

## Commentary

### OCCUPY BALUWATAR: A REFLECTION

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#### Introduction

In November 2012, Sita Rai returned to Nepal after two years in Saudi Arabia where she had worked as a domestic worker. Immigration officials at Tribhuvan International Airport found that she was traveling with a fake passport but did not take legal action against her. Instead, her money was divided amongst the officials: a non-gazetted officer and two section officers. She was then handed over to a police constable who was to buy her a ticket to her home district Bhojpur. However, he took her to a lodge telling her that the tickets to Bhojpur were unavailable and that he would come back in the evening with a ticket for the next day. That evening, he came back and raped her. The next morning, he sent her on a bus to Dharan, gave her a mobile phone with a sim card and told her to come back 35 days later.<sup>1</sup> Sita did not tell anyone about this incident until she found out that she was pregnant, at which point she told her sister. The family then lodged a formal complaint.

With the 2012 anti-rape protests in Delhi following the gang rape of a woman on a private bus as a backdrop, *The Kathmandu Post* reported this incident throughout December 2012. An Op-Ed ‘Robbed and Raped’ was written on the issue – a by-product of corruption, abuse of power, and violence against women – and pointed out the silence of the human rights community (Koyu 2012).

The story was circulated on social media, and a group of youth decided to take action in response to this story. They drafted an appeal letter and presented it to the then Prime Minister Baburam Bhattarai for his urgent attention on 28 December 2012.<sup>2</sup> Having heard about this through social media, a group of about 100 people gathered at the Prime Minister’s official residence at Baluwatar on the same day. The Prime Minister was in Pokhara

<sup>1</sup> The statute of limitation for rape in Nepal is 35 days.

<sup>2</sup> Kashish Das Shrestha drafted the letter.

and the police did not allow the campaigners to stand at the north gate of his residence. One of the campaigners who was sitting on the street was dragged and arrested by the police. Soon a protest followed and the campaigners were left to stand on the pavement opposite the main entrance of Nepal Rastra Bank, which is where the main protest site would be for the rest of the campaign.

On the same day, some of the campaigners had contacted Renu Rajbhandari, chairperson of National Alliance of Women Human Right Defenders (NAWHRD) in Nepal and founder of the Women Rehabilitation Center (WOREC), and Mandira Sharma, a human rights activist and lawyer, founder of Advocacy Forum which has specifically looked into Maoist conflict (1996–2006) related cases of accountability and impunity. Upon the Prime Minister's return, Rajbhandari, Sharma and Mohna Ansari, the then spokesperson of the National Women's Commission (NWC), were called to meet him to discuss the demands of the group. They raised the issue of not only Sita Rai but also that of: Shiba Hasmi, a 19-year-old girl burnt alive by her parents for continuing her relationship with a man that they disapproved of; 16-year-old Bindu Thakur killed by male members of her family after discovering she had a boyfriend and Saraswati Subedi, a domestic worker who was found hanging dead in the house from which she was to move out the following day. The death of these three women had sparked police investigations. The independent campaigners were informed about the inclusion of these cases only when Rajbhandari, Sharma and Ansari updated them on the meeting with the Prime Minister. The independent campaigners did not think thoroughly through the consequences of including these cases, and drafted a letter urging the government to address the issues around these cases. Thus the campaign was framed as one against violence against women. Some campaigners knew of Chhorimaiya Maharjan's case, a middle aged woman who disappeared in February 2011. The family alleges that the police investigation is tainted and incomplete and her case is currently being appealed. Maharjan's daughters had spent almost a year trying to get information on the police investigation. The campaigners called upon the daughters to join the campaign as they felt that having more 'victims' – as they were called – would strengthen it.

An inconclusive meeting had taken place on whether or not the protest should include all of these other cases that had been raised or just focus on Sita Rai. No final decision had been made on this matter, but the campaigners

continued attending the protests on a regular basis, and the other cases also continued being represented. These different cases and their demands, as explained further in this article, would eventually affect the unity of the campaigners. At around the same time, some of the campaigners started a Facebook page and Twitter handle naming the protest ‘Occupy Baluwatar.’

The demands were divided into short and long term. The short term demands were focused on the five cases (Occupy Baluwatar Campaign 2069 v.s.). The long term demands were focused on policy and law reform, and also included a demand to implement Supreme Court verdicts on conflict-related cases of Balkrishna Dhungel, Maina Sunuwar and Arjun Lama. Many of the campaigners signed this draft before submitting it to the Prime Minister. As the campaign progressed, the inclusion of the conflict-time crimes would cause a rift among the campaigners. Family members of the victims of war-time cases, such as Sabitri Shrestha whose brother Ujjain Kumar Shrestha was killed by Balkrishna Dhungel who despite being convicted by the Supreme Court in 2010, remains free due to his political backing by the leadership of the Unified Communist Party of Nepal-Maoist (UCPN-M), became more vocal about their dissatisfaction with the lack of attention that the campaigners paid to their cases.<sup>3</sup> Meanwhile other campaigners and ‘victims’ were hesitant to have cases of war-time crimes take over the agenda of the campaign. Some campaigners were also wary of the politicization of the campaign through the inclusion of such cases.

