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January 27, 2006

The Honorable Patrick Leahy  
433 Russell Senate Office Bldg  
United States Senate  
Washington, DC 20510

Dear Senator Leahy:

We at the Center for Human Rights and Global Justice at New York University School of Law have followed closely your efforts to increase our government's awareness of human rights abuses resulting from the conflict in Nepal. In particular, we applaud your sponsorship of legislation to condition American military assistance on the restoration of civil liberties and the protection of human rights in Nepal.

As you are aware, February 1 marks the one-year anniversary of King Gyanendra's dissolution of multiparty democracy in Nepal. As you continue to shed light on human rights violations since the "royal coup" we hope that you will also call attention to the heightened vulnerability of "low-caste" Dalits, or so-called untouchables, in the current climate of impunity in Nepal.

Our recent report, titled *The Missing Piece of the Puzzle: Caste Discrimination and the Conflict in Nepal*, helped establish that caste discrimination is both a cause and insidious consequence of the conflict in Nepal. We share your assessment that discrimination, poverty, and abuse are at the root of the conflict, as well as your concern that poor villagers, many of whom are Dalits, are paying a heavy price.

Over 20 percent of Nepal's population is treated as "untouchable." They are denied access to land, subject to exploitative labor, segregated, and routinely abused and even killed by upper-caste communities that enjoy impunity. Our report finds that Dalits are caught in the middle of the conflict; the State targets Dalits as Maoist sympathizers while Maoists use coercive tactics to win Dalit support for their insurgency.

The militarization of the conflict has further exacerbated caste dynamics. An overwhelming majority of senior officers in the Royal Nepalese Army are from “upper-caste” communities and routinely profile and target Dalits because of their “low-caste” status. Instead of ending caste-based discrimination, the Nepalese government has branded Dalits and the poor as “terrorists” and has used instruments such as the Terrorist and Disruptive Activities Ordinance and the Public Security Act to carry out its campaign of torture, extrajudicial executions, and “disappearances.”

As recently as October 2005, the Office of the United Nations (U.N.) High Commissioner for Human Rights in Nepal reported that Dalits were disproportionately victimized and harassed by state authorities and Maoists. Similarly, in November 2005, the U.N. Committee Against Torture expressed grave concern that the “long standing pattern of caste discrimination is being further heightened by the current conflict” and recommended that the Nepalese government “ensure that accountability mechanisms are in place guaranteeing that caste is not used as a basis for abuses, unlawful detention and torture.”

A sustained attack on fundamental human rights has followed the end of the Maoists’ unilateral ceasefire on January 2. Nepalese citizens have faced massive arrests at political demonstrations, while Maoist and State forces have targeted political activists and human rights defenders in the lead up to the February 8 elections. Increased attacks on security forces by Maoists have also reportedly resulted in civilian casualties, and reports of incidents of torture and other forms of custodial abuse continue.

We respectfully request that in your future statements on Nepal before the U.S. Senate, as well as in your other activities in this area, you urge the U.S. government and the international community to respond to the critical situation in Nepal and raise the issue of caste discrimination as a root cause of the conflict that must be systematically addressed to ensure lasting peace and democracy. We enclose with this letter a copy of our report, which can also be found online at <http://www.nyuhr.org/nepalreport.htm>.

We thank you for your attention to this matter and for your continued efforts to raise awareness of the conflict in Nepal.

Sincerely,

/s/

Smita Narula  
Faculty Director  
Center for Human Rights and Global Justice  
NYU School of Law

Cc: The Honorable Christina B. Rocca, Assistant Secretary, Bureau of South Asian Affairs, U.S.  
Department of State  
The Honorable Christopher H. Smith, Chairman, Subcommittee on Africa, Global Human Rights  
and International Operations