

## UNIVERSAL PERIODIC REVIEW 2010

### NEPAL

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#### STATUS OF RELIGIOUS FREEDOM IN NEPAL

##### INTRODUCTION

The Federal Democratic Republic of Nepal, which has approximately a 3% Christian minority (Nepal is 81% Hindu, 11% Buddhist and about 4% Muslim),<sup>1</sup> stands at a critical crossroad concerning the future of religious freedom.<sup>2</sup> At this crossroad lies the struggle for power between the Maoist party, also known as the Unified Communist Party of Nepal, and the Nepali Congress party. With either in power, religious minorities risk significant persecution for the religious beliefs they hold. As the struggle continues, Hindu extremists become more impatient and violent, aiming their anger at Christians. Impatience is also growing within the Maoist party, which often uses property and churches owned by Christians to further its own agenda. In the middle of this struggle, Christians continue to hope that a secular Nepal will emerge that respects the religious liberties of all.<sup>3</sup>

##### SECTION 1: *Legal Framework*

Nepal's political parties failed to create a constitution by the May 28, 2010 deadline, as promised.<sup>4</sup> The delay has threatened the fragile peace agreement between the government and the Maoist party.<sup>5</sup> An influential leader of the Nepali Congress party, Krishna Prasad Bhattarai, announced the party's support for reinstating the 1990 Constitution because of the frustration caused by the delay.<sup>6</sup> Reinstating the 1990 Constitution would change Nepal's designation as a "secular state"<sup>7</sup> to a "Hindu state."<sup>8</sup> This would also provoke a violent response from Maoists who oppose such a move.<sup>9</sup> Although an Interim Constitution remains in effect along with the secular designation, the majority of the Nepalese people support the Hindu designation, and a

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<sup>1</sup> Michael Ireland, *Ministry says Christianity Growing in Nepal Despite Persecution*, ASSIST NEWS SERVICE, July 2, 2009, <http://www.assistnews.net/Stories/2009/s09070014.htm>. *But see* U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INT'L RELIGIOUS FREEDOM REPORT (2007) [hereinafter 2007 RELIGIOUS FREEDOM REPORT], available at <http://www.state.gov/g/drl/rls/irf/2007/90232.htm>.

<sup>2</sup> See FREEDOM HOUSE, COUNTRIES AT THE CROSSROADS 2010 – NEPAL (Apr. 7, 2010), available at <http://www.unhcr.org/refworld/docid/4be3c8ce0.html>.

<sup>3</sup> UCANEWS.com, Christians Pray for 'Secular' Constitution (March 29, 2010) [hereinafter 'Secular' Constitution], <http://www.ucanews.com/2010/03/29/christians-pray-for-timely-'secular'-constitution/>.

<sup>4</sup> Press Release, Security Council, Security Council Extends Mandate of Nepal Mission Until 15 September, Unanimously Adopting Resolution 1921 (2010), U.N. Doc. SC/9925 (May 12, 2010) (on file with author); Syed Zain Al-Mahmood, *Nepal at the Crossroads*, THE DAILY STAR, June 3, 2010, <http://www.thedailystar.net/newDesign/news-details.php?nid=141194>.

<sup>5</sup> Prashant Jha, *Struggle for Existence*, NEPALI TIMES, Dec. 4, 2009, available at <http://www.nepalitimes.comnp/issue/2009/12/04/PlainSpeaking/16552>.

<sup>6</sup> *Threat of Return to Hindu State in Nepal Looms*, COMPASS DIRECT NEWS, March 30, 2010 [hereinafter *Hindu State in Nepal*], <http://www.compassdirect.org/english/country/nepal/16810/>.

<sup>7</sup> INTERIM CONST. OF NEPAL 2063 (2007) pt. 1, art. 4.

<sup>8</sup> THE CONST. OF THE KINGDOM OF NEPAL 2047 (1990) pt. 1, art. 4.