Other well-known women rights activists such as Bandana Rana, Lily Thapa, Rita Thapa, Stella Tamang and others from and outside SANKALPA (Women for Democracy and Peace) joined the protests. Members of the NAWHRD also joined. All of this, as well as the demand letters drafted by the protestors under the guidance of Rajbhandari and Sharma, led to the portrayal of this campaign as one against violence against women.

Occupy Baluwatar continued for 107 days. On the 101<sup>st</sup> (7 April 2013) and 103<sup>rd</sup> days of the protests, police arrested some of the campaigners at the protest site. On the 106<sup>th</sup> day, the Chairperson of the Interim Election Council Khil Raj Regmi who had replaced Baburam Bhattarai, held a meeting with the campaigners and committed to expediting the demands set by the protestors in return for an end to the protest. Thus, on 107<sup>th</sup> day, the

<sup>3</sup> Ujjain Shrestha was murdered over issues of pregnancy and inter-caste marriage. Dhungel maintains that Shrestha was actually spying on the Maoist party, and that this was a war-related crime. However, the Supreme Court of Nepal has convicted Dhungel of murder.

campaigners addressed the public at Baluwatar to announce the interruption of the campaign for two weeks in the presence of Mohna Ansari and Rajuman Singh Malla, Secretary at the Office of the Prime Minister who officiated the Gender Equality and Social Inclusion (GESI) Unit there and who was also the coordinator of the High Level Probe Committee.

This paper is a reflection on the Occupy Baluwatar campaign from two campaigners who were heavily involved during and after the end of the 107 days of protest. We have asked ourselves, and have been asked, if Occupy Baluwatar achieved anything, why it came about when it did, and why it ultimately ended. The attempt here is not to put forth an accurate or even complete record of what happened. We wish simply to put forward our perspective of how the campaign and protests unfolded and why we felt that, for many practical purposes, it was not as successful as it could have been. Sita Rai's story was an appropriate symbol for Occupy Baluwatar to unite individuals and groups, and pose a challenge to the state in a context where there was no space for interest groups to take their demands for systemic change. But the strategies adopted by the campaigners eventually served to alienate these interest groups. We hope that the paper will open up spaces for discussion on strategies for organizing for change in Kathmandu and in Nepal. We also hope that it will shed light on alliance-building and collaboration, and the importance of trust, solidarity and inclusion in any kind of organizing for social justice.

### **Social and Political Context**

This section will focus on how the social and political context of Nepal created a space which allowed for a movement like Occupy Baluwatar to begin. First, the general situation of the prevalence of violence against women in Nepal will be elaborated. The political situation enabled impunity, and also resulted in a lack of formal mechanisms for the general public to transform their grievances into actual changes. The case of Sita Rai exemplified the social and political situation in Nepal and the case was a symbol that resonated with the suffering of all those who had faced similar adversities in the hands of corrupt state officials. It was a catalyst that allowed frustrated individuals to begin a form of political bargaining that was outside mainstream political institutions.

Nepal has always been structurally patriarchal. Legally this is manifested in laws that discriminate against women, such as unequal rights given to

women regarding the acquisition and passing down of citizenship, or the 35 day statute of limitation on rape. In terms of policies, it is reflected in the restriction of women's mobility such as the ban on women under the age of 30 to travel to Gulf countries for 'informal' or domestic labor. And in practice, it is demonstrated by 1,569 cases of violence against women that were documented between June 2010 and June 2011 around Nepal (WOREC 2011: 2).

All of these examples are further compounded by the treatment received by women by state officials. There have been many incidents of police refusing to file first instance report (FIR) on cases of rape, domestic violence, and human trafficking. Furthermore, there is ample evidence of the negative treatment faced by women, especially migrant women workers, by immigration officials in the name of protection from human traffickers and abusers.

In May 2012 the first Constituent Assembly (CA)/Parliament of Nepal was dissolved without completing its task of writing a new constitution. The dissolution meant that several bills that were to be passed as laws by the parliament remained stagnant, and there was no body representing the public that could be used to create laws and policies that responded to people's grievances. The incumbent government led by the Maoists remained in power, but there was no indication of how long they would stay in power. After the dissolution of the CA, political parties/formations – Nepali Congress (NC), Communist Party of Nepal–Unified Marxist Leninist (CPN-UML or UML hereafter), UCPN-M, and Samyukta Loktantrik Madhesi Morcha – had formed a cartel of decision-makers, with the UCPN-M leading the decisions.

