

## Country Conditions: Nepal

### **I. Overview of Nepal**

Nepal is a federal democratic republic, with its political system established by the 2015 Constitution.<sup>1</sup> The 2015 Constitution contains measures meant to address diversity among language, caste, and ethnic identity, but protests against the Constitution before its passing in Parliament by marginalized groups like the Terai indicate, alongside human rights reports, that these measures are not adequate nor properly implemented.<sup>2</sup> The U.S. Department of State reported the following human rights violations in its most recent 2020 Country Report on Nepal:

“unlawful or arbitrary killings, including extrajudicial killings by the government; torture and cases of cruel, inhuman or degrading treatment by the government; arbitrary detention; serious restrictions on free expression, the press and the internet, including site blocking and criminal defamation laws; interference with the rights of peaceful assembly and freedom of association, including overly restrictive nongovernmental organization laws; restrictions on freedom of movement for refugees, notably resident Tibetans; and significant acts of corruption.”<sup>3</sup>

While in some cases, these violations led to investigations, those responsible were rarely held accountable and victims of human rights violations in Nepal are left waiting for justice.<sup>4</sup>

There is political instability in Nepal due to conflict between opposing political parties and regular turnover in the government. The Communist Party of Nepal (CPN-UML) and the Nepali Congress (NC) are always competing for power, and inter-party tensions have led to several splinter groups from the two main parties. Netra Bikram Chand leads a Maoist splinter group of the Communist Party of Nepal (CPN), which has used violence, including bombing, extortion, and murder, to challenge the government of Nepal.<sup>5</sup> Nepal’s Parliament has been dissolved twice over the past six months, first on

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<sup>1</sup> “2020 Country Reports on Human Rights Practices: Nepal,” U.S. Department of State Bureau of Democracy, Human Rights, and Labor, March 30, 2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/nepal/>

<sup>2</sup> “No Law, No Justice, No State for Victims: The Culture of Impunity in Post-Conflict Nepal,” Human Rights Watch, November 20, 2020 <https://www.hrw.org/report/2020/11/20/no-law-no-justice-no-state-victims/culture-impunity-post-conflict-nepal>

<sup>3</sup> “2020 Country Reports”

<sup>4</sup> “2020 Country Reports”

<sup>5</sup> Kamal Dev Bhattarai, “Are the Maoists Rising Again in Nepal?” *The Diplomat*, March 13, 2019, <https://thediplomat.com/2019/03/are-the-maoists-rising-again-in-nepal/>; “Nepal gov’t signs peace accord

December 20th, 2020 by then-Prime Minister K.P. Sharma Oli and again on May 22nd, 2021 by President Bidya Devi Bhandari.<sup>6</sup> There are several bills waiting to be passed in Parliament which will greatly restrict freedom of speech and expression in Nepal, coupled with the use of excessive force by police against peaceful human rights protestors.<sup>7</sup> Further, the CPN-UML has continued to appoint people to positions of power within the government who were found to be implicated in crimes during the conflict era from 1996-2006, without independent investigations.<sup>8</sup> United Nations Human Rights Experts expressed specific concern over the appointment of individuals to the National Human Rights Commission of Nepal who are inconsistent with international standards.<sup>9</sup> The news release confirms that such appointments make avenues of justice and remedies for victimized families restricted and that the impartiality and independence of the Commission is at risk.<sup>10</sup>

As of July 2021, the new Prime Minister is Sher Bahadur Deuba of the Nepali Congress Party.<sup>11</sup> Earlier in July 2021, the Supreme Court found that former Prime Minister K.P. Sharma Oli breached the Constitution by dissolving Parliament and appointed Deuba as premier in Oli's place.<sup>12</sup> After Deuba won a subsequent vote of confidence in Parliament, he was officially the new Prime Minister, and still holds the position.<sup>13</sup>

## II. Rule of Law, the Judicial System, and Government Accountability

The purpose of a judicial system is to protect the constitutional rights of every citizen and enforce the rule of law to restrict excessive use of power. As identified by the World Justice project, eight factors support the rule of law in a country: Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights,

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with banned Maoist splinter group," Al Jazeera, March 4, 2021,

<https://www.aljazeera.com/news/2021/3/4/nepal-govt-signs-peace-accord-with-banned-maoist-splinter-group>

<sup>6</sup> Bhadra Sharma, "Nepal Falls Into Political Turmoil. China and India Are Watching," *New York Times*, December 20, 2020, <https://www.nytimes.com/2020/12/20/world/asia/nepal-parliament.html>;

Bhadra Sharma, "Nepal's Parliament Is Dissolved, Deepening a Political Crisis as Covid Rages," *New York Times*, May 22, 2021,

<https://www.nytimes.com/2021/05/22/world/asia/nepal-parliament-coronavirus.html>

<sup>7</sup> "Amnesty International Report 2020/21: The State of the World's Human Rights," Amnesty International, April 7, 2021, <https://www.amnesty.org/en/documents/pol10/3202/2021/en/>

<sup>8</sup> "Amnesty International Report 2020/21"

<sup>9</sup> "Nepal: New appointments 'undermine independence' of rights oversight body, UN experts warn," *UN News*, April 27, 2021, <https://news.un.org/en/story/2021/04/1090692>

<sup>10</sup> "Nepal" 2021

<sup>11</sup> Gopal Sharma, "Nepal's New PM Wins Confidence Vote Amid Coronavirus Crisis," Reuters, July 18, 2021,

<https://www.reuters.com/world/china/nepals-new-pm-wins-confidence-vote-amid-coronavirus-crisis-2021-07-18/>

<sup>12</sup> "Nepal's New PM" 2021

<sup>13</sup> "Nepal's New PM" 2021

Order and Security, Regulatory Enforcement, Civil Justice, and Criminal Justice.<sup>14</sup> All of these factors are fundamental in Nepal's new constitution that was adopted in 2015. Yet, despite the reconstruction of the judicial system that was rehabilitated to create a society that recognizes the diversity of Nepal and the struggles of marginalized communities, courts and the rule of law are not respected. Nepal's new constitution has created a judicial council, but it is not independent of the government. Further, the rule of law is often lost on public officials and the majority in power.

The deep-seated corruption in Nepal's political and governmental arena compromises most courts and leaves Nepal at a rating of "2/4 points for independent judiciary" by the Freedom House organization.<sup>15</sup> The low rating of an unfettered judicial branch means a lack of regard for judiciary decisions and power. Nepali State governments often disregard local court verdicts, supreme court decisions, and National Human Rights Commission recommendations.<sup>16</sup> Thus, the rule of law is unfounded by those in governmental positions as they sit above the laws made by the judiciary. In addition to the dismissal of judicial authority, Nepal's judiciary has ongoing problems with appointing judges based on political affiliation. The World Justice Project gave Nepal a .34 for criminal system impartiality and .40 for being free from improper governmental influence out of a 0-1 point scale with 1 being the highest possible score.<sup>17</sup> The substandard objectivity in Nepal's judicial system indicates scarcity in legal equity; those who do not agree with the same political principles have limited protection under the law, and those in positions of government power nearly have unlimited protection under the law. The absence of the rule of law for those in power allows them to persecute those who don't support their political mindset and impose their party's ideology corruptly. The World Justice Project rated Nepal .45 for government officials being sanctioned for misconduct and .62 for government officials being effectively limited by the judiciary out of a 0-1 point scale with 1 being the highest score.<sup>18</sup> Both ratings unveil Nepal's inability to hold government officials accountable. When compared to the ratings the United States (U.S.) received, Nepal fails severely. The World Justice Project ranked the U.S. .76 for being free from improper governmental influence, .63 for government officials being sanctioned for misconduct and .73 for government officials being effectively limited by the judiciary.<sup>19</sup> This massive difference in the judiciary's

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<sup>14</sup> "What Is the Rule of Law?" *World Justice Project*, [worldjusticeproject.org/about-us/overview/what-rule-law](https://worldjusticeproject.org/about-us/overview/what-rule-law).