<sup>9</sup> Unified Communist Party of Nepal (Maoist), Present Situation and Historical Task of the Proletariat, <http://ucpnm.org/english/doc12.php> (last visited June 15, 2010).

growing majority supports the return of the Hindu constitutional monarch.<sup>10</sup> The prolonged process of creating a new constitution will increase this majority and diminish the hopes of religious minorities to live free from persecution under a secular constitution.<sup>11</sup>

## I. CONSTITUTIONAL PROVISIONS REGARDING RELIGIOUS RIGHTS

Neither the Interim Constitution nor the Constitution of 1990 adequately protects religious freedom. The Constitution of 1990 certainly does not protect religious freedom due to its designation of Nepal as a “Hindu state.”<sup>12</sup> For example, under the Interim Constitution, which establishes a “secular” state, Article 23 protects the right to freedom of religion, but forbids proselytizing or behaving “in a manner that may jeopardize the religion of another.”<sup>13</sup> Although anti-proselytism laws are available, they have not yet been used to persecute Christians.<sup>14</sup> The Interim Constitution further establishes government responsibility to address religious discrimination by promising “[to] carry out an inclusive, democratic and progressive restructuring of the State . . . by eliminating . . . religion discriminations.”<sup>15</sup> However, Nepal’s government fails to enforce these provisions adequately, as demonstrated, *infra*, in Section 2: Incidents of Religious Persecution and Discrimination.

## II. STATUTES AFFECTING THE FREEDOM OF RELIGION

Various antiquated statutes remain in Nepal which involve some religious practice. Under a law governing the partition of property, an heir to property is required to provide “means for religious offering.”<sup>16</sup> Additionally, a Nepali statute governing broadcasting serves to support religious freedom (as opposed to restricting it), but the government could use the provision otherwise. The provision prohibits broadcasting “a matter creating enmity or social misbelieve amongst the people of various . . . religions.”<sup>17</sup> The same section also prohibits broadcasting “[a] matter that undermines security, peace and order.”<sup>18</sup> This terminology is over-broad and vague.

## III. INTERNATIONAL TREATIES AFFECTING RELIGIOUS FREEDOM

Nepal has agreed, by accession (having the same legal effect as ratification), to numerous treaties recognizing the freedom of religion including the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>19</sup> the International Covenant on Civil and Political Rights (ICCPR),<sup>20</sup> and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>21</sup> with the reservation on the ICERD that disputes will not be referred to the International Court of Justice. The ICESCR “ensure[s] the religious and moral education of

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<sup>10</sup> *Hindu State in Nepal*, *supra* note 6.

<sup>11</sup> See ‘Secular’ Constitution, *supra* note 3.

<sup>12</sup> THE CONST. OF THE KINGDOM OF NEPAL 2047 (1990) pt. 1, art. 4.

<sup>13</sup> INTERIM CONST. OF NEPAL 2063 pt. 3, art. 23 (2007).

<sup>14</sup> Voice of the Martyrs, Restricted Nations–Nepal,

<http://www.persecution.com/public/restrictednations.aspx?clickfrom=bWFpbl9tZW51> (last visited June 16, 2010).

<sup>15</sup> INTERIM CONSTITUTION OF NEPAL 2063 pt. 4, art. 33 (2007).

<sup>16</sup> Muluki Ain Regarding Partition of Property, Ch. 13, No. 12 (2002) (Nepal).

<sup>17</sup> The National Broadcasting Regulation, 2052, 9(e), (1995) (Nepal).

<sup>18</sup> *Id.* 9(b).

<sup>19</sup> International Covenant on Economic, Social and Cultural Rights, Jan. 3, 1976, 993 U.N.T.S. 3 [hereinafter ICESCR].

<sup>20</sup> International Covenant on Civil and Political Rights, Mar. 23, 1976, 999 U.N.T.S. 171 [hereinafter ICCPR].