In Nepal, demands by interest groups were not being converted into action by the executive, and with the dissolution of the CA this started to look even less likely. In this prolonged period of 'transition,' everyday grievances such as issues of violence against women, corruption, and transitional justice were pushed further and further down the list of priorities. Interest groups felt left out of the political structure.<sup>4</sup> Even within the parties, women's interests were not allowed to be expressed freely: for example, the women wing of UML took out their protest rally against violence against women only after the central committee gave them a go-ahead, a few days after the Occupy Baluwatar campaign began.

<sup>4</sup> Interview with a campaigner; 3 December 2013.

Finally, the bodies that existed to address gender-based violence, such as the National Women's Commission and GESI unit at the Prime Minister's Office, were seen either as politicized and therefore not to be trusted, or ineffective. In fact, one of the demands of the Occupy Baluwatar campaign was to ensure a truly independent National Women's Commission.

With this political background, the Occupy Baluwatar campaign began as a way to express grievances outside of formal political and legislative institutions. Interest groups, especially the women's rights non-governmental organizations (NGOs), often did not act in concert, and for this reason were unable to push for the kind of action and changes that were necessary.<sup>5</sup> Another division was among human rights community resulting from differing discourses on how to combat the violation of women's rights. On the one hand were those that saw women's rights as a cross-cutting issue, one that needed to be included in the general discourse of human rights. On the other hand were those who regarded it as separate from the general discourse on human rights: the violation of women's rights needed to be regarded and combated as its own issue.

It was this division that disillusioned those within the human rights community and also the general public. Occupy Baluwatar was a reactive approach of angered youth, but it evolved into a campaign that seemed to cut across these divisions and thereby push the state more forcefully to respond to issues that the Nepali public had grievances with.

When in November Sita Rai was robbed by immigration officials at Tribhuvan International Airport and raped by a police constable, she exemplified the system with which the Nepali public had been frustrated. It demonstrated a normalization of violence against women, of patriarchy, corruption, and impunity. In Sita Rai's case the immigration officials responsible were to face departmental action only, not criminal charges. Their colleagues, who were potential witnesses, were transferred from the department in a move to complicate the investigation procedure. Above all, this case showed that the state itself was also responsible for violence perpetrated against women.

Sita Rai's case went viral on Twitter and Facebook; it was a case of violence that encapsulated the grievances of the Nepali public. The political context at the time made it close to impossible for the public to be assured that their grievances would be addressed through formal institutions.

<sup>5</sup> Interview with a campaigner; 4 December 2013.

Furthermore, Sita Rai's was a case that resonated with all strands of human rights activists, it was a symbol of the problems that permeated throughout the Nepali state and society. Thus the campaigners organized to protest their grievances through non-formal mechanisms. The independent campaigners were individuals with almost no influential or traditional 'human rights' background who had come together to write, talk and organize.

## **Strategies**

### *The Campaigners and the Protests*

The Occupy Baluwatar campaigners came from diverse social, economic, political and professional backgrounds. The campaigners were praised for being vibrant, enthusiastic and committed and for being able to unite for a cause despite their diversity. Sita Rai's incident struck a certain chord with youth from various fields to come together to protest. These youth were active and asserted voices in their own professional domain. Many of the campaigners had never worked with each other, and they knew each other through Twitter (discussions on #TIARape) and emails circulated around the draft appeal letter that had been submitted to the Prime Minister. The reporting by *The Kathmandu Post*, the follow up Op-Ed, and expressions of anger and frustration through Facebook and Twitter resulted in a decision by some individuals – Pranika Koyu, Dewan Rai, Kashish Das Shrestha, Stuti Basnyat – to take it a step further. A decision was made to reach out to women's rights NGOs and others in these campaigners' networks. This then became an initiative of independent campaigners who were not affiliated with any particular NGO or political party. The unique nature of this alliance was one of its main strengths. It drew the support of prominent human rights activists such as Renu Rajbhandari and Mandira Sharma, NGOs, media, and the government. It meant that the networks that these individuals could tap into were widespread. Because the campaigners' involvement in Occupy Baluwatar was voluntary, their commitment to the campaign was not only nine-to-five on weekdays, but rather throughout the days and months of the campaign.