<sup>15</sup> <https://freedomhouse.org/country/nepal/freedom-world/2019>

<sup>16</sup> <https://freedomhouse.org/country/nepal/freedom-world/2019>

<sup>17</sup> "WJP Rule of Law Index." *World Justice Project*, [worldjusticeproject.org/rule-of-law-index/country/2020/Nepal/Criminal%20Justice/](https://worldjusticeproject.org/rule-of-law-index/country/2020/Nepal/Criminal%20Justice/).

<sup>18</sup> "WJP Rule of Law Index." *World Justice Project*, [worldjusticeproject.org/rule-of-law-index/country/2020/Nepal/Criminal%20Justice/](https://worldjusticeproject.org/rule-of-law-index/country/2020/Nepal/Criminal%20Justice/).

<sup>19</sup> <https://worldjusticeproject.org/rule-of-law-index/country/2020/United%20States/Constraints%20on%20Government%20Powers/>

impartial ability to enact rule of law illustrates the vulnerable quality of life for citizens in Nepal.

The protection minorities have under the judiciary system comes down to whether the judicial branch protects their rights in an identical fashion to their majority counterpart. Freedom House rates Nepal "1/4 points for do laws, policies, and practices guarantee equal treatment of various segments of the population?"<sup>20</sup> The low rating is given because many minority groups such as women and Dalits do not receive equal protection under the law. When they are prosecuted, it is not with the same benefits as the majority, and Nepal's issues with unlawful imprisonment exaggerates this lack of protection. The right of due process is not enforced by the judicial system. Many Nepali citizens serve more time as a detainee than they would for the actual crime.

Lastly, the judicial system has not held those responsible for the disappearances and human rights violations that occurred during the Nepal civil war from 1996-2006. Although the Truth and Reconciliation Commission (TRC) and Commission of Investigation on Enforced Disappeared Persons (CIEDP) have received reports on human rights violations and disappearances, there has been no persecution or follow up on those accused. This shows that wrong doers are shielded from rule of law by those in power and has left Nepal ranked "2/4 for protection from the illegitimate use of physical force and freedom from war and insurgencies?" by Freedom House.

Overall, Nepal's judicial system does not operate alone. There are significant influences or nonacceptance for judicial decisions from other branches of government. And, while the rule of law is a safeguard that guarantees equity for citizens and a government free from corruption, government officials' duplicity hinders the rule of law from operating with true intent. This leaves Nepali life operated by government officials in power.

According to a 2021 report conducted and released by Human Rights Watch, the lack of government accountability in Nepal is leading to a significant undermining of the Rule of Law in the country.<sup>21</sup> The Nepalese Civil War was a conflict that occurred between February of 1996 and November of 2006. During this period, innumerable abuses took place that have still yet to see justice.

Since the end of the conflict, the government has failed to comply with court orders involving prosecutions and police investigations that originated during the Civil War.<sup>22</sup> In failing to do so, impunity has been given to those who use violent tactics for action in

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<sup>20</sup> <https://freedomhouse.org/country/nepal/freedom-world/2019>

<sup>21</sup> "Nepal: Lack of Accountability Undermining the Rule of Law." Human Rights Watch, January 13, 2021. <https://www.hrw.org/news/2021/01/13/nepal-lack-accountability-undermining-rule-law>.

<sup>22</sup> "Nepal: Lack of Accountability Undermining the Rule of Law." Human Rights Watch, January 13, 2021.

the country, including the Maoist Party. Since 2006, almost no one has been deemed or held accountable for the Civil War-era abuses.<sup>23</sup>

Ongoing cases of abuses that include extrajudicial killings, deaths in custody, and torture have also failed to be addressed. Marginalized groups in the country, especially those of low socio-economic status, such as those belonging to the Dalit caste, have been most targeted in these acts of cruelty, as have members of other ethnically marginalized groups.<sup>24</sup>

The two developed transitional justice bodies in Nepal, the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons, have received more than sixty thousand complaints. As of January 13th, 2021, not a single case had been completed in either system.<sup>25</sup>

To make matters worse, despite Nepal's court systems being independent entities on paper, the reality is that corruption has ensured that justices on even the Supreme Court were not selected through the process or meritocratic recruitment. Instead, officials are often chosen to serve based on political ties and influence. As a result, rule of law in the state is significantly hindered. This, coupled with weaknesses in the state's institutions and general political instability has resulted in impunity for many who have committed extreme acts of violence, including state officials.<sup>26</sup>

### **III. Transitional Justice in Nepal**

Nepal's ten-year insurgency has left many killings, rapes, disappearances, and tortures in its wake. Since the conflict has ended, leaders have continuously deflected responsibility for what occurred during the conflict and for providing adequate compensation, protection, and justice to victims. There is legislation and commissions that supposedly investigate and help reconcile the damage done, but they employ corrupt individuals, do not adequately address the needs of victims, or use scare tactics to prevent victims from seeking help through these so-called resources. According to the 2020 Human Rights Report, what happened to those who disappeared during the 1996-2006 civil conflict remains unknown, and the state has done little to address potential liabilities of state actors. According to the NHRC, 802 disappearance cases remain unsolved, most of which may have involved state actors. 606 of these cases

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<sup>23</sup> "Nepal: Lack of Accountability Undermining the Rule of Law." Human Rights Watch, January 13, 2021.

<sup>24</sup> "Nepal: Lack of Accountability Undermining the Rule of Law." Human Rights Watch, January 13, 2021.

<sup>25</sup> "Nepal: Lack of Accountability Undermining the Rule of Law." Human Rights Watch, January 13, 2021.

<sup>26</sup> Mainali, Shyam Prasad. "Judiciary in Federalism of Nepal: Universally Agreed Principles Ignored." The Himalayan Times. himalayantimes, June 28, 2021.

<https://thehimalayantimes.com/opinion/judiciary-in-federalism-of-nepal-universally-agreed-principles-ignored>.

have been identified by the NHRC as having been disappeared by state actors. As of September 2020, the government did not prosecute any government officials for conflict-era disappearances.<sup>27</sup>

The Commission of Investigation on Enforced Disappeared Persons (CIEDP), which ultimately investigated the cases of disappearance, was stalled after parliament introduced a bill that would grant amnesty to perpetrators. Even though this was declared unconstitutional by the Supreme Court in 2014, it has yet to be changed. The commission was finally formed in February of 2015 and started work in March of 2016. In a four-month period in 2016, 3,000 complaints were filed regarding enforced disappearances.<sup>28</sup> The CIEDP formed five teams to investigate disappearances. It has 3,197 registered cases, pursuing 2,512 under the first commissioner through 2019. A new commissioner was appointed in January of 2020 and as of August 2020, 2,503 cases are reported to have been completed. There have been issues with this program, such as lack of funding and lack of protection for victims or witnesses. Additionally, there is no transparency regarding the appointment of investigators, some of whom could be individuals guilty of crime from the 1996-2006 conflict.<sup>29</sup>

The Truth and Reconciliation Commission (TRC) was formed in February of 2015. It started taking complaints in April of 2016, receiving 53,000 complaints by July 21, 2016. The TRC investigated kidnappings, hostages, beatings, torture, rape or sexual harassment, and property damage. Similarly to the CIEDP, despite the unconstitutional ruling, the commission can grant amnesty to perpetrators.<sup>30</sup> The flaws in legislation for setting up transitional justice measures caused the international community to withdraw support from the CIEDP and TRC. In June 2018, the attorney general pledged to amend the laws to bring them into compliance with international laws, specifically removing the ability to grant amnesty to those who committed war crimes, but little has been done to fulfill that promise.