<sup>21</sup> International Convention on the Elimination of All Forms of Racial Discrimination, Jan. 4, 1969, 660 U.N.T.S. 195 [hereinafter ICERD].

their children in conformity with their own convictions.”<sup>22</sup> Likewise, the ICCPR recognizes the right to freedom of religion and a person’s freedom to “manifest his religion . . . in worship, observance, practice and teaching.”<sup>23</sup> Finally, the ICERD also recognizes religion as a civil right.<sup>24</sup>

## **SECTION 2: *Incidents of Religious Persecution and Discrimination***

Nepal generally respects religious freedom among its citizens, although the government has been known to interfere with the “practice of a religious group” on occasion.<sup>25</sup> Incidents have occurred that lead one to question the government’s commitment to religious freedom. For instance, factions within the Nepali Congress desire a Hindu nation and refuse to act against radical and violent Hindu extremists.<sup>26</sup> The Maoist party, on the other hand, seeks to use churches and property owned by Christians only to further their cause.<sup>27</sup> Despite the promises made by the Maoist party to support religious freedom, as explained below, their history shows that once their goal of power is achieved, the Christians will become yet another enemy. An excerpt of each article describing the incidents below can be found in the Appendix.

### **I. INCIDENTS OF GOVERNMENT ACTION OR INACTION THREATENING RELIGIOUS AND PERSONAL LIBERTIES**

Tibetan monks are prominent victims of persecution by the Nepali government. Because of China’s controlling economic relationship with Nepal, Nepal continues to persecute Tibetan monks fleeing China to avoid persecution.<sup>28</sup> China has mercilessly used their influence over Nepal to violently oppress Tibetan demonstrations.<sup>29</sup> In addition, the Nepalese police harass, torture, and extort bribes from Tibetan monks.<sup>30</sup> Nepalese police forces also have attacked journalists, sexually assaulted women, and arbitrarily arrested Tibetans fleeing China’s persecution.<sup>31</sup> The outrageous treatment of the Tibetan refugees at the urging of an abusive Chinese government will continue due to Nepal’s heavy economic dependency on China.

Another group that is still heavily persecuted, the Dalit, is made up of Nepalese citizens but remains ostracized. Although the Interim Constitution prohibits the caste system, it remains a strong part of Nepali culture. The majority of Christians in Nepal are in the Dalit, or

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<sup>22</sup> ICESCR, *supra* note 19, at art. 13(3).

<sup>23</sup> ICCPR, *supra* note 20, at art. 18(1).

<sup>24</sup> ICERD, *supra* note 21, at art. 5(d)(vii).

<sup>25</sup> U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INT’L RELIGIOUS FREEDOM REPORT (2009) [hereinafter 2009 RELIGIOUS FREEDOM REPORT], *available at* <http://www.state.gov/g/drl/rls/irf/2009/127369.htm>.

<sup>26</sup> *Nepal: Hindus say Christians must leave*, SPERO NEWS, June 10, 2009, <http://www.speroforum.com/a/19553/Nepal-Hindus-say-Christians-must-leave>.

<sup>27</sup> *See* 2007 RELIGIOUS FREEDOM REPORT, *supra* note 1.

<sup>28</sup> HUMAN RIGHTS WATCH, NEPAL (Jan. 2010), *available at* <http://www.hrw.org/en/node/87397>.

<sup>29</sup> TIBET JUSTICE CENTER, TIBET’S STATELESS NATIONALS: TIBETAN REFUGEES IN NEPAL 2 (June 2002), *available at* <http://www.tibetjustice.org/reports/nepal.pdf>.

<sup>30</sup> *Id.* at 114-15.

<sup>31</sup> HUMAN RIGHTS WATCH, APPEASING CHINA: RESTRICTING THE RIGHTS OF TIBETANS IN NEPAL 24-29 (July 2008), *available at* <http://www.hrw.org/en/reports/2008/07/23/appeasing-china-0>.

“untouchable,” sect of the Hindu religion, which contains the lower castes of the population.<sup>32</sup> Dalit women suffer from “witch hunts,” where they are beaten and publicly humiliated without justification by locals.<sup>33</sup> The police told these women (those who were brave enough to report such heinous crimes) that the acts involved are a local issue of no concern to the police.<sup>34</sup>

## II. INCIDENTS OF ABUSE AT THE HANDS OF OTHER CITIZENS

Other abuses occur at the hands of Hindu extremists towards Christians. Hindu extremists, who are tied to the Nepali Congress, expressed their desire to see Christians leave the country.<sup>35</sup> Hindu extremists in Nepal blamed Christians for the demise of the Hindu Kingdom designation and launched a campaign to implement its return.<sup>36</sup> The bombing of a Catholic Church in Kathmandu, Nepal, provides one example of the many terrorist acts perpetrated by the Nepal Defense Army (NDA), the primary radical Hindu group.<sup>37</sup> Even though the bomber was arrested, the Attorney General of Nepal has shown a reluctance to press charges.<sup>38</sup>