The question of leadership within the campaign was a point of discussion brought up at the very start of Occupy Baluwatar: would there be a group of leaders within the campaign? If not, how would the group be structured? Who would take on what responsibility? These questions remained until the very last day of the campaign. While formally, the campaigners had rejected any

form of leadership, in practice it was an on-going conversation. The initial decision to make this a leaderless campaign was not thought through, nor did it garner the commitment of all of the campaigners. The campaigners took up responsibilities through their own initiative, in an ad-hoc manner. Some maintained communication with lawyers, others with the media, others took charge of logistics – but these roles always changed. This approach created a fluidity of responsibilities and commitments

However, the unique nature of this alliance also had its weaknesses. The relationship between the campaigners and the approaches they took would go on to affect their coordination and the general public's perception of them. The campaigners had not been involved in this kind of organizing before. Most did not know each other. There was a lack of trust from the beginning of the campaign, and as there was never a conscious effort to build trust or solidarity, this worsened throughout the campaign. Some of the independent campaigners were wary of the presence of the more prominent human rights activists. As we will explain later, there was a sense among the independent campaigners that these prominent human rights activists were manipulating the campaign for their own agendas – whether the agenda was political or donor-driven. There was little effort towards addressing this mistrust head-on, airing out these grievances, and building a trusting working relationship between all campaigners, whether 'independent' campaigners or prominent activists. The fluid nature of the roles of the campaigners also affected internal communication as well as communication with the media and with the families related to the cases. The lack of a single voice was, therefore, both a strength and a weakness.

The campaigners had connected mainly through social media and wrote in English language newspapers, and were middle-to-upper-class youth. Furthermore, the protest site was Baluwatar, a supposedly affluent neighborhood in the urban center of Nepal. For these reasons, the campaign was seen as one run by elite youth. While the privileged position of these campaigners meant that they had access to various useful networks, it also meant the alienation of groups of other people – socioeconomically and geographically removed from the campaigners – who suffer most from discrimination, and who are essential to any long-term movement against structural violence, injustice, and corruption. Additionally, the public transport route to Baluwatar was often seen as difficult and therefore a hindrance to coming to the site of protest.



The campaign's fundamental principles were non-partisanship, non-violence and voluntarism. The campaign did not take funds from organizations and any support from organizations was only received in-kind. The sit-in protests were held daily from 9-11 a.m. in front of the Prime Minister's residence in Baluwatar. Throughout the 107 days the campaigners attempted to make the protests as creative as possible.

For many days, the campaigners simply stood holding posters and chanting slogans demanding justice in the cases of Sita Rai, Chhorimaiya Maharjan, Bindu Thakur, Shiba Hasmi and Saraswati Subedi. The campaigners would hold a placard that said 'honk for support' to vehicles passing by. Passerbys also clapped for the protestors and asked their children to clap at the protest site. Occasionally, some would even join the protest. Other times, more creative activities were taken up. On 19 January 2013, the campaigners organized a 'Take-Back-the-Night' event, where during the evening protestors brought candles and bells and spoke to the group publicly about their thoughts on violence against women. On 28 February 2013, the campaigners organized a 'Superman Rally' where they dressed up as superheroes with masks of political leaders as a satirical portrayal of a state that remains passive in response to cases of violence against women and impunity.

The protest site had posters that said '*ma Sita Rai hū*' (I am Sita Rai), which passersby could write on. There were several other posters, as well as fact sheets, the campaign code of conduct, and updates on the campaign as well as the cases which garnered the attention of those who passed by.

### *The Probe Committee*

Soon after submitting the demands to the Prime Minister, a High Level Probe Committee was formed to investigate the five cases of violence against women taken up by Occupy Baluwatar. This committee included Sapana Pradhan Malla, Renu Rajbhandari, Mohna Ansari and government officials from Ministry of Home Affairs. At the time Malla and Rajbhandari were advisors in the GESI unit of the Prime Minister's Office, which is responsible for looking into cases of gender-based violence. The probe committee was to submit a preliminary report within two weeks, and a more in-depth report within three months. While there seems to have been an unspoken understanding that Rajbhandari represented Occupy Baluwatar in the Committee, this was not a formal decision made by the campaigners.

No other independent campaigners were included in the committee, perhaps because the campaigners were not interested, or not approached, or because the committee was seen as having a role independent of the campaigners. In retrospect, this was an oversight. The actions of the campaigners throughout Occupy Baluwatar were often reactive (rather than strategic) to situations that were extremely fluid, and many of the campaigners had very little experience in organizing. They did not consider what the probe committee would mean, how much it could achieve, and what their role as independent campaigners could be within it. Had they been more organized, perhaps they would have felt a need to propose their own inclusion in the committee as a form of accountability.

Rajbhandari felt that the probe committee was being negligent and opaque in its investigation of the five cases. Through information obtained from her, the campaigners rejected the preliminary report of the probe committee: on the day of its release in January 2013, it was set on fire at the protest site by Rajbhandari herself. Rajbhandari then resigned from the probe committee, and her presence at the protest site also decreased. This is probably attributable to a range of things: she may have felt that she was represented by the presence of others from NAWHRD – of which she is the chairperson – at the protest site; she may have felt, as did campaigners from other NGOs, alienated by the independent campaigners because of accusations of using Occupy Baluwatar for the interests of her network (NAWHRD); and she may have had other personal reasons. The campaigners began to hold weekly meetings with two of the committee members, Mohna Ansari and Sapana Pradhan Malla. There was always a consistent number of at least ten campaigners who would attend, question and take notes of what was being said by the probe committee. However, only four such meetings were held in the campaign's 107 days. The probe committee coordinator, Rajuman Singh Malla, also held three meetings with the campaigners and state officials from the Ministry of Home Affairs, Central Investigation Bureau and Nepal Police. The campaigners and the family members requested that members of the probe committee act in response to the negligent investigation. The probe committee members met and assured the campaigners that they would. However, there were many gaps that remained. One seemingly simple request was that the probe committee should require Nepal Telecom to disclose the full record of the locations from which Chhorimaiya Maharjan had made calls after her disappearance. The record that Nepal Telecom had released