The Torture Compensation Act provides compensation to victims of torture, and the constitution prohibits torture and designates punishment for committing it. However, many victims are not able to receive this justice and compensation due to fear. Torture victims were often hesitant to file complaints due to intimidation from police or other officials, or they settled out of court due to pressure. Many cases were dismissed due to a lack of credible evidence, including medical documentation. If compensation or disciplinary action against police was awarded, it was rarely implemented.

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<sup>27</sup> <https://www.justice.gov/eoir/page/file/1386031/download>

<sup>28</sup> <https://www.ictj.org/our-work/regions-and-countries/nepal>

<sup>29</sup> <https://www.justice.gov/eoir/page/file/1386031/download>

<sup>30</sup> <https://www.ictj.org/our-work/regions-and-countries/nepal>

#### IV. Nepal's Police Force

In 2021, the government continued to fail victims by favouring impunity for perpetrators, whether they be security forces or members of the Nepal Communist Party. Although the Comprehensive Peace Agreement of November 2006 was signed over 14 years ago and various court orders were made in relation to conflict-era (1996-2006) police investigations and prosecutions, very few perpetrators have been held accountable for conflict-era crimes.<sup>31</sup> Furthermore, the Truth and Reconciliation Commission and the Commission of Investigation on Enforced Disappeared Persons, which had accumulated more than 63,000 complaints of crimes perpetrated by state security forces and armed opposition groups, failed to conduct effective and independent investigations.<sup>32</sup> Due to the unwillingness of security forces and political parties, neither the TRC nor the CIEDP have implemented reforms demanded by the UN or the Supreme Court.<sup>33</sup>

The government also generally ignores recommendations made by the National Human Rights Commission (NHCR). In 2019, the Home Ministry even asked the NHRC to review its finding that the case of Kumar Paudel, who was killed by police on June 20, 2019, was an extrajudicial killing. On October 15, 2020, the NHCR published 20 years of data which named 286 people - mostly police officials, military personnel, and former Maoist insurgents - as suspects in serious crimes such as torture, enforced disappearance, and extrajudicial killings. Although investigators concluded that the data warranted investigations and prosecutions, for the most part, the government did not take any action.<sup>34</sup>

Despite torture becoming a crime under the Nepali Criminal Code in 2018, the practice persists, particularly in police custody and in pre-trial detention. Torture (particularly beatings) and other ill-treatment are common practices used to extract “confessions” and intimate detainees.<sup>35</sup> Investigations of ongoing cases of alleged extrajudicial killings by security forces and of deaths in custody allegedly resulting from torture have been ineffective, with no one being convicted under the crime of torture by the end of 2020.<sup>36</sup>

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<sup>31</sup> Human Rights Watch, World Report 2021, p.485,  
[https://www.hrw.org/sites/default/files/media\\_2021/01/2021\\_hrw\\_world\\_report.pdf](https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf).

<sup>32</sup> Amnesty International, International Report 2020/21 p.261,  
<https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>.

<sup>33</sup> Freedom House, 2020 Nepal Country Report,  
<https://freedomhouse.org/country/nepal/freedom-world/2020>.

<sup>34</sup> Human Rights Watch, World Report 2021, p.487,  
[https://www.hrw.org/sites/default/files/media\\_2021/01/2021\\_hrw\\_world\\_report.pdf](https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf).

<sup>35</sup> Amnesty International, International Report 2020/21 p.261,  
<https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>.

<sup>36</sup> Human Rights Watch, World Report 2021, p.487,  
[https://www.hrw.org/sites/default/files/media\\_2021/01/2021\\_hrw\\_world\\_report.pdf](https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf); Amnesty International,

The Wire, a non-profit organization, identified 18 custodial deaths in Nepal from June 2015-June 2020. According to the data, Nepal currently has a higher rate of custodial deaths than India did from 2010-2015, when it was highly criticized by Human Rights Watch. The cases of custodial deaths also revealed lack of facilities for detainees suffering mental health problems, poor treatment of minors, and deficiencies in investigating suspicious cases. In 13 of the cases, police reported the cause of death as suicide. The Wire was unable to find a single case where criminal charges were brought against a police officer for custodial death.<sup>37</sup>

In addition to torture, alleged abuses by police also include refusal to register a First Information Report (FIR): the document used to launch a criminal investigation.<sup>38</sup> For instance, there is widespread concern from human rights activists outside of Kathmandu that police refuse to register cases of gender-based violence, including cases of rape.<sup>39</sup> FIRs are also rarely registered for suspicious custodial deaths.<sup>40</sup> Security forces reportedly conducted arbitrary arrests during the year, despite the law prohibiting arbitrary arrests and detention. Human rights groups believe that police abused their 24-hour detention authority by holding people unlawfully, in certain circumstances in inadequate facilities, without access to counsel, food, and medicine. The human rights NGO Informal Sector Service Center (INSEC), reported 119 incidents of arbitrary arrest since January 2020.<sup>41</sup> Security forces also carried on with detaining activists and the use of excessive force to disperse peaceful protesters was widespread. For example, in January 2020, police detained human rights activists who were peacefully demanding justice for conflict-era crimes. In July 2020, security forces tear gassed protesters calling for investigations and accountability for the deaths of Dalits in Dhanusha. In November 2020, security forces opened fire at protesters who were protesting the rape and murder of a six-year-old girl, in the Mahottari district, which led to a man dying and two others being severely injured.<sup>42</sup> Security agents also cracked down on political demonstrations, limiting people's ability to freely exercise their political choices.<sup>43</sup>

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International Report 2020/21 p.261,

<https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>.

<sup>37</sup> Peter Gill and Abha Lal, "Nepal's Police Custodial Deaths: Patterns of Negligence, Alleged Abuse and Impunity" (June 22, 2020), <https://thewire.in/south-asia/deaths-in-custody-impunity-nepal-police>.

<sup>38</sup> Human Rights Watch, World Report 2021, p.487,

[https://www.hrw.org/sites/default/files/media\\_2021/01/2021\\_hrw\\_world\\_report.pdf](https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf).

<sup>39</sup> U.S. Department of State, 2020 Nepal Country Report on Human Rights Practice, p.2,

<https://www.state.gov/wp-content/uploads/2021/03/NEPAL-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>40</sup> Peter Gill and Abha Lal, "Nepal's Police Custodial Deaths: Patterns of Negligence, Alleged Abuse and Impunity" (June 22, 2020), <https://thewire.in/south-asia/deaths-in-custody-impunity-nepal-police>.