Further incidents involve the treatment of Christian Bhutanese refugees during burial ceremonies and native Nepalese after converting to Christianity. In some cases, Hindus prevent Christian Bhutanese refugees from burying their dead and desecrate the graves.<sup>39</sup> Additionally, the Nepali government prevents Christians exiled from Bhutan from working for fear that they will take jobs from other citizens.<sup>40</sup> Native Nepalese who convert from the Hindu religion to Christianity also face severe repercussions, sometimes from their own families.<sup>41</sup>

## III. INCIDENTS OF ABUSE BY THE MAOIST PARTY

Even though Nepal’s Christian minority finds hope in the Maoist party to secure religious freedom, this hope only comes from the failure of all other parties.<sup>42</sup> In fact, the history of the Maoist party in Nepal gives reason for skepticism. In the very recent history, Maoists have taken control of churches and used them as indoctrination centers, threatening to close the churches if

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<sup>32</sup> Michael Ireland, *Ministry says Christianity Growing in Nepal Despite Persecution*, ASSIST NEWS SERVICE, July 2, 2009, <http://www.assistnews.net/Stories/2009/s09070014.htm>; Mallika Aryal, *Witch-hunts*, NEPALI TIMES, Dec. 25, 2009, available at <http://nepalitimes.com/issue/2009/12/25/INTERESTINGTIMES/16636>.

<sup>33</sup> Mallika Aryal, *Witch-hunts*, NEPALI TIMES, Dec. 25, 2009, available at <http://nepalitimes.com/issue/2009/12/25/INTERESTINGTIMES/16636>.

<sup>34</sup> *Id.*

<sup>35</sup> *Nepal: Hindus say Christians must leave*, SPERO NEWS, June 10, 2009, <http://www.speroforum.com/a/19553/Nepal-Hindus-say-Christians-must-leave>.

<sup>36</sup> *Christians Increasingly Vulnerable in ‘Secular’ Nepal*, COMPASS DIRECT NEWS, July 30, 2009, <http://www.compassdirect.org/english/country/nepal/4530/>.

<sup>37</sup> *Nepal: Hindu extremist seeks forgiveness of Christians and Muslims for violence*, SPERO NEWS (Jan. 14, 2010), <http://www.speroforum.com/a/25526/Nepal-Hindu-extremist-seeks-forgiveness-of-Christians-and-Muslims-for-violence>; U.S. DEP’T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2009 HUMAN RIGHTS REPORT: NEPAL (March 11, 2010) [hereinafter 2009 HUMAN RIGHTS REPORT], available at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>.

<sup>38</sup> 2009 HUMAN RIGHTS REPORT, *supra* note 37.

<sup>39</sup> *Anti-Christian Sentiment Marks Journey for Bhutan’s Exile*, COMPASS DIRECT NEWS, Feb. 23, 2010, available at <http://www.compassdirect.org/english/country/nepal/15590/>.

<sup>40</sup> *Id.*

<sup>41</sup> Stefan J. Bos, *Nepal Churches Growing Despite Persecution, Tensions, Group Says*, WORTHY NEWS, June 3, 2010, <http://www.worthynews.com/8253-nepal-churches-growing-despite-persecution-tensions-group-says>.

<sup>42</sup> Gospel for Asia, *Maoist Party Victorious in Nepal Election* (April 17, 2008), <http://www.gfa.org/news/articles/maoist-party-victorious-in-nepal-election/>.

their demands were not met.<sup>43</sup> In other instances, Maoists threatened violence to extort money from Christian churches.<sup>44</sup> Due to their foundational disrespect towards all religions, numerous reports of other terrorist acts against Nepal's religious citizenry exist, such as attacks on Hindu temples and harassment of Hindu priests.<sup>45</sup> As another egregious example, Maoists exploded a bomb at a Catholic school, St. Joseph's in Pokhara, Nepal.<sup>46</sup>

The Maoist party strictly follows the ideology of Mao Zedong.<sup>47</sup> Mao considered religion as "all that was wrong," unless it was faith in the Communist Party.<sup>48</sup> Today's Maoist leaders in Nepal voice a more tolerant view towards religion and espouse a "completely new concept" regarding communist dogma.<sup>49</sup> However, during the Maoist strike in May of this year, the Maoists installed themselves in Protestant and Hindu churches against the will of the Christians.<sup>50</sup> Recent history provides little confidence for a Nepal free of religious persecution with Maoist in control of the government. In addition, the Maoist connection with China portends continued persecution for Tibetan monks as well.