suspiciously omitted two crucial locations, while including the rest. For reasons that remain unclear, the complete record was never released.

During a meeting between the campaigners and the coordinator of the probe committee Rajuman Singh Malla told the campaigners that Devi Khadka, a youth leader of UPCN-M and member of the committee, felt that the committee no longer had legitimacy once the Bhattarai government had stepped down. This was perhaps because the committee was established by the Bhattarai government, or because Khadka started to feel increasingly that the Occupy Baluwatar movement was anti-Maoist – a sentiment shared by others, as explained later in this paper.

Looking back, the meetings with the probe committee were spaces which could have been used to build trust among the campaigners and all of the other members. And in fact, this was a space where the campaigners deepened their relationship with Ansari. However, the meetings also often ended up being frustrating for all parties involved. Some of the campaigners were labeled as aggressive and rude by the committee members, while the committee members were perceived by the campaigners as being unengaged and negligent, and that the meetings were organized to simply co-opt and assuage the campaigners.

### *Coordination with Interest Groups*

Initially, the support to Occupy Baluwatar came from personal contacts. On 27 December 2012, Rajbhandari and Sharma had been called by a campaigner to join the group that submitted the appeal letter to the then Prime Minister. They represented the group in the first dialogue with the Prime Minister, and were instrumental in drafting and finalizing the demand letter.

At a meeting of the Nepal Medical Professionals' Association (NEMA), an Occupy Baluwatar campaigner witnessed the former President of NEMA approach another campaigner asking them to support their political agenda, which included protesting the premiership of Bhattarai. This was never agreed to by the campaigners as a collective. Non-resident Nepali (NRN) Jugal Bhurtel also openly supported the campaigners. However, it was not clear whether it was in his personal capacity or as an NRN representative.

SANKALPA also mobilized its member organizations. A weekly routine was created, so that each member organization would take turns being present at the protest site for each day. Human rights activists such as Subodh Pyakurel also facilitated the support of the General Federation of Nepalese

Trade Unions (GEFONT), which is affiliated with the CPN-UML. 200 GEFONT members, including international delegates were present for one day of protest. However, a rotation of the sort established with SANKALPA was not achieved and GEFONT's physical present lasted only a day.

There were several protest activities carried out with women's rights NGOs. On the 30<sup>th</sup> day of Occupy Baluwatar, a voluntary arrest was organized in which 32 activists were detained – independent campaigners, women's rights activists, as well as others.

On the 50<sup>th</sup> day, 14 February 2013, a rally was organized by Occupy Baluwatar in collaboration with women's rights NGOs from SANKALPA to mark One Billion Rising (OBR). The five cases of gender-based violence – that of Sita Rai, Saraswati Subedi, Shiba Hasmi, Bindu Thakur, and Chhorimaiya Maharjan – taken up by the campaign were highlighted. The campaigners had organized a series of performances from the starting point – the site of the on-going protest – to Shanti Batika, Ratna Park. There was extensive press coverage of the rally the following day.

This also marked the beginning of the end of the involvement of women's rights NGOs in the campaign. There had been friction during the planning and execution of OBR, but things came to a head in response to the press coverage of the rally. Many in the OBR coalition of NGOs, led by Bandana Rana, felt that the press content derided the support of NGOs, called into question the motivations behind their involvement in OBR, and undermined their role in organizing the rally. Among the independent campaigners, there were those who believed that the media had rightly recognized the fact that the Occupy Baluwatar campaigners had taken most of the leadership and responsibility in organizing this rally. Many felt that while the NGOs played a very supportive role, the rally would not have been successful had the campaigners not been independent. This reflects the crucial problem evident throughout the campaign: the campaigners who were affiliated with NGOs were always seen as distinct from the 'independent' campaigners, mainly because they were regarded with suspicion. They were seen as donor-driven, and the OBR rally was seen as a prime example of how NGOs were perceived to be free riding on the efforts of independent campaigners.