<sup>41</sup> U.S. Department of State, 2020 Nepal Country Report on Human Rights Practice, p.2,

<https://www.state.gov/wp-content/uploads/2021/03/NEPAL-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>42</sup> Amnesty International, International Report 2020/21 p.261,

<https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>.

<sup>43</sup> Freedom House, 2020 Nepal Country Report,

<https://freedomhouse.org/country/nepal/freedom-world/2020>.

During the COVID-19 pandemic, security forces detained people for “spreading misinformation” and for criticizing the government. They continued to detain protesters and to use excessive force when dispersing protesters and enforcing lockdowns.<sup>44</sup> According to the Nepal human rights group AF, law enforcement personnel treated violators of the COVID-19 lockdown in an inhuman and degrading manner, with violators being detained for hours in the sun, forced to do sit-ups, frog jumps, and crawl on the road.<sup>45</sup>

Furthermore, members of marginalized castes and ethnic communities, particularly Dalits and Indigenous people, were most susceptible to abuse. According to a report by the Terai Human Rights Defenders Alliance (THRDA), a human rights group, 12 of 18 deaths in custody that the group reported from 2015-2020 occurred among members of the Dalits, Madhesi, and other marginalized communities.<sup>46</sup> For instance, in July and August of 2020, Raj Kumar Chepang (detained and allegedly tortured by Nepal Army personnel) and Bijay Mahara (detained and allegedly tortured by police during interrogation) died in separate incidents, which resulted in independent activists and the NHRC calling for investigations into allegations that they died after being abused in the custody of security forces. The authorities failed to conduct independent and credible investigations into their deaths, with the army officer being remanded in Chepang’s case and the police officers being suspended for six months in Mahara’s case.<sup>47</sup> Both men were members of marginalized communities.<sup>48</sup> Furthermore, in June 2020, Shambhu Sada, a member of the Dalit community, died in police custody in Dhanusha District. Although the police reported the cause of his death as suicide, Sada’s family and community think that police killed him or drove him to suicide by inflicting physical and emotional torture.<sup>49</sup>

## **V. Maoist Recruitment and Abuse of Young Women**

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<sup>44</sup> Amnesty International, International Report 2020/21 p.261,

<https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>.

<sup>45</sup> U.S. Department of State, 2020 Nepal Country Report on Human Rights Practice, p.2,

<https://www.state.gov/wp-content/uploads/2021/03/NEPAL-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>46</sup> U.S. Department of State, 2020 Nepal Country Report on Human Rights Practice, p.2,

<https://www.state.gov/wp-content/uploads/2021/03/NEPAL-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>47</sup> Amnesty International, International Report 2020/21 p.261,

<https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>.

<sup>48</sup> Human Rights Watch, World Report 2021, p.488,

[https://www.hrw.org/sites/default/files/media\\_2021/01/2021\\_hrw\\_world\\_report.pdf](https://www.hrw.org/sites/default/files/media_2021/01/2021_hrw_world_report.pdf).

<sup>49</sup> U.S. Department of State, 2020 Nepal Country Report on Human Rights Practice, p.2,

<https://www.state.gov/wp-content/uploads/2021/03/NEPAL-2020-HUMAN-RIGHTS-REPORT.pdf>.

Predominantly male leadership of the Maoist party were able to recruit thousands of women in Nepal during the Civil War.<sup>50</sup> The Maoist platform included emancipation for lower-caste rural women who were oppressed under the feudal system, and promises of equality encouraged many rural Nepali women to join the Maoists and their people's army.<sup>51</sup> The Maoists' goal was to have one in three of their fighters be women, and they surpassed that goal with high levels of success in recruiting women from rural Nepal.<sup>52</sup> Much of the success in Maoist recruitment of rural lower-caste women was due to the Maoists' capitalization on women's discontent with their treatment by state forces.<sup>53</sup> Dalit women were especially targeted for recruitment by the Maoists because of their marginalization by the government and general population. Further, Dalit men and women were the ones forced to fight on the front lines of the battles, as they rarely held positions of leadership or power that would keep them out of harm's way.<sup>54</sup> The Maoists forcibly recruited women and children into their ranks by abducting them, holding them captive, and requiring them to do various jobs for the Maoists.<sup>55</sup> Women interviewed by Human Rights Watch reported being raped several times while being held captive by the Maoists during the war, as well as extreme and graphic instances of violence.<sup>56</sup> After the end of the 2003 ceasefire during the Civil War, the Maoists increased their efforts to recruit and exploit underage girls and young women, and Dalit women were even more vulnerable because their caste made them already more likely than other Nepali women to experience sexual violence.<sup>57</sup>

The Maoists also abused women who were not in their ranks. Human Rights Watch reported that during the Civil War, Maoist combatants used rape as a weapon of violence against women who stood up to them and expressed discontent with the Maoist party's activities.<sup>58</sup> When the Maoists would enter rural communities and demand

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<sup>50</sup> Apekshya Prasai, "Women and the Armed Maoist Struggle in Nepal," MIT GOV/LAB, <https://mitgovlab.org/updates/women-and-the-armed-maoist-struggle-in-nepal/>

<sup>51</sup> Luna K.C., "Everyday Realities of Reintegration: Experiences of Maoist 'Verified' Women Ex-Combatants in the Aftermath of War in Nepal," *Conflict, Security, and Development* 19, no. 5: 457.

<sup>52</sup> Luna K.C. "Everyday Realities"

<sup>53</sup> "Children in the Ranks," Human Rights Watch, February 1, 2007, [https://www.hrw.org/report/2007/02/01/children-ranks/maoists-use-child-soldiers-nepal#\\_ftn29](https://www.hrw.org/report/2007/02/01/children-ranks/maoists-use-child-soldiers-nepal#_ftn29)

<sup>54</sup> "The Missing Piece of the Puzzle: Caste Discrimination and Conflict in Nepal," Center for Human Rights and Global Justice, 2005, page 38, <http://www.indianet.nl/pdf/MissingPieceOfThePuzzle.pdf>

<sup>55</sup> "Silenced and Forgotten: Survivors of Nepal's Conflict-Era Sexual Violence," Human Rights Watch, September 23, 2014, <https://www.hrw.org/report/2014/09/23/silenced-and-forgotten/survivors-nepals-conflict-era-sexual-violence>

<sup>56</sup> "Silenced and Forgotten: Survivors of Nepal's Conflict-Era Sexual Violence," Human Rights Watch, September 23, 2014

<sup>57</sup> "The Missing Piece of the Puzzle"

<sup>58</sup> "Silenced and Forgotten: Survivors of Nepal's Conflict-Era Sexual Violence," Human Rights Watch, September 23, 2014

food and shelter for the night, they would often rape the women living there, especially if families tried to deny giving the Maoists what they demanded.<sup>59</sup>

## **VI. Major and Individual Attacks**

Since the Civil War, the Maoists have continued to violently attack buildings and people, both politicians and citizens, throughout Nepal.

