Human Rights Internet (HRI) group provides further details on some of the major incidents of violence which involved clashing members of the UML and the NC at the time of the 1994 elections:

Before the polling, 8 persons were killed in different parts of the country. Of them, 4 persons were of the Nepali Congress and the other 4 of the CPN (UML). Him Lal Pokhrel of the Nepali Congress was killed in the first incident that took place in Dang on October 26. The next incident also took place in Dang and the person killed was Dambar Khadka of the Nepali

Congress itself. This happened on October 12. Meanwhile, a tragic incident took place in Dang on November 3. Narayan Chaudhary was killed by bullet fired by the police when there occurred a clash between the Nepali Congress and the CPN (UML) workers. Pushpa Ghimire and Krishna Chaudhary who had sustained bullet injuries died while undergoing treatment at Bir Hospital, Kathmandu on November 5. All those who died in connection with this incident were UML activists. The ones sustaining injuries in the incident were Kumar Lamichhane, Basanta K.C. and Manoj Rajaure of Nepali Congress and Shiva Raj Gautam, Shrimani Aryal, Thagendra Oli, Khageswar Bhandari, Madan K.C. etc. of the CPN (UML). Opposition parties had made the accusation that minister Khum Bahadur Khadka's instruction had something to do with the incident. Chairman of Panchakanya VDC in Ilam, Ashok Shrestha, a NC supporter, was shot dead on November 5. The Nepali Congress claimed that this killing was carried out by RPP activists. Likewise, NC activist of Phattepur, Saptari Jas Bahadur Rana, was also killed. The print media carried the news that he was killed because of the dispute inside the Nepali Congress. Deceased Rana was said to have belonged to the anti-party camp inside Nepali Congress (Human Rights Internet 1994, *Human Rights Year Book 1994*, 'Chapter 3: His Majesty's Government and Human Rights – 1994' <http://www.hri.ca/partners/insec/Yb1994/Ch3.shtml> – Accessed 11 July 2006 – Attachment 21).

A HRI group report for 1993 makes reference in a notation to a violent confrontation between the NC and the UML in the district of Myagdi:

April 9: Beatings and murder in Myagdi – Myagdi. Confrontation between Congress-UML use of khukuri (Nepali knife). 7 UML workers arrested in the incidence taken place in Bin VDC on March 21 (Human Rights Internet 1993, *Human Rights Year Book 1993*, 'Chapter 3: His Majesty's Government and Human Rights – 1994' <http://www.hri.ca/partners/insec/Yb1993/Ch6.shtml> – Accessed 11 July 2006 – Attachment 22).

6. information on the imputing of people as Maoists – such as the likelihood that the authorities suspect persons to be Maoists on the strength of friends who were Maoists, absence from the country, and prior association with CPN-UML.

7. Are there certain groups or characteristics that are more likely to be imputed to be Maoist?

UML members have been arrested in large numbers in past government crackdowns and last year saw reports of UML members being arrested as a consequence of the UML's move, as part of the Seven Party Alliance (SPA), to enter into a formal alliance with the CPN-M. UML activists have also been arrested and detained in recent political actions undertaken in concert with CPN-M. On 24 April 2006, at the height of the SPA's joint actions with the CPN-M, *The Hindustan Times* reported that the SPA's leadership had gone underground on "reports that the Royal Palace had planned to arrest top leaders of the Nepali Congress and the Communist Party of Nepal (UML)". According to *The Hindustan Times*: "[a]nother reason for the leaders doing the disappearing act could [have been] the understanding between the SPA and the Maoists leadership. The Royal Palace was desperately trying to frame charges against the top political leaders on this account." The situation has, however, changed significantly in recent months with the capitulation of King Gyanendra; the re-instatement of Parliament; and the instillation of the NC and UML led SPA parties as the government of Nepal (for a report detailing the arrest of UML members while in talks with members of the CPN-M, see: '7 Maoist, 4 UML and 3 Congressmen arrested in Dang' 2005, Web Chautari website, 10 September http://www.webchautari.com/news/news_item.asp?NewsID=494 –

Accessed 12 July 2006 – Attachment 23; for *The Hindustan Times* report, see: ‘Fearing arrest, leaders go into hiding’ 2006, *Hindustan Times*, 24 April – Attachment 24).

Amnesty International has, over recent years, regularly reported the arrest of Nepalese citizens, by the security forces of Nepal, on the basis of suspected involvement with the forces of the Communist Party of Nepal – Maoist (CPN-M or the Maoists). Amnesty International’s reports on such matters sometimes detail family member’s claims that the arrested person came under suspicion because Maoist activists had forced, or had attempted to force, the arrested party into some form of collaboration with the CPN-M. Association with Maoists is also detailed in some reports as the suspected motivation for arrests. Often, however, there is no explanation as to why the arrested person is suspected of Maoist involvement. Some examples follow below beginning with the report of an arrest of this kind, including one which occurred in the district of Myagdi.

Amnesty International (17 March 2004):

Chakrapadi Acharya and Binod Prabhat Ghimere were reportedly arrested by security forces personnel on 8 March and 11 March respectively. Their whereabouts are unknown, and it is feared that they have “disappeared”.

...There are reports that Chakrapadi Acharya is being detained at the army barracks in Myagdi district headquarters but he has not been granted access to his family or to a lawyer. According to his family, members of the Communist Party of Nepal (Maoist) tried to force Chakrapadi Acharya to take up a post in a local CPN (Maoist)-affiliated “people’s government”. His family fear that Chakrapadi Acharya was arrested because of his suspected involvement with the CPN (Maoist) and that it is therefore likely that he will “disappear” and be tortured.