On 16 February 2013 at the protest site, Advocacy Forum marked the death anniversary of Maina Sunuwar, a 14-year-old girl who died in February 2004 after being tortured while in custody of the Nepal Army during the civil war. Police made arrests on this day after attempts by campaigners

to enter a restricted zone.<sup>6</sup> A campaigner who was arrested had told one of the writers at the time that he had suggested that the police arrest them. This claim was overheard by other campaigners which antagonized them further. They felt that such voluntary arrests were unnecessary, that it was not the right strategy to gain public support or push for the demands, and that there had not been a transparent discussion on this strategy. This was a clear example of an instance in which a fairly important strategy for protest had not been planned carefully by the campaigners. This also marked the beginning of another divide among the campaigners: between those who felt that Occupy Baluwater was a campaign against impunity, corruption and violence at the hands of the state, and others who felt that it should be a campaign purely on violence against women. For whatever reason – perhaps because it had been a case raised by Advocacy Forum which focused on war-time cases, or because it had always been associated with the civil war – many campaigners did not see Maina Sunuwar’s case as fitting into the category of cases of violence against women. These campaigners felt that there were other forums for such cases to be raised, that Occupy Baluwater should not lose focus from the issue of violence against women and some even within that group of campaigners who felt that Sita Rai’s case alone should remain the focus.

By this point, the campaigners increasingly felt that the support extended by NGOs had been in the interest of pushing forward their own agendas. The inclusion of the war-time cases which Advocacy Forum had been advocating on behalf of for years, for example, had taken attention away from the five cases of gender-based violence, and had politicized the campaign. Further, the case of Ujjain Shrestha which raised the demand for the imprisonment of Maoist leader Balkrishna Dhungel as well as the fact that the protests erupted when the Maoists were in power, made the campaign vulnerable to attacks that its agenda was primarily anti-Maoist.<sup>7</sup>

What is interesting, however, is that while the campaigners were quick to alienate certain NGOs, their relationship with Advocacy Forum remained. This may have been for several reasons. First, Advocacy Forum

<sup>6</sup> Some of the campaigners, staff of Advocacy Forum including Mandira Sharma, and Charan Prasai were among the notable civil and political rights activists who were arrested on that day.

<sup>7</sup> In a meeting between the campaigners and a youth leader from the Maoist party, the leader told us that she did not believe that we were not influenced by, for example, Kanak Mani Dixit and Subodh Pyakurel, individuals who they perceived as anti-Maoist.

persisted in its presence at Occupy Baluwatar even after the other NGOs had discontinued. Second, some of the independent campaigners remained supportive of the involvement of Mandira Sharma from Advocacy Forum throughout the campaign. Finally, as public attention on the war-time cases grew, some campaigners felt that they were a core part of Occupy Baluwatar's demands. Others felt that the campaign's objectives were being co-opted, politicized, and had taken on hues of anti-Maoist rhetoric. But the latter group played an increasingly passive role. When individuals who are associated with the elite class in Kathmandu and hold an expressly anti-Maoist stance started becoming increasingly present in the campaign, the latter group's disillusionment deepened.<sup>8</sup>

Collaboration with the women's rights NGOs was effective for the campaign as a way to sustain a physical presence at the protest site. However, the lack of trust between the independent campaigners and NGOs ultimately led to their alienation. There were several incidents of emails sent to those working within these women's rights NGOs rejecting their help, and accusing them of using the campaign for their own organization's financial benefit. Without direct attempts – by either the campaigners or the NGOs – to build a stronger coalition built on trust, these suspicions ultimately led to the estrangement of NGOs.

### *Coordination with Political Parties*

Despite difficulties in the relationship between campaigners and NGOs, there was a practical consensus to accept their presence. On the other hand, a zero tolerance approach was adopted towards political parties. This was perhaps due to a fear of politicization and co-option. When politicians like Dharmashila Chapagain (UCPN-M), Pradeep Gyawali (CPN-UML), Manushi Yami Bhattarai (UCPN-M) came to the protest site, they were not well received. In fact, Chapagain's solidarity speech was cut short through a planted 'technical problem.' The campaigners felt that these politicians were there not because they believed in the cause but as representative of their political party, extending mere lip service. During an interaction at Martin Chautari on 15 January 2013 on violence against women, women

<sup>8</sup> Kanak Mani Dixit, who is well known in Kathmandu as an elite intellectual with an anti-Maoist stance, joined one of the campaign strategy meetings. While certain campaigners engaged with him, others felt that his invitation to the meeting was inappropriate, and that it showed a growing co-optation and politicization of the campaign.

politicians felt that the campaigners who questioned the commitment of these politicians towards the issue and the Occupy Baluwatar campaign were disrespectful of them. The campaigners have in retrospect said that they would have welcomed members of political parties as long as they did not use the campaign as a forum for pushing forward their own agenda. However the reality at the time was that the campaigners' attempt to maintain the campaign non-partisan translated into a feeling amongst political individuals that they were unwelcome.

Political parties and individuals did talk about the campaign and its demands in their respective political spheres. Some parties also seemed to use Occupy Baluwatar to weaken the incumbent government. One example was a protest carried out by NC's sister organization Nepal Students' Union (NSU) against the then Maoist Prime Minister on the same site, right after one of the Occupy Baluwatar protests.