January 23, 2008: the youth wing of the Maoist party killed three Nepali Congress party activists after abducting them on January 20th.<sup>60</sup>

October 28, 2009, Maoists attacked a small town, killing five policemen, bombing several government buildings, breaking prisoners out of a jail, and attacking a security base.<sup>61</sup> Two weeks earlier, the Maoists were blamed for an explosion that killed and harmed over 100 bus passengers caught in the blast.<sup>62</sup>

July 2012: Maoist student activists claimed responsibility for arson attacks and bombings on schools and school buses in Kathmandu and an Eastern Nepal town, Dharan, as part of protests against the government's promotion of unequal education.<sup>63</sup>

November 2017: Days before country-wide elections, the Maoists opened fire on politicians, planted explosive devices, and targeted civilians in dozens of attacks, mostly in and around Kathmandu.<sup>64</sup>

2018-2019: The Chand-led faction of the CPN claimed responsibility for attacks in Nepal, many of which involved bombs and other explosives.<sup>65</sup>

2020: The splinter Maoist group was responsible for the abduction and subsequent murder of a school principal, which they claimed was in retaliation for the government of

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<sup>59</sup> "The Missing Piece of the Puzzle"

<sup>60</sup> "Major Incidents of Terrorist Violence in Nepal since 1999," Institute for Conflict Management, <https://www.satp.org/satporgtp/countries/nepal/database/majorincidents.htm>

<sup>61</sup> Anjana Pasricha, "Maoist Rebels Attack Town in Eastern Nepal," VOA News, October 28, 2009, <https://www.voanews.com/archive/maoist-rebels-attack-town-eastern-nepal>

<sup>62</sup> Pasricha, "Maoist Rebels," 2009.

<sup>63</sup> "UN Denounces Nepal School Attacks Claimed by Maoists," The BBC, July 25, 2012, <https://www.bbc.com/news/world-asia-18979709>

<sup>64</sup> Rajneesh Bhandari and Kai Schultz, "Violence Flares as Nepal Heads to Landmark Elections," The New York Times, November 25, 2017, <https://www.nytimes.com/2017/11/25/world/asia/nepal-election-violence.html>

<sup>65</sup> "List of CPN's attacks in 2018-19 from our record," My Republica, February 24, 2019, <https://myrepublica.nagariknetwork.com/news/list-of-netra-bikram-chand-s-attacks-in-2018-19-from-our-record/>

Nepal banning their party and branding them a criminal group.<sup>66</sup> Since the end of the Civil War in Nepal, the Maoists have continued to use violent tactics to protest the government against rival politicians, police, and even civilians in both major and individual attacks.

## **VII. Conflict between CPN-UML and NC**

The Communist Party of Nepal (Unified Marxist-Leninist) (CPN-UML) and the Nepali Congress (NC) party are the main rival political parties in Nepal that fight for power in elections.<sup>67</sup> Infighting within the Communist Party of Nepal has left Maoist insurgents on the outside of the party, and Maoist cadres add an additional aspect to the conflict between the two main parties vying for political power.<sup>68</sup> Tension and conflict between the CPN-UML and NC existed during the Civil War, and even though they were both part of Nepal's five party alliance against the monarch in 2004, the CPN-UML and NC were both vying for power in a political vacuum.<sup>69</sup> This is partially due to the fact that political parties in Nepal are highly personal, as demonstrated by the common occurrence of parties splitting, sometimes several times, due to disagreements among party elites.<sup>70</sup>

## **VIII. Status of Dalits in Nepal, Social Boycotts**

Even though Nepalese law and policy contains provisions against caste-based discrimination, and commitment to countering discrimination based on caste was a foundational aspect of the Maoist movement during the Civil War, members of the Dalit community still face rampant discrimination.<sup>71</sup> Nearly half of the Dalit community in Nepal lives below the poverty line, their life expectancy and literacy rates are below national averages, and Dalits are commonly denied access to religious sites, among other forms of discrimination rooted in the idea of 'untouchable' people.<sup>72</sup> Dalits are also underrepresented in political office; at 13% of Nepal's population, Dalits make up only 8% of seats in the Constitutional Assembly.<sup>73</sup> Women in the Dalit community face even

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<sup>66</sup> Binod Ghimire, "Chand party's killing of school principal is a grim reminder of the Maoist conflict," Kathmandu Post, December 10, 2020, <https://kathmandupost.com/national/2020/12/10/chand-party-s-killing-of-school-principal-is-a-grim-reminder-of-the-maoist-conflict>

<sup>67</sup> "CPN-UML, NC in close fight in Nepal elections," The Economic Times, November 22, 2013, <https://economictimes.indiatimes.com/news/politics-and-nation/cpn-uml-nc-in-close-fight-in-nepal-election/articleshow/26200245.cms?from=mdr>

<sup>68</sup> "CPN-UML" 2013.

<sup>69</sup> Paul Soren, "Current Situation in Nepal: Parties at Conflict," Observer Research Foundation, June 1, 2004, <https://www.orfonline.org/research/current-situation-in-nepal-parties-at-conflict/>

<sup>70</sup> Soren, "Current Situation in Nepal," 2004

<sup>71</sup> "Nepal," International Dalit Solidarity Network, <https://idsn.org/countries/nepal/>

<sup>72</sup> "Nepal," International Dalit Solidarity Network

<sup>73</sup> "Nepal," International Dalit Solidarity Network

greater discrimination: they cannot control land, housing, or money, and their children face lack of access to education.<sup>74</sup> Dalit women are forced to work in demeaning jobs and are extremely vulnerable to human trafficking and sexual exploitation, as well as violence.<sup>75</sup> The Informal Sector Service Center (INSEC), a major human rights organization operating in Nepal, recorded 2,606 cases of violence against women in Nepal in 2020, which included domestic violence, rape and attempted rape, accusations of witchcraft, trafficking and attempted trafficking, and sexual abuse.<sup>76</sup> Dalits and people who speak up in defense of Dalit rights are often threatened with rape and murder, especially on social media, where hate speech and derogatory caste-based insults are commonplace.<sup>77</sup> According to Amnesty International, four Dalits were attacked and killed in May 2020 by a mob of villagers in a western district of Nepal, and the same day a 12-year-old Dalit girl, who was forced to marry a man from a dominant caste who had allegedly raped her, was found hanging from a tree.<sup>78</sup>

## **IX. Extent of Protection Provided by the NC**

Maoist cadres have attacked Nepali Congress party members working on local and district levels in Nepal regularly, with little intervention or protection provided by the Nepali Congress party national leadership. In September 2019, Maoists beat NC members attending an event hosted by the NC in Banke district.<sup>79</sup> The extent of national NC leadership involvement in supporting survivors of the attack was to make an official statement deploring the violence and asking the Nepal government to control the Maoists.<sup>80</sup> The NC spokesperson who discussed this incident admitted that Maoist cadres attacks on local NC members had become a “trend,” and lack of protection from attacks or support after an attack happens by district and national NC leadership is another related pattern.<sup>81</sup> Further, the NC has accused the Nepal Police Force of not giving proper attention to cases of violence and kidnapping by the Maoists against NC

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<sup>74</sup> “Dalit Women in Nepal,” International Dalit Solidarity Network, <https://idsn.org/key-issues/dalit-women/dalit-women-in-nepal-2/>

<sup>75</sup> “Dalit Women in Nepal,” International Dalit Solidarity Network

<sup>76</sup> Laxman Datt Pant, “INSEC documents 5,542 victims of human rights violations in Nepal and recommends an end to impunity,” DevelopmentAid, February 19, 2021, [https://www.developmentaid.org/#!/news-stream/post/84819/human-rights-violations-in-nepal?utm\\_source=Newsletter&utm\\_medium=Email&utm\\_campaign=NewsDigest&token=d0e69678-06e8-11ea-8cc5-52540068df95](https://www.developmentaid.org/#!/news-stream/post/84819/human-rights-violations-in-nepal?utm_source=Newsletter&utm_medium=Email&utm_campaign=NewsDigest&token=d0e69678-06e8-11ea-8cc5-52540068df95)