...It is not known why Binod Prabhat Ghimere was arrested (Amnesty International 2004, ‘Fear for safety / possible “disappearance” / incommunicado detention: Nepal’ Chakrapadi Acharya (m) aged 28, businessman Binod Prabhat Ghimere (m) aged 25, student’, AI Index: ASA 31/070/2004, 17 March <http://t2web.amnesty.r3h.net/library/print/ENGASA310702004> – Accessed 12 July 2006 – Attachment 25).

Amnesty International (6 August 2004):

Rohit Rai (aged 42), is an active member of the Nepal Congress Party who had reportedly been abducted by members of the Communist Party of Nepal (Maoist) in Nuwakot district but managed to escape to Kathmandu. On 1 August he was reportedly arrested along with his brother-in-law, Anil Kumar Rai (aged 24), who is a Committee member of the Nepal Students Union (NSU), which is affiliated to the Nepal Congress party, in Nuwakot district. At 10.30pm 10 men wearing civilian clothes reportedly came to Anil Kumar Rai’s rented room in Baluja Heights, Kathmandu and asked them to come to Rohit Rai’s rented room which is about five minutes walk away. After arriving at Rohit Rai’s room the men identified themselves as security force personnel and then witnesses saw them taking Anil Kumar Rai and Rohit Rai away in a vehicle. Their whereabouts are now unknown (Amnesty International 2004, ‘Open letter on “disappearances”’, ASA 31/152/2004, 6 August [http://t2web.amnesty.r3h.net/library/pdf/ASA311522004ENGLISH/\\$File/ASA3115204.pdf](http://t2web.amnesty.r3h.net/library/pdf/ASA311522004ENGLISH/$File/ASA3115204.pdf) – Accessed 10 July 2006 – Attachment 26).

As is noted above, CSW-UK has reported that some Christians have been “targeted by the government as suspected Maoist rebels” (Christian Solidarity Worldwide – UK 2006, *CSW Country Profile – Nepal*, April, p.2

<http://www.csw.org.uk/Countries/Nepal/Resources/NepalCountryProfile.pdf> – Accessed 11 July 2006 – Attachment 11).

8. Are the Maoists forcibly recruiting?

Jane's World Insurgency and Terrorism database provides the following intelligence on the forcible recruitment methods of the Maoists (current at 20 April 2006):

Increasingly, recruitment methods have become less targeted. Instead, the group has issued edicts to villages calling on each household to provide one member for their forces, a move that has prompted widespread displacement as whole villages have fled. Furthermore, the Maoists have simply kidnapped hundreds of people at any one time. A typical abduction would see the group target a school, removing students and their tutors – the latter to help teach the CPN-M's doctrine – or rounding up all the men and boys from a village ('Communist Party of Nepal-Maoist (CPN-M)' 2006, *Jane's World Insurgency and Terrorism* website, 20 April <http://jwit.janes.com> – Accessed 11 July 2006 – Attachment 27).

As is noted above, CSW-UK has reported that "Maoist rebels in some areas harass Christians, threatening them if they attend church and forcing young Christians to join them under threat of death"; and the US Department of State has noted that "Maoists reportedly attacked Christian schools, orphanages, and homes in efforts to forcibly conscript children" (Christian Solidarity Worldwide – UK 2006, *CSW Country Profile – Nepal*, April, p.2 <http://www.csw.org.uk/Countries/Nepal/Resources/NepalCountryProfile.pdf> – Accessed 11 July 2006 – Attachment 11; US Department of State 2005, *International Religious Freedom Report for 2005 – Nepal*, 8 November <http://www.state.gov/g/drl/rls/irf/2005/51620.htm> – Accessed 9 November 2005 – Attachment 12).

In spite of the current cease-fire arrangement, reports of the abduction of Nepalese citizens, including UML activists, by Maoist groups have continued in recent months (see, for example: 'Maoists abduct 5 people, one person killed in landmine blast' 2006, *Press Trust of India*, 5 July – Attachment 28; and: 'Nepal Maoists abduct seven in south' 2006, *BBC Monitoring South Asia*, source: *Kantipur* (5 July 2006), 5 July – Attachment 29).

9. Please provide an update on current political situation of Nepal.

As is noted elsewhere in this response, the situation in Nepal has changed significantly in recent months with the capitulation of King Gyanendra; the re-instatement of Parliament; the instillation of the NC and UML led SPA parties as the government of Nepal; and the release of hundreds (though not all) of those persons detained as suspected Maoists under the anti-terrorism law. Nonetheless, it is also reported that both the security forces and the Maoists have continued to engage in violence. Nepal's "National Human Right Commission [NHRC] says that 22 persons have been killed in the past two months"; and "that although the number of killings, abductions, displacements and disappearances had gone down since the truce between the government and Maoists, these activities had not completely stopped" (for information on the release of suspected Maoists see: Shaulis, J. 2006, 'Nepal government releases Maoist rebels jailed under Gyanendra anti-terror laws', University of Pittsburgh (*Jurist – Legal News and Research*) website, 13 June <http://jurist.law.pitt.edu/paperchase/2006/06/nepal-government-releases-maoist.php> – Accessed 12 July 2006 – Attachment 30; and also: Pradhan, S.B. 2006, 'Nepal Govt to free Maoist leaders; rebels form peace team', *Press Trust of India*, 11 May – Attachment 31; for the NHRC's statement on the continuing violence, see: 'Nepal rights body says 22 killed in

past two months' 2006, *BBC Monitoring South Asia*, source: *Radio Nepal* (7 July 2006), 8 July – Attachment 32; for a general overview of the present situation see: Adhikary, D. 2006, 'Nepal makes way for the comrades', *Asia Times Online* website, 20 June http://www.atimes.com/atimes/South_Asia/HF20Df01.html – Accessed 7 June 2006 – Attachment 33).

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