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NEPAL | Accused Christians Released Without Bail

CSW welcomes the order of the Dang District Court to release without bail the four Christians who were arrested April 23 on false allegations of proselytism in Ghorahi, a city in the Dang Deukhuri District, Nepal. Initial reports suggested that the Christians were arrested on allegations of conversion; however, it has since emerged that they were accused of proselytism. A police investigation is ongoing.

The first of the four to be released was an American woman. She was released April 24 following guarantees by the Nepal Christian Society that she will appear before the authorities when required. Local sources have said that the immigration authorities would have deported her had it not been for an early intervention by senior lawyer, Govinda Bhandi Sharma. The remaining three, Dilli Ram Paudel, the General Secretary of the Nepal Christian Society; Gaurav Sreevastab, an Indian national; and Kusang Tamang, were released without bail April 29.

The court concluded that the allegations of proselytism against the four have not been proven. While all four were released from police custody, the matter has not been discharged by the court, and investigations will continue to determine if there was proselytism, which is illegal under Nepal's penal code.

CSW was informed that, although no date has been set for the next court hearing, the expectation is that four people who have been identified as complainants will have their allegations that the Christians had distributed leaflets and undermined the Hindu religion examined in court. Sources also report, that while in police custody, some of the Christians did not receive proper medical attention for their health conditions.

“The whole allegation and prosecution was baseless and biased. The Dang Superintendent of Police who initiated the arrest order has a bad track record of suppressing Christian minorities. He was behind the prosecution of the Charikot case, which took place a few years ago where all the accused there were acquitted on the grounds that there was no case against them. I was the leading defense lawyer in the Charikot case,” In an interview with CSW, Sharma said. “The four people in the current case were not involved in proselytism. They had merely gathered in a church for a meeting with the Christian community. The law gives every Nepali the freedom to express their religion. The attitude of the Nepali authority has not changed even after

the promulgation of the new constitution which makes Nepal a secular state with freedom of religion or belief. Article 26 of the Nepal Constitution allows that too. There has been a clear breach of fundamental rights, here.”

The four Christians stand accused of proselytism, which has been criminalized along with conversion under Section 158 of Nepal’s Penal Code, a law which came into force in August 2018. Conviction carries a custodial sentence of up to five years and a fine not exceeding approximately \$444. Where a foreigner is involved, the person will be deported within seven days after completing the prison sentence.

CSW’s Chief Executive Mervyn Thomas said, “We are pleased to hear the court’s decision to release the Christians. However, we are concerned for the Christian community in Nepal. As Section 158 of the Penal Code has created an opportunity for discrimination, harassment and intimidation of religious minorities. We urge Nepal to repeal Section 158 of the Penal Code, which contradicts Nepal’s constitutional guarantees on freedom of religion or belief and its commitment to uphold this right under international law.”