Over time the UCPN-M government and the party itself started to see the campaign as anti-Maoist, and as against the premiership of Baburam Bhattarai. In March 2013, the UCPN-M released a press statement warning Occupy Baluwatar campaigners that the party would take serious action if they did not desist raising the case of Ujjain Shrestha and Balkrishna Dhungel. A separate press release signed by Prachanda stated as much. With the Maoist attacking the protest sit, other political parties were able to refer to growing public disenchantment towards the government. The campaigners however made no attempt to hold discussions with the UCPN-M party in any of these circumstance to clear the air. Nor did they make attempts to discuss amongst themselves whether this was an agenda that anyone within the campaign had an interest in pursuing.

There were areas where Occupy Baluwatar did engage with political parties. The Women Caucus of the dissolved CA organized an interaction program and invited the campaigners to raise issues related to the campaign and the possible involvement of political parties, in particular with women in politics. Some of the campaigners also approached past members of parliament from Bhojpur district – the home of Sita Rai – requesting them to express their solidarity. Though they expressed their interest, there was limited follow-up conversation.

*Coordination with National Human Rights Institutions  
and Human Rights Community*

To be recalled, Mohna Ansari the spokesperson of the NWC had facilitated the first dialogue with the Prime Minister on 27 December 2012. She subsequently became a member of the High Level Probe Committee. One of the best criminal lawyers in Nepal was sourced by the NWC to prosecute Sita Rai and Chhorimaiya Maharjan's cases. The involvement of NWC throughout the campaign was less that of an assertive body, and more that of facilitator, networker, and connector. Ansari gradually became a point of access to information not only on matters related to the probe committee, but on other developments as well. Because of the relationship that the campaigners had developed with Ansari during Occupy Baluwatar, she remained in contact with them even after the end of the 107 days. When some of the campaigners continued following up with the five cases close to a year after the end of the campaign, Ansari was still open to communication and support.

The National Human Rights Commission (NHRC) monitored the protest programs on the days of the larger events. The NHRC was also instrumental in alerting the government, Nepal Police and UCPN-M that they will be held responsible for any harm that may be caused to the protestors. The campaigners would meet with the NHRC's spokesperson occasionally to brief them on the planned protest events where human rights monitoring was required. The NHRC also communicated with campaigners while in police custody following their voluntary arrest, and the arrests that happened on the 101<sup>st</sup> and 103<sup>rd</sup> days of the campaign. The relationship between the campaigners and the NHRC was far more formal and distant than that between the campaigners and the NWC. This is likely a direct result of the kind of relationship that the campaigners had with Ansari, and the fact that an individual who was as invested in the campaign as Ansari was lacking in the NHRC.

There was also good presence of members from the human rights community and civil society. Some of them made a place for themselves as advisors and advocates of the campaign, many remained supporters who would attend the protest whenever possible. Once the war-time cases gained prominence in the campaign, particularly that of Ujjain Shrestha against Balkrishna Dhungel, the wider human rights community became increasingly involved in the campaign.



As one of Occupy Baluwater's core principles was voluntarism, a press release had been issued by campaigners with a clear call for the non-involvement of international organizations, and a request that they not fund any organizations that claimed to be campaign members. An exception was made however to the visiting members of the Office of the High Commissioner for Human Rights and UN-Resident Coordinator's office who sought information on the protest. Through the initiative and guidance of Mandira Sharma, the campaigners also provided information on the cases to the Asian Human Rights Commission.

### *Relationship with the Media*

Occupy Baluwater itself began with media coverage on the Sita Rai's story. Throughout the 107 days, the campaign received continued and extensive coverage (see, e.g., Nepali Times 2012; Rai 2012; Adhikari 2013; Dhungel 2013; Koyu 2013; Shrestha 2013). This was due to the fact that several of the initiating campaigners were associated with print media institutions. Sancharika Samuha, a network of women media professionals and also a member of SANKALPA, also played an active part in bringing in media coverage for the events organized jointly with women's rights NGOs. Some of the campaigners were regular column writers in English national dailies. In the latter days of the campaign, media professionals themselves were taking initiatives to cover the protest. Kantipur FM did a series of interviews with the campaigners, lawyers and family members of the victims. They invited the campaigners to programs with officials of the Home Ministry, Office of the Prime Minister and Nepal Police. In an event organized at the initiative of Sancharika Samuha, the then Home Minister Bijay Kumar Gachchhedhar was invited to listen to the concerns of Chhorimaiya's daughters and other campaigners. The campaign was also covered by international media such as BBC Nepali and Hindi Service, AlJazeera, CNN, Swedish National TV and *The Guardian*.

