

briefing

Nepal

Emerging threat of Hindu extremism

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I. Executive Summary

At this significant time in the history of Nepal, with the development of a new constitution, when the status of religious freedom is being debated, it is important to be keenly aware of the developing trends in the relationship between different religions, and in the status of religious freedom across south Asia. Religiously-motivated violence carried out by extremist Hindu nationalist groups in neighbouring India has affected Muslims and Christians, most recently in the large-scale outbreak of communal violence in Orissa state. Within the past two years, such violence has been at evidence in Nepal, where it is a relatively new phenomenon. Specific acts of religiously-motivated violence have clarified the threat: in particular, the violent activities of the Nepal Defence Army (NDA) and Ranbir Sena must be taken seriously. This religiously-motivated violence must be tackled if it is not to become a growing threat to Nepal's future peace and the safety of religious minority groups. It is vital that freedom of religion is guaranteed strongly in the new constitution of Nepal, and it is equally important that those responsible for religiously-motivated killings and violence be brought to justice.

2. Recommendations

CSW believes that at this crucial time for the development of a peaceful, democratic and just Nepal, it is vital that these issues are given close attention nationally and internationally, and that action is taken to bring criminals to justice and to prevent the further development of anti-Christian extremist groups. Every possible step should be taken to maintain inter-religious harmony in the new Nepal.

CSW recommends that the government of Nepal should:

1. Take immediate action to bring to justice the killers of Father Moyalan and the perpetrators of the Dhobighat bombing, and to ensure that they are brought to trial in accordance with the law;
2. Ensure all incidents of religiously-motivated violence are properly dealt with by the police and judiciary, in order to tackle the culture of impunity for perpetrators of such violence;
3. Negotiate and democratically approve a new constitution which guarantees all the rights and freedoms to which Nepal acceded in ratifying the International Covenant on Civil and Political Rights (ICCPR);¹
4. Include in future constitutional negotiations representation and involvement of all religious communities in Nepal.

CSW recommends that the international community should:

1. Raise concerns about the growing threat of religiously-motivated violence against Christians and Muslims, and cases of threats and extortion, and the trend of impunity for perpetrators of this violence;
2. Actively engage with the government of Nepal to encourage the implementation of the recommendations given above;
3. Advocate the adoption of a constitution and the framing of laws which fully embody Nepal's commitments under international human rights treaties;
4. Urge the government of Nepal to give a high priority to the implementation of full religious freedom in the new constitution, including all the rights guaranteed in Article 18 of the ICCPR.

¹ For a fuller set of recommendations concerning the protection of religious freedom in the new constitution, see CSW's briefing, "Nepal: Towards peace, democracy and religious freedom" (<http://dynamic.csw.org.uk/article.asp?t=report&id=103>).

3. Background

3.1. Religious demographics

According to the 2001 census, the population of Nepal was 80.6% Hindu, 10.7% Buddhist, 4.2% Muslim, 3.4% Kirat (an indigenous Nepali religion) and 0.4% Christian. A further 0.1% were Jains, Sikhs and Baha'is, and roughly 0.6% of the population did not belong to a particular religious community. More recent estimates suggest that the number of adherents to minority religions, including Christianity, has increased significantly.²

3.2. International and domestic legislative provisions for religious freedom

Nepal is bound by the provisions of several human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), to which she acceded on 14 May 1991. However, since the provisions of these treaties were not incorporated into Nepal's constitution or laws, there have been few fundamental protections against the abuse of human rights by the state and its security forces.

Under the new interim constitution of Nepal, dated January 2007, there is no guarantee of the right to change one's religion. However, there have been no perceptible demands for the passage of legislation to restrict religious propagation and conversion, as in neighbouring India and Sri Lanka.

The previous 1990 democratic constitution did not grant full religious freedom, nor did it include the freedom to change one's religion. Therefore, converts depended on a *de facto* acquiescence from Hindus over their change of religious identity.

3.3. Political developments

Nepal was officially a Hindu country, ruled by the "King of all Hindus", until 2006. The restored parliament's declaration in May 2006 that Nepal was now a secular state, and the vote of the newly elected constituent assembly in May 2008 to abolish monarchy and to change Nepal's status to that of republic were actions of huge significance. In Nepal, these iconoclastic decisions resulted in relatively few denunciations or condemnations from royalist or Hindu leaders. Surprisingly, the angriest denunciations came from extremist Hindus in India, whose "King of All Hindus" had been deposed without their having any influence over the debate and outcome. Such extremist Hindus appeared to have little support in Nepal.

Representatives of all different faiths came together in the Inter-Religious Peace Group to work for justice and for a democratic and peaceful Nepal, through the initiative of the general secretary of the National Council of Churches of Nepal (NCCN). This group, later officially recognised as the Inter-Religious Council of Nepal, included not only Christians, Muslims, Buddhists, Baha'is and traditional religions, but also leading Hindus, including the President of the World Hindu Federation in Nepal.

During the period of relatively peaceful but fundamental constitutional change which followed the ceasefires of April 2006, it seemed that Nepal was not home to the religious extremism at evidence in some of its neighbours in the region. This assumption is now facing challenges.