### **SECTION 3: *Christians Faced With an Imminent Crisis***

After failing to draft a new constitution, the Nepali government finds itself in limbo. Maoist leaders successfully forced the Prime Minister, Madhav Kumar Nepal of the Nepali Congress Party, to resign in June.<sup>51</sup> News agencies now report that the ruling parties have begun hiring private armies.<sup>52</sup> With clashes likely, Christians find themselves, yet again, in the middle of a potential civil war. Due to the Maoists' common goal with Christians to create a "secular state" in Nepal, the Maoists will likely use Christian churches as staging grounds for their indoctrination programs as they have done in the past to force their demands on Christians in return for a constitution that establishes a "secular state."<sup>53</sup> In turn, Hindu extremists will likely capitalize on the opportunity to eradicate Nepal of Christians altogether. Whether the laws that protect religious freedom will survive the impending struggle is unknown.

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<sup>43</sup> 2007 RELIGIOUS FREEDOM REPORT, *supra* note 1.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> See The Unified Communist Party of Nepal (Maoist), Present Situation and Historical Task of the Proletariat, <http://www.ucpnm.org/english/doc12.php> (last visited June 15, 2010).

<sup>48</sup> JONATHAN CLEMENTS, MAO ZEDUNG 47 (Haus Publishing 2006).

<sup>49</sup> Interview by Alessandro Gilioli with Prachanda, former Nepal President and Maoist leader, for L'ESPRESSO (Nov. 9, 2006), available at <http://espresso.repubblica.it/dettaglio/prachanda:-our-revolution-won/1431107//0>.

<sup>50</sup> Zenit.org, Nepali Christians Among Those Fearing Breakdown (May 19, 2010), <http://www.zenit.org/rssenglish-29308>.

<sup>51</sup> PressTV, Nepali PM to Resign (May 29, 2010), <http://www.presstv.ir/detail.aspx?id=128143&sectionid=351020406>.

<sup>52</sup> Nepal Ruling Parties Hire Private Armies, GULF TIMES, June 13, 2010, [http://www.gulf-times.com/site/topics/article.asp?cu\\_no=2&item\\_no=367698&version=1&template\\_id=44&parent\\_id=24](http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=367698&version=1&template_id=44&parent_id=24).

<sup>53</sup> See Zenit.org, Nepali Christians Among Those Fearing Breakdown (May 19, 2010), <http://www.zenit.org/rssenglish-29308>.

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#### STATUS OF RELIGIOUS FREEDOM AND PERSECUTION IN NEPAL

##### APPENDIX

#### I. INCIDENTS OF GOVERNMENT ACTION OR INACTION THREATENING RELIGIOUS AND PERSONAL LIBERTIES

- TIBET JUSTICE CENTER, TIBET'S STATELESS NATIONALS: TIBETAN REFUGEES IN NEPAL (June 2002), *available at* <http://www.tibetjustice.org/reports/nepal.pdf>.

[*excerpt*]

Whatever policies the “official” parties to the gentleman’s agreement work out, it is the Nepalese police that implement them. For this reason, their knowledge and compliance is vital to its effective operation. Tibet Justice Center’s research suggests that the conduct of the Nepalese police is erratic and sometimes abusive. Some interviewees related that the police stole their belongings or money. In a few cases, officers extorted bribes from Tibetans by threatening them with deportation. Tibet Justice Center also interviewed a number of Tibetans who described brief detentions ranging from several hours to as long as a few days, at times accompanied by police abuse.