<sup>77</sup> “Caste-hate speech highlighted at the 2020 UN Minority Forum,” International Dalit Solidarity Network, December 2, 2020, <https://idsn.org/caste-hate-speech-highlighted-at-the-2020-un-minority-forum/>

<sup>78</sup> “Nepal: Justice Stalled for Conflict Victims,” Amnesty International, 2020, page 8, <https://www.amnesty.org/download/Documents/ASA3132172020ENGLISH.PDF>

<sup>79</sup> Bipana Thapa, “NC deploras attack on its cadres in Banke,” My Republica, Sept. 13, 2019, <https://myrepublica.nagariknetwork.com/news/nc-deplores-attack-on-its-cadres-in-banke/>

<sup>80</sup> Thapa, “NC deploras attack”

<sup>81</sup> Thapa, “NC deploras attack”

members.<sup>82</sup> Throughout 2017, when Prime Minister Sher Bahadur Deuba of the NC party was in power, there were over 100 violent terrorist attacks against NC members and campaigners by Maoist cadres in the midst of several elections.<sup>83</sup>

Part of the issue with the NC party's inability to provide protection to its members lies in the power structure of the party, which is similar to that of many other political parties in Nepal. The NC and other parties are oriented around elite party members and "internally authoritarian power structures" that concentrate power in Kathmandu, leaving rural district party members and organizations to fend for themselves.<sup>84</sup> There are weak democratic structures and norms in place for political parties in Nepal, meaning that the NC has limited ability to coordinate its members throughout the country and have safeguards in place for them.<sup>85</sup> Thus, even when the NC is in power on a national level, the reality on a local level for NC members outside of Kathmandu is that daily life does not drastically change, and no further protection is offered by the party when members are persecuted.

## **X. Extortion as a method of political persecution by the Maoists**

The Maoists are known to have used extortion as a means of political persecution in recent years, with reports of a "donation drive" beginning in 2015<sup>86</sup> and intensifying to what has been called an "extortion spree" throughout 2019.<sup>87</sup> Cases of extortion by the Maoists are underreported by victims, as they often do not seek help from police because of fear of violent backlash by the Maoists.<sup>88</sup> Letters and in-person visits from the CPN group led by Netra Bikram Chand were sent to government offices and business people demanding compulsory donations worth one month's salary.<sup>89</sup> While

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<sup>82</sup> Press Trust of India, "Nepali Congress Claims Maoists Attacked Party Leaders," Business Standard, May 27, 2013,

[https://www.business-standard.com/article/pti-stories/nepali-congress-claims-maoists-attacked-party-leaders-113052701092\\_1.html](https://www.business-standard.com/article/pti-stories/nepali-congress-claims-maoists-attacked-party-leaders-113052701092_1.html)

<sup>83</sup> "Country Reports on Terrorism 2017 - Nepal," US Department of State, Sept. 19, 2018,

<https://www.refworld.org/docid/5bcf1f90c.html>

<sup>84</sup> Bertelsmann Stiftung, "BTI 2020 Country Report - Nepal," Gütersloh: Bertelsmann Stiftung, 2020, pg. 15, <https://www.bti-project.org/en/reports/country-report-NPL-2020.html>

<sup>85</sup> "BTI 2020 Country Report - Nepal," pg. 15.

<sup>86</sup> "Chand-led Maoists on donation drive," The Himalayan Times, July 9, 2015,

<https://thehimalayantimes.com/nepal/chand-led-maoists-on-donation-drive>

<sup>87</sup> "Outlawed party on extortion spree amid clampdown," My Republica, September 8, 2019,

<https://myrepublica.nagariknetwork.com/news/outlawed-party-on-extortion-sprees-amid-clampdown/>

<sup>88</sup> "Nepal: Instances of kidnapping and extortion by Maoist groups and affiliated student groups, including targeting of the Nepal Congress (NC) party and pro-monarchists; instances of land capture by Maoist groups; availability and effectiveness of state protection to victims (January 2015-November 2015)," Immigration and Refugee Board of Canada, November 26, 2015,

<https://www.refworld.org/docid/56f39ab14.html>

<sup>89</sup> "CPN running extortion racket in Bajura," The Himalayan Times, September 24, 2019,

<https://thehimalayantimes.com/nepal/cpn-running-extortion-racket-in-bajura/>

the government of Nepal claimed to have cracked down on the Maoist extortion scheme, it is reported that in fact little has been done to deter what the party members call their 'donation drive.'<sup>90</sup> Supposedly the Maoists are raising money to fund the 'people's rebellion,'<sup>91</sup> and despite the small size of the group, they are considered a 'major security threat' in Gandaki province.<sup>92</sup> The extortion and accompanying threats were so worrisome that civil servants in the Nawalparasi district stopped going to work in March 2019 out of fear of what would happen if they did not pay the amount of money demanded by the Maoists.<sup>93</sup> The Maoists target rural areas without Nepal Army and Armed Police Force presence, and local police are unequipped to challenge the Maoists and prevent them from demanding 'donations.'<sup>94</sup> Further, members of Chand's splinter Maoist group were arrested in 2019 for possession of 'sophisticated' weapons belonging to the Nepal Army, even though these weapons were supposed to be given up during the integration process post-Civil War.<sup>95</sup>

## **XI. The transition of overt to covert terrorist activities by the Maoists (done)**

While the Maoist insurgency and people's war is understood as the time period from 1996-2006, Maoist cadres continue to inflict violence in the hopes of gaining power even to this day. The now mainstream Maoist party, the CPN (Maoist Centre), engaged in overt acts of violence during the Civil War for the purpose of gaining political power, which solidified violence as an effective tactic for gaining power in the political realm of Nepal.<sup>96</sup> With the success of the Maoist Centre's tactics, Maoist splinter groups refuse to give up violence because they want to be perceived as 'true' revolutionaries who identify with the Maoist cause from 1996-2006.<sup>97</sup> This idea is especially prevalent in rural areas where Maoist splinter groups use terrorism to galvanize Nepalis who believe the Maoist Centre abandoned the core revolutionary values of the original Maoist insurgency.<sup>98</sup>

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<sup>90</sup> "Outlawed party" 2019.

<sup>91</sup> "Outlawed party" 2019.

<sup>92</sup> "CPN: a major security threat in Gandaki Province," My Republica, April 8, 2019, <https://myrepublica.nagariknetwork.com/news/cpn-a-major-security-threat-in-gandaki-province/>

<sup>93</sup> "Civil servants stop going to work over Chand outfit's threat," The Kathmandu Post. March 25, 2019, <https://kathmandupost.com/national/2019/03/25/civil-servants-stop-going-to-work-over-chand-outfits-threat>

<sup>94</sup> "Civil servants" 2019.

<sup>95</sup> Bhattarai, "Are the Maoists Rising Again in Nepal?"

<sup>96</sup> Thomas A. Marks, 2017, "Terrorism as a Method in Nepali Maoist Insurgency, 1996-2016," *Small Wars and Insurgencies* 28, no. 1: 83.