² The 2001 census placed the total number of Christians at 100,000, whereas the UK Foreign & Commonwealth Office notes that other estimates suggest there are 400,000 Christians.

3.4. Growing culture of impunity

One of the greatest concerns for those seeking a peaceful, democratic Nepal is the current spate of human rights abuses and murders, symbolised by the brutal slaughter of the young journalist, Ms Uma Singh, at Janakpur on 12 January 2008, and the fact that few culprits have been brought to justice. The UN Human Rights Council and many other international human rights bodies have pinpointed this growing culture of impunity as the most significant human rights concern in Nepal. Although some arrests have been made in the Uma Singh case, it is by no means certain that the true culprits have been identified or that they will be prosecuted and convicted. The police and public prosecutors are widely seen as either unwilling or incapable of pursuing, arresting and bringing to trial the perpetrators of violence.

4. Hindu Extremism: A Growing Threat

Since Nepal was declared a secular state, many armed groups and political parties have expressed opposition towards the principle of secularism, particularly those supporting the traditionally established Hindu religion and the Hindu monarchy of Nepal. Two of the most prominent such groups are the Nepal Defence Army (NDA) and Ranbir Sena.

4.1. Recent anti-Christian attacks

On 1 July 2008 at Dharan, near Sirsia, fifteen miles from the Indian border, Father Johnson Prakash Moyalan from Kerala state in India, a member of the Roman Catholic religious order of Salesians of Don Bosco, was shot dead by a group of masked men. Father Moyalan, who had been working in Nepal for twelve years, was the first Catholic to be killed in a religiously-motivated attack in the country, apparently because of his charitable actions among downtrodden victims of caste-based discrimination. The NDA left pamphlets at the site of the murder, saying Nepal should again be a Hindu state and warning that Hindu suicide squads were being trained for this mission.

Perhaps it was a natural reaction among some Nepalis to dismiss this murder as a spill-over of religious extremism in India, and not to attribute much significance to it, as crimes of this nature had rarely happened in Nepal. However, on 23 May 2009, in the Lalitpur area of Kathmandu known as Dhobighat, a bomb exploded in the crowded Roman Catholic Church of the Assumption, killing three persons and injuring fourteen in a congregation of 150. The bomb had been hidden under a seat in a handbag.

On 2 June, a 27-year-old Nepali woman, Sita Shrestha Thapa, was arrested in connection with the bombing. She allegedly confessed to police that she had planted the bomb and was charged with murder. She is alleged to have carried the bomb, made from a converted pressure cooker, planted it under a cushion in the church, and then made her exit, saying she was going to the toilet. Doubts abound as to the genuine, unforced nature of her confession: in the past, the Nepali police have used false evidence or forced confessions to convict innocent people. The subsequent release of Sita Shrestha on bail appears to have put in question the genuineness of her confession and raises questions about how seriously the police view this crime.

Initially, no group claimed responsibility, but in a document dated on 25 May, the NDA appear to have claimed responsibility, releasing a statement signed by its chief, Ram Prasad Mainali, saying it had planted the bomb. The message contained vocabulary reminiscent of extremist Hindu nationalists in India, accusing Christians of the “open rape of Hindu culture through religious conversion and the use of money as a lure”. The statement identified “unholy elements grabbing the authority of the people under cloak of religion” who were trying to “sell this Hindu country for dollars” and warned Christians to “end all forthcoming anti-Hindu activities”, threatening to explode thousands of bombs in the homes of Christians in Nepal, unless all Christians had left the country within one month.

Police arrested Ram Prasad Mainali, leader of the NDA, on 5 September 2009 in Biratnagar, and remanded him in custody. The outcome of the case remains to be seen.

4.2. Principal extremist groups

4.2.1. Nepal Defence Army (NDA)

The NDA is the most prominent of a number of extremist Hindu groups which have targeted religious minorities. It has been involved in activities against Christians for the past two years. The NDA is believed to be made up of former soldiers from the Royal Nepalese Army, ex-police personnel, and victims of Maoist guerrillas. Initially, the group was active in the southern parts of Nepal's Terai region bordering India, but in recent years its network has been increasing and widening. They have been involved in extortion and threatening Christian leaders.

Prior to the murder of Father Moyalan and the Dhobigat bombing, the NDA had claimed responsibility for a bomb planted in a Christian orphanage, the Grace Children's Home in Birganj, on 26 April 2007, which wounded a child. This orphanage, run by the Pentecostal Church, was home to some 80 children who lost their parents during the Maoist insurgency. NDA spokesman, Praban, claimed that the bomb was a "warning against a nefarious project" in which Christians were "converting the Hindu and Buddhist children from the hills and the mountains", who were "actually the children of Maoist guerrillas who were killed in army operations during the insurgency". The orphanage administrators rejected all the accusations, saying that their aim was simply to help educate poor children who had lost their families.

There appears to have been no prosecution of those responsible for this attack. A further example of impunity for the NDA took place in July 2007, when its leader, Ram Prasad Mainali, was arrested by police, who had filed a case against him in court, but later released on bail. Cases like this call into question the ability and determination of those in charge of the Nepali legal system to identify, detain and prosecute extremists efficiently.