Based on interviews with new arrivals and police in Solu Khumbu, it appears to be the standard practice, if not policy, of the police to order Tibetans apprehended within a few days walking distance of the Tibeto-Nepalese border to return to Tibet. Refugees generally related that the police ordered them to return and followed them back toward the border for several hours. TIN, the International Campaign for Tibet, and TCHRD report cases of *refoulement*. Very few Tibetans interviewed by Tibet Justice Center, however, reported being forcibly repatriated. (Of course, the most likely reason for this is that refugees who have reached the Reception Centre safely obviously managed to avoid repatriation; but a few interviewees reached Kathmandu only after two or three attempts, in at least one case after being previously repatriated by the Nepalese police.)

Most interviewees said that the police ceased to follow them after between several hours and one day. At this point, the Tibetans frequently would remain in hiding briefly and then turn back toward Kathmandu, following a less conspicuous route. Tibet Justice Center’s interviews with local residents in Solu Khumbu confirmed this pattern. Mingma Temba Sherpa, for example, said that “[n]ow, they [the police] just take their names and details and take them to the police stations in Namche. They tell [the Tibetans] to go back to Tibet and take them up the hill a little way—and the Tibetans just turn around and come back.”

- HUMAN RIGHTS WATCH, *APPEASING CHINA: RESTRICTING THE RIGHTS OF TIBETANS IN NEPAL* 24–29 (July 2008), *available at* <http://www.hrw.org/en/reports/2008/07/23/appeasing-china-0>.

[*excerpt*]

Nepali police have physically attacked and harassed journalists and sought to intimidate human rights defenders monitoring abuses against the Tibetan community in Nepal.

Nepali police physically assaulted journalists on at least two occasions. On March 17, a foreign journalist who was attempting to photograph arrests of protesters was punched in the face by a Nepali police officer outside the UN complex. On April 17, Human Rights Watch observed a police officer manhandle, kick, and punch a foreign journalist.

On April 18, two Tibetan journalists covering a protest were arrested. Police specifically targeted Tenzin Choephel and Thupten Shastri out of a group of five Tibetan journalists a few minutes after the protest had finished. When Choephel and Shastri asked the reason for their arrest, a senior officer replied, “I don’t know the reason, but it might be because if there are many Tibetan journalists, then there are more Tibetan protesters coming.”

Foreign and Tibetan journalists and human rights workers observing protests have been photographed at close range (one meter) by what appear to be Nepal intelligence officials and also questioned.

Nepali police have repeatedly sexually assaulted Tibetan women during arrest. Women, including girls under 18 years of age, reported male police officers groping their breasts and buttocks inside and outside their clothing. Some said they had been struck in the groin with a lathi. Sexual assault is never a legitimate law enforcement method. The numerous, strikingly similar cases reported, and the failure of the authorities to denounce such actions, let alone investigate those responsible, strongly suggest that sexual abuse of Tibetans by the Nepali police is systemic and tolerated.

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At least 8,350 arrests of Tibetans were made between March 10 and July 18 (many people were arrested more than once). Arrests have continued since. While the frequency of protests has diminished since May, protests have continued to take place on an almost weekly basis, with continuing abuses by Nepali authorities in response. Few of those arrested have been provided with a reason for their detention and virtually all have been released without charge.

Typically, those arrested were detained for several hours and then released without charge in the evening between 7 and 10 p.m. On two occasions in April the authorities held large groups of Tibetans overnight: 68 were held at Ghan II Police Barracks on April 2, and 99 people were held in four locations on April 16.

International human rights law prohibits arrests and detentions that are arbitrary. An arrest or detention is arbitrary when not carried out in accordance with the law, or if the law allows for the

arrest and detention of people for peacefully exercising their basic rights such as freedom of expression, association, and assembly. Nepali police arrests of Tibetan demonstrators have either been without regard to Nepali law or violated fundamental freedoms, or both.

Senior government officials and officials questioned by Human Rights Watch at places of detention and in interviews with the media often cited the relationship between China and Nepal as the reason for the arrest of Tibetan protesters. On March 17, the district superintendent of police (DSP) informed Human Rights Watch that the Tibetans detained at Jawalakeel Police Station at the time were detained because of the Nepali government's policy regarding China. On March 20, the International Herald Tribune quoted Nepal's Home Ministry spokesperson saying, "We have given the Tibetan refugees status and allow them to carry out culture events. However, they do not have the right for political activities.... We will not allow any anti-China activities in Nepal and we will stop it."

Lower-level police officers have regularly stated they are "just following orders" or have given other reasons for arrest when questioned by Human Rights Watch. An assistant subinspector (ASI) on duty at Ghan II police barracks told Human Rights Watch that his barracks was being used to detain Tibetan protesters because he had been told that "they are dangerous and trying to create trouble for the UN, and these type of people must be kept here." Another ASI at Ghan II, on a separate occasion, said that protesters had violated Nepali law by protesting in a restricted area.

Tibetans told Human Rights Watch that when they asked police why they were being arrested, officers frequently said that they were simply following orders or did not know the reason. Sherab Dolma was once told she was being arrested "because she was Tibetan."

Under Nepali law, persons arrested must be produced before the adjudicating authority (usually the court or the CDO) within 24 hours of the detention. They must either be charged with a crime or released. On only one occasion during the first round of protests between March 10 and April 3 were any detained Tibetan protesters given charge sheets. The charges were dropped before being brought before a judge.

- Mallika Aryal, *Witch-hunts*, NEPALI TIMES, Dec. 25, 2009, available at <http://nepalitimes.com/issue/2009/12/25/INTERESTINGTIMES/16636>.

[*excerpt*]

In November Jug Chaudhary, a 30-year-old mother of four children, was beaten up by her family members and paraded naked around a village in Kailali. They dragged her out from her home, beat her mercilessly and then forced her to eat human excreta. Her mother-in-law's brother had just passed away. She had been accused of putting a spell on him that caused his death.

When Chaudhary's husband, a labourer in India, returned the couple went to the police station but could not file a complaint. "They said it was a personal matter, it should be solved in the community." Jug Chaudhary did not receive justice. She is living in the same village, in the same Dalit community as those who accused and assaulted her.

Chaudhary made the journey to Kathmandu to talk at a public forum last week. It is extremely difficult for her to talk about what she went through publicly. She has to stop many times and her voice cracks when she describes how helpless she felt when she realised there was no one she could turn to.

...

Five other women from Dalit and other minority communities in Lalitpur, Saptari, Siraha, Kailali, Sunsari and Makwanpur also speak at the forum. Each was branded a witch and humiliated in front of their communities. In each case the perpetrators have been let off the hook. Noone has come to apologise to the women for treating them like animals. They are awaiting justice, but living in fear of being targeted again. "I can't sleep because I am afraid they are going to come back for me," says Chaudhary.

## II. INCIDENTS OF ABUSE AT THE HANDS OF OTHER CITIZENS

- *Nepal: Hindus say Christians must leave*, SPERO NEWS, June 10, 2009, <http://www.speroforum.com/a/19553/Nepal-Hindus-say-Christians-must-leave>.

[*excerpt*]

Barely a week after several people were killed when militants bombed the Kathmandu Catholic Cathedral, Hindu extremists now want all the one million Christians out of the South Asian country.

In their statement, distributed during a public demonstration organized by the Church in Nepal on 31 May, to create awareness among the people on the issue of religious freedom, the extremist Hindu Nepal Defense Army (NDA) also acknowledged responsibility for the cathedral bomb attack. "We want all the one million Christians out of the country," their statement said.

The Christian community, with the support of local authorities, has taken security measures, organized guards on their churches and issued an alert to all their communities in the country. The Church in Nepal is involved in social services, with the poor, the sick, and the marginalized and is generally well-received by the people. The NDA has, from the beginning, been fighting for the return of the Hindu monarchy. It has already carried out several attacks on Muslims and Christians and last year, Salesian Fr Johnson Moyalan, was killed in the attacks. They are protesting the arrival of a democratic secular system and the rise to power of ex-Maoist groups after centuries of rule by a Hindu monarch.

- U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2009 HUMAN RIGHTS REPORT: NEPAL (March 11, 2010), *available at* <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136091.htm>.