<sup>97</sup> Marks, "Terrorism as a Method," 83.

<sup>98</sup> Marks, "Terrorism as a Method," 83.

During the war, the Maoists used overt terrorism to scare and intimidate rural villagers into compliance.<sup>99</sup> The Maoists extorted villagers with a “tax;” used children as cooks, spies, and messengers; abducted school children for forced indoctrination; killed civilians suspected of being informers; and tortured and executed civilians who refused extortion demands, political activists and officials, local government officials and civil servants, and off-duty army and police officers in public.<sup>100</sup> The public aspect of these crimes was meant to create an environment of terror, and was named as terrorism by the Nepal government during the Civil War.<sup>101</sup> According to human rights watchdogs in Nepal, the Maoists “methods are unimaginably brutal, like chopping off hands or tongues and breaking bones,” and “Killing by the Maoists is done to terrorize the whole population. They do not tolerate any opposition.”<sup>102</sup> On October 31, 2003, the United States declared the Maoists to be a “terrorist group,” over a year after the Nepal government legally deemed the Maoists as a “terrorist organization.”<sup>103</sup>

When the conflict ended in 2006, the nature of Maoist terrorism changed and become more covert and rooted in underground organizing of splinter Maoist groups.<sup>104</sup> One faction, led by Mohan Baidya, became alienated from the main group, the Unified Communist Party of Nepal-Maoist (UCPN-M), between 2005-2006, and by 2011 it was operating semi-autonomously and committing terrorist attacks throughout Nepal.<sup>105</sup> In June 2012, the group officially broke from the UCPN-M and became the Communist Party of Nepal-Maoist (CPN-M), taking with it about 1/3 of the party’s members, many of whom were deemed ‘radical’ and willing to use violence to achieve their goals.<sup>106</sup> In 2014, an even more radical group broke away from the CPN-M, led by Netra Bikram Chand, calling themselves the CPN(M) - the original acronym of the Maoist movement - and taking about 1/3 of the CPN-M’s members, or 1/9 of the original UCPN-M. This group is known as the “ultra-radical” Maoists and also relies on violence as a means of grasping for political power.<sup>107</sup> The CPN(M), or CPN-Maoist-Chand cadres, are known to be trained in guerilla tactics and suspected to have mass stores of weapons that were not handed over during the transition to peace after the war ended in 2006.<sup>108</sup> In 2016, the group claimed that another armed insurgency was on the way in Nepal and was

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<sup>99</sup> Human Rights Watch, “Between a Rock and a Hard Place: Civilians Struggle to Survive in Nepal’s Civil War,” *Human Rights Watch* 16, no. 12: 2, <https://www.hrw.org/sites/default/files/reports/nepal1004.pdf>

<sup>100</sup> “Between a Rock and a Hard Place,” 2, 15.

<sup>101</sup> “Between a Rock and a Hard Place,” 2.

<sup>102</sup> “Between a Rock and a Hard Place,” 5.

<sup>103</sup> “Between a Rock and a Hard Place,” 13, 80.

<sup>104</sup> Marks, “Terrorism as a Method,” 84.

<sup>105</sup> Marks, “Terrorism as a Method,” 84.

<sup>106</sup> Marks, “Terrorism as a Method,” 84.

<sup>107</sup> Marks, “Terrorism as a Method,” 84.

<sup>108</sup> Yubaraj Ghimire, “Rumours of revival of underground movement; unrest in Nepal’s Maoist splinter groups,” *The Indian Express*, January 2, 2016,

<https://indianexpress.com/article/world/world-news/rumours-of-revival-of-underground-movement-unrest-in-nepals-maoist-splinter-groups/>

organizing secret underground meetings and councils to plan their people's government.<sup>109</sup> They are also called the Biplav Group, and are recognized by the United States Bureau of Counterterrorism as "an insurgent group that sometimes engages in terrorism to attempt to achieve its goals."<sup>110</sup> Between January 19, 2015 and March 12, 2019, the CPN-Maoist-Chand was involved in at least 32 violent incidents, which caused the death of one civilian and injuries to 19 others via covert terrorist activity.<sup>111</sup> Five years after its formation, in 2019, the Biplav Group became more overt with their agenda, claiming responsibility for bombings of corporations and individuals, arson of NCell communication towers, seizing land and houses, arson of ward offices, extortion, and killing civilians as a result of bombings.<sup>112</sup> The Nepal government banned CPN-Maoist-Chand in March 2019, even though it is unconstitutional in Nepal to ban any political party, and the group continued to operate violently even after this declaration from the government.<sup>113</sup> In the year after they were banned, the Biplav Group was responsible for at least seven violent incidents and the deaths of two civilians, two security personnel, and eight of its own cadres.<sup>114</sup>

Even during a supposed period of peace in Nepal post-conflict, the Maoists continued to covertly and violently seek out political power via terrorism.<sup>115</sup> The state is both unwilling and unable to control Maoist terrorism, and although there have not been official compilations of statistics on Maoist violence from 2006-2016 - which speaks to the corruption and ineffectiveness of Nepal police and government - estimates suggest that thousands of people in Nepal have been harmed, mostly assaulted instead of killed.<sup>116</sup>

## **XII. History of the Nepal Civil War (1996-2006)**

### *Pre-Civil War*

From 1996-2006, Nepal was divided and destroyed by an intense and violent civil war between the constitutional monarchy and the Communist Party of Nepal (Maoist).<sup>117</sup> The

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<sup>109</sup> Ghimire, "Rumours of revival"

<sup>110</sup> "Country Reports on Terrorism 2019: Nepal," U.S. Department of State Bureau of Counterterrorism, June 24, 2020, <https://www.state.gov/reports/country-reports-on-terrorism-2019/nepal/>

<sup>111</sup> S. Binodkumar Singh, "Nepal Presses the Foot on the Pedal That Pushes CPN-Maoist-Chand Back," League of India, Dec. 1, 2020, <https://leagueofindia.com/india-world/nepal-presses-the-foot-on-the-pedal-that-pushes-cpn-maoist-chand-back/>

<sup>112</sup> Arun Budhathoki, "How an underground Maoist outfit threatens Nepal's newfound stability," TRT World, Aug. 20, 2019, <https://www.trtworld.com/opinion/how-an-underground-maoist-outfit-threatens-nepal-s-newfound-stability-29143>

<sup>113</sup> Budhathoki, "How an underground Maoist outfit"

<sup>114</sup> Singh, "Nepal Presses the Foot"

<sup>115</sup> Marks, "Terrorism as a Method," 86.

<sup>116</sup> Marks, "Terrorism as a Method," 86.

<sup>117</sup> Reuters Staff, "TIMELINE: Main Events in Nepal's Maoist War and March to Peace," *Reuters*, April 14, 2008,

Maoist faction of the Communist Party of Nepal (CPN-Maoist, or “the Maoists”) was formed in 1994, and their aim in the Civil War was to create a one-party Communist republic in Nepal.<sup>118</sup> On February 4th, 1996 the political wing of the Maoists issued a list of forty demands to Nepal’s Prime Minister, Sher Bahadur Deuba, which included a call for a secular republican state and a new constitution among other issues. When the Prime Minister left Nepal for a state visit on February 11th, 1996, the Maoists interpreted his actions to mean that he was ignoring their demands and initiated their attacks, thus beginning the Civil War.<sup>119</sup> Early on, the Maoists had support for their cause in the rural areas of Nepal because of their emphasis on government failures and the Maoist promise of an end to caste-based discrimination.<sup>120</sup> The government’s of Nepal launched an operation in 1995 to prevent the Maoists from gaining more support in rural areas, and the human rights violations that occurred as part of this operation made rural Nepali people even more willing to support the Maoists.<sup>121</sup>

### *During Civil War*

The Civil War officially began when the Maoists attacked police stations across three districts on February 13th, 1996 led by faction leader Pushpa Kamal Dahal, also known as Prachanda.<sup>122</sup> When the Maoists attacked police stations, they overwhelmed the remote stations, killed captured police officers, and stole ammunition and arms.<sup>123</sup> By the middle of 2001, the Maoists effectively controlled 22 of Nepal’s 74 districts, mostly in rural areas of the country.<sup>124</sup> Initially, the government of Nepal attempted to counter Maoist attacks with police forces instead of the army and attempted to reach a ceasefire agreement in 2001, but a subsequent Maoist attack on a Nepalese army base brought the military into the conflict.<sup>125</sup> In June 2001, most of the Royal Family of Nepal was massacred by the Crown Prince, and Prince Gyanendra Bir Bikram Shah Dev, the only surviving family member, came into power as a result.<sup>126</sup> This incident shook the country and the general public’s trust in the government, and the Maoists took advantage of the fragile political situation and escalated their fight to a highly-organized mission to take over Kathmandu and the whole country.<sup>127</sup> The Maoists organized strikes and forced school, road, and business closures, and used homemade bombs to disrupt everyday life in Nepal in response to the government’s unwillingness to accept their demands.

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<https://www.reuters.com/article/us-nepal-elections-maoists/timeline-main-events-in-nepals-maoist-war-and-march-to-peace-idUSDEL23817820080414>.

<sup>118</sup> “Between a Rock and a Hard Place,” 9; “TIMELINE” 2008.

<sup>119</sup> “Between a Rock and a Hard Place,” 11.

<sup>120</sup> “The Missing Piece of the Puzzle,” 17.

<sup>121</sup> “The Missing Piece of the Puzzle,” 18.

<sup>122</sup> “Between a Rock and a Hard Place,” 9.

<sup>123</sup> “Between a Rock and a Hard Place,” 11.

<sup>124</sup> “Between a Rock and a Hard Place,” 11-12.

<sup>125</sup> Benjamin Elisha Sawe, “What Happened During the Nepalese Civil War?”, *World Atlas*, May 16, 2018, <https://www.worldatlas.com/articles/what-happened-during-the-nepalese-civil-war.html>.

<sup>126</sup> “The Missing Piece of the Puzzle,” 20.

<sup>127</sup> “The Missing Piece of the Puzzle,” 20.

Those considered to be enemies of the Maoists or members of political opposition groups were subjected to public humiliation and torture in areas controlled by the Maoists.<sup>128</sup> On November 26, 2001, the government of Nepal declared a state of emergency and ordered the army to deploy against the Maoists, leading to worsened violence throughout the following year in 2002.<sup>129</sup> There were two attempts at peace talks between the Maoists and the government in 2001 and 2003 which were unsuccessful before the peace talk that ended the war in November 2006.<sup>130</sup>

The actual death toll from the Civil War varies by sources, but estimates place the number of Nepalese deaths anywhere from 13,000 to over 17,000 people.<sup>131</sup> A data set presented in 2015 claims that 13,210 people were killed, 998 injured, and 773 disappeared during the course of the Civil War from 1996-2006.<sup>132</sup> 2002 was the most violent year of the Civil War numerically, with 27% of total deaths, 46% of total injuries, and 24% of total disappearances happening during this one year.<sup>133</sup>

\*add Doramba Massacre

### *Post-Civil War*

The Civil War ended in 2006 when the government and the Maoists agreed to a transitional government with an interim parliament and government and United Nations monitoring, but the period after the Civil War in Nepal has been defined by an unwillingness of the government to acknowledge and prosecute war crimes (see Section: Transitional Justice in Nepal). Additionally, Maoist violence did not end with the conclusion of the Civil War, and splinter groups have continued to use terrorism (i.e. bombings, arson, extortion) to instill an environment of fear and compliance in the face of possible retribution among Nepalis living outside of Kathmandu (see Section: Transition from overt to covert terrorist activities by the Maoists). According to Human Rights Watch, “The Maoists are quick to label those who disagree with them – including other communist parties -- as reactionaries, revisionists, fascists, imperialists and expansionists and, as this report documents, often kill activists of other political parties.”<sup>134</sup> Despite the end to overt violence, Maoist underground organizing and covert operations continue to target politicians, government officials, and civilians in the hopes of gaining further political power. The Chand-led Maists fund 90% of their operations

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<sup>128</sup> “The Missing Piece of the Puzzle,” 20.

<sup>129</sup> “Nepal Conflict Report: Executive Summary,” United Nations High Commissioner for Human Rights, October 2012, pg. 4,

[https://www.ohchr.org/Documents/Countries/NP/OHCHR\\_ExecSumm\\_Nepal\\_Conflict\\_report2012.pdf](https://www.ohchr.org/Documents/Countries/NP/OHCHR_ExecSumm_Nepal_Conflict_report2012.pdf)

<sup>130</sup> “Between a Rock and a Hard Place,” 12; PBS NewsHour, “Peace Deal Ends Nepal’s Decade Long Civil War,” November 21, 2006, [https://www.pbs.org/newshour/politics/asia-july-dec06-nepal\\_11-21](https://www.pbs.org/newshour/politics/asia-july-dec06-nepal_11-21)

<sup>131</sup> Madhav Joshi and Subodh Raj Pyakurel, 2015, “Individual-Level Data on the Victims of Nepal’s Civil War, 1996–2006: A New Data Set,” *International Interactions* 41, no. 3: 602; Deepak Adhikari, “Nepal: 13 Years After Civil War Ends Victims Await Justice,” Anadolu Agency, July 13, 2019,

<https://www.aa.com.tr/en/asia-pacific/nepal-13-years-after-civil-war-ends-victims-await-justice/1530499>

<sup>132</sup> Joshi and Pyakurel, 608.

<sup>133</sup> Joshi and Pyakurel, 608.

<sup>134</sup> “Between a Rock and a Hard Place,” 10.

with local extortion tactics the party calls 'donation drives,' and they claim to have 11,000 combatants in their ranks.<sup>135</sup> The Nepali Police have determined that the Chand-led Maoists have five polit-bureau members in addition to leadership from Netra Bikram Chand and other prominent leaders.<sup>136</sup> The Maoists have three military divisions that oversee 17 bureaus for campaigning; 75 Nepal districts are divided among the 17 bureaus.<sup>137</sup> The party also has a youth league and student organization, and presence throughout the country of Nepal.<sup>138</sup>

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<sup>135</sup> Nihar R. Nayak, "Maoism Revisited: A Brief Sketch of Communist Party of Nepal Led By Netra Bikram Chand," *Spotlight*, March 17, 2019, <https://www.spotlightnepal.com/2019/03/17/maoism-revisited-brief-sketch-communist-party-nepal-led-netra-bikram-chand/>

<sup>136</sup> Nayak, "Maoism Revisited."

<sup>137</sup> Nayak, "Maoism Revisited."

<sup>138</sup> Nayak, "Maoism Revisited."