On 29 March 2008, the NDA violence turned against Muslims, when a socket bomb was detonated at Choti Mosque, Biratnagar, killing two Muslim men and leaving two others critically injured. Mainali claimed responsibility for the attack, saying that the NDA "would continue such attacks until Nepal is reinstated as a Hindu nation". He is also reported to have said that, "now, like Al Qaida, we are training suicide squads".

The Dhobighat bomb blast and the subsequent statement by the NDA, warning all Christians to leave Nepal, have been followed by demands for protection money from Christian leaders in Kathmandu. The leaders of the largest church in the city, the Gyaneshor and Patan Church, have received demands for 7.5 million rupees (approximately £60,000/€66,000/\$98,000).

The NDA has emerged as an extremist group, which is spreading violent propaganda across Nepal, and is capable of carrying out religiously-motivated attacks in the capital city. It cannot be dismissed as of no significance, since its message is one of fear and hate, and there is a real risk that this message will disturb inter-faith relations by stoking fears which are so easily raised in any context of widespread poverty, unemployment, housing shortages, and radical social change, as is the case in Nepal.

4.2.2. Ranbir Sena

The Ranbir Sena originated in Bihar state in India, and came into being in 1974 as a counter-force to the Naxalites (Maoist insurgents in India). It was formerly a private army of 'upper'-

caste landowners and has been implacably involved in the subjugation of Dalits and 'low'-caste peasants and labourers. Ranbir Sena is believed to be supported by some Nepali royalist Hindus, who aim towards the restoration of the Royal Hindu regime. At first, Ranbir Sena was active only in the Terai area of Nepal on the border with India. However, its members have recently been involved in extremist activities in the heart of Nepal.

After the vote in the newly-elected parliament in May 2008 to abolish the Hindu monarchy, motorcyclists hurled bombs into the Birendra International Convention Centre and scattered leaflets, claiming that the attack was the work of Ranbir Sena. The Convention Centre was to be the location for the historic legal ending of the Nepal monarchy.

On 27 and 28 December 2008, Ranbir Sena exploded two bombs in Kathmandu, the first in front of Tribhuvan International Airport and the second in the Durbar High School area. Ranbir Sena's chief, Bhagirath Singh, said in a telephone interview given to Avenues TV, "The blast was carried out as a warning to the government of the Maoists. They have not responded seriously to demands for the withdrawal of the constitutional provision declaring Nepal a secular state." Police arrested two people, Sahadev Batar and Lakindar Batar on suspicion of responsibility for the first bomb.

There is also a danger of impunity with regard to the Ranbir Sena. In February 2009, its cadres who were accused of involvement in the bomb blast in Kathmandu were arrested by police, but some self-styled human rights activists and political leaders invoked by the very serious issue of press freedom to secure their release, by claiming that the arrested men were journalists. Consequently, one of those arrested, Risi Dhamala, was later released by the Appellate Court.

On 6 September 2009, Vinod Pandey, leader of Ranbir Sena, was arrested in eastern Nepal. The outcome of his case remains to be seen.

4.3. A regional perspective: extremist Hindu nationalism in India³

In neighbouring India, a prominent movement espouses a politically extreme, nationalist interpretation of Hinduism, which encompasses a vision of India as a Hindu nation into which minorities must be assimilated, and revere the Hindu religion, race and culture. This ideology is propounded by a family of influential organisations, known as the Sangh Parivar, of which the Rashtriya Swayamsevak Sangh (RSS) is the ideological mentor and the largest opposition party and the Bharatiya Janata Party (BJP) is the principal political agency.

In practice, Hindu nationalism seeks to preserve and defend the cultural hegemony of Hinduism at the expense of minority religions. Islam and Christianity are perceived as foreign to India, and the Hindu nationalist discourse on religious conversion contributes to the construal of Christians as a "threatening other". A wide range of Christian activities, particularly those involving Dalits and 'low' castes, are misrepresented as attempts to convert others from Hinduism by illegitimate means. These misrepresentations are then used to justify violent reprisals against churches and individual Christians, often carried out by large mobs.

'Anti-conversion legislation' belongs to the same agenda, and is currently in force in five Indian states. In the report of her 2008 mission to India, the UN Special Rapporteur on freedom of religion or belief indicated that she was "deeply concerned that laws and bills on religious conversion in several Indian states are being used to vilify Christians and Muslims"

³ For further information, see CSW's briefing, "India: Religiously-Motivated Violence & Discrimination against Christians in 2008" (<http://dynamic.csw.org.uk/article.asp?t=report&id=106>).

(paragraph 47).⁴ The concept of 'anti-conversion legislation' has proliferated in South Asia, with the Jathika Hela Urumaya (JHU) party of Buddhist monks currently proposing a similar law in Sri Lanka.

There are fears that the extremist and violent Hindu nationalism of India may increasingly fuel the corresponding agenda of Hindu extremism in Nepal.

⁴ "Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir: Addendum: Mission to India", A/HRC/10/8/Add.3, 26 January 2009 (<http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm>).