[*excerpt*]

On May 23, three persons were killed and 13 others injured when a bomb exploded in a Catholic church in Kathmandu. The Hindu extremist Nepal Defense Army (NDA) claimed responsibility. On June 2, the police arrested Seeta Thapa Shrestha. The May bombing followed the 2008 killing of a Catholic priest, John Prakash Moyalan, by the NDA. On September 6, police arrested the head of the NDA, Ram Prasad Mainali, and three of his associates. They were convicted for the March 2008 bombing of a mosque in Biratnagar that killed two, and they were sentenced to two years in prison for weapons violations and possession of explosives. The Office of the Attorney General did not file charges for murder or the church bombing.

- *Anti-Christian Sentiment Marks Journey for Bhutan's Exile*, COMPASS DIRECT NEWS, Feb. 23, 2010, available at <http://www.compassdirect.org/english/country/nepal/15590/>.

[excerpt]

Thrust from their homes in Bhutan after Buddhist rulers embarked on an ethnic and religious purge, Christian refugees in Nepal face hostilities from Hindus and others.

...

“In Itahari, Christians face serious trouble during burials,” Kumal told Compass. “Last month, a burial party was attacked by locals who dug up the grave and desecrated it.”

Earlier this month, he added, a family in the area expelled one of its members from their home because he became a Christian.

Bhutan began expelling almost one-eighth of its citizens for being of Nepali origin or practicing faiths other than Buddhism in the 1980s. The purge lasted into the 1990s.

“Christians, like Hindus and others, were told to leave either their faith or the country,” said Gopi Chandra Silwal, who pastors a tiny church for Bhutanese refugees in a refugee camp in Sanischare, a small village in eastern Nepal’s Morang district. “Many chose to leave their homeland.”

...

“In August, we were planning another baptism program,” JLG director Robert Singh reported. “But the villagers put deadly poisonous chemicals in the water ... Some of the young people went to take a bath ahead of our next baptism program. They found some fish floating on the water and, being very hungry – the refugees only get a very small ration, barely enough to survive on – they took some of the fish and ate them. Three of them died instantly.”

Singh also stated that poisoned sweets were left on the premises of the refugee school in the camp. They were discovered in time to avert another tragedy.

- Stefan J. Bos, *Nepal Churches Growing Despite Persecution, Tensions, Group Says*, WORTHY NEWS, June 3, 2010, <http://www.worthynews.com/8253-nepal-churches-growing-despite-persecution-tensions-group-says>.

[*excerpt*]

"The persecution has driven the people in the church to their knees...The position of Christians is it doesn't matter who is in power. Christians are not so much involved in politics, but they are heavily involved in praying for the people in politics," Anderson stressed in a released statement. "Yes, there are threats...There is persecution, torture, and intimidation. Any time you become a Christian you face immediate persecution, even from your own family members," he said.

### **III. INCIDENTS OF ABUSE BY THE MAOIST PARTY**

- U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, INT'L RELIGIOUS FREEDOM REPORT (2007), *available at* <http://www.state.gov/g/drl/rls/irf/2007/90232.htm>.

[*excerpt*]

During the period covered by this report, Maoist insurgents restricted religious freedom in parts of the country. There were reports of Maoists enforcing a "people's calendar" in schools that did not allow for religious holidays. Maoists sometimes demanded the use of religious organization facilities for their indoctrination programs, threatening to padlock the buildings if their demands were refused. There were also reports that they used Hindu temples as facilities for the Maoist-run "People's Courts."

There were scattered reports of Maoist insurgents attacking Hindu temples and harassing Hindu priests during the reporting period.

Christian organizations reported several cases where Maoists extorted cash from churches. The Maoists threatened retribution against church property and church members if the congregations did not meet their demands. Some churches complied with the demands, while others refused.

- Zenit.org, *Nepali Christians Among Those Fearing Breakdown* (May 19, 2010), <http://www.zenit.org/rssenglish-29308>.

[*excerpt*]

Father Pius Perumana, the apostolic pro-vicar, was able to prevent the Maoist protesters from installing themselves in the Cathedral of the Assumption during the strike. In the end, an appeal was made to the police to prevent an attempt at intrusion by force.

Certain establishments, however, had to receive the militants: Hindu and Jain temples, and also some Protestant churches. Catholic schools also reported intimidation from Maoists who asked for financial contributions to sustain their political action.