The media coverage was essential to improve the campaign's visibility and, perhaps even more importantly, to motivate the campaigners to continue the protests. Even if the turnout was not as great as the campaigners expected it to be for any particular day of protest, the media coverage the following morning encouraged the campaigners. Moreover, the close networks with the media meant that the probe committee listened to campaigners, as did

other members of the Office of the Prime Minister, who made sure to arrange meetings with the campaigners to discuss the demands.

## **Impact**

### *Probe Committee Formed*

As a response to Occupy Baluwatar's demand outlined on 29 December 2012, the government formed a probe committee to investigate the cases of Sita Rai, Saraswati Subedi, Bindu Thakur, Shiba Hasmi and Chhorimaiya Maharjan. The committee included lawyers, human rights activists, and government officials: Rajuman Singh Malla, Sapana Pradhan Malla, Mohana Ansari, Renu Rajbhandari and Devi Khadka.

The probe committee submitted a preliminary report of the findings regarding the five cases in January 2013, and on 26 April 2013, submitted its final report which included recommendations for structural and legal reforms. When Rajbhandari resigned from the committee after it published its first report, the committee lost credibility in the eyes of the campaigners. Due to the burning of the report, Sapana Pradhan Malla and Mohana Ansari, however, took the initiative to hold a weekly meeting to update the campaigners on the committee's findings.

While the campaign had an impact in that it was able to put enough pressure on the government initially to get some kind of a response, the pressure either was not enough or did not last long enough to ensure that this committee did its work thoroughly.

### *Communication with Victims' Families*

One of the demands of Occupy Baluwatar was that the NWC should create a system by which the representatives of the 'victims' have access to regular updates on their cases. Throughout the campaign, the protest site as well as the meetings organized by the campaigners served as a platform for victims' families to remain updated on their cases, and to get information from Mohana Ansari. While a formal system through which these families could be informed was not established, throughout Occupy Baluwatar and through the relationships established during its 107 days, the 'victims' remained informed of the status of their case.

### *Progress of Cases*

Three cases had been filed against government officials in Sita Rai's case. The Kathmandu District Court sentenced the police constable Parshuram Basnet to five and a half years in prison, while the maximum sentence for rape according to Nepali law is seven years. Although unsatisfied with this verdict, Sita Rai's family did not appeal (Rai 2013). Basnet appealed in the Appellate and Supreme Court and lost in all attempts. The fraud (*thagī*) case lodged against Ram Prasad Koirala, Somnath Khanal, Tika Raj Pokharel, and Parshuram Basnet – the four officials involved in stealing Sita Rai's savings – at the Kathmandu District Court was decided against Sita. However, the case is ongoing in the Appellate Court Patan. The corruption case lodged against the accused at the special court of the Commission for the Investigation of Abuse of Authority found all of them guilty. All four were convicted of fraud and fined NRs. 69,000 each. Sita's lawyers have mentioned several times that the campaign sent a message to the courts that the cases were grave, needed to be sped up and taken seriously.

In Saraswati Subedi's case, a second post-mortem of Subedi's body was carried out after the recommendation of the probe committee, as per Occupy Baluwatar's demands. This was probably the first time in the history of Nepal in which a post-mortem was repeated. The Government of Nepal also offered to provide Subedi's daughter with financial support for her education.

In both Shiba Hasmi and Bindu Thakur's case, the report of the probe committee found reason to suspect the family of both the girls to be involved in what were likely honor killings. In Hasmi's case the mother and the brothers are in custody and a case of murder has been filed against them. In Thakur's case the uncle and the brothers are in custody, and they too have been charged with murder. These cases are still on-going.

As of January 2013, the police had not disclosed the status of their investigation to Chhorimaiya Maharjan's family. Disclosure of the police findings was one of the key demands of Occupy Baluwatar. In February 2013, the anniversary of Chhorimaiya's disappearance was marked by Occupy Baluwatar, Chhorimaya's family, and the Joint Struggle Committee against Chhorimaiya Maharjan's Disappearance. Shortly after this, one of the campaigners was approached by the brother of the accused in the case who threatened to file a defamation suit against the daughters. The accused, with the help of a personal assistant of the country's Vice President, visited

the NWC Chairperson and Spokesperson stating that the campaign was violating her right to dignity.

In June 2014, the Kathmandu District Court exonerated the accused in Chhorimaiya Maharjan's case. Till December 2014, the family has not received the verdict from the court, which is delaying their ability to appeal in the appellate court.

### *Awareness*

Throughout the Occupy Baluwatar campaign, the media was extremely responsive in covering the protest events. After the end of the campaign, the media continued to regularly cover cases of violence against women. Several campaigners and others felt that the campaign had served to increase awareness among the public on violence against women.<sup>9</sup> Further, several individuals, including those from outside the group of active campaigners, started to write articles around the increased reports of violence against women.

The protest events within this campaign were also substantially different from the forms of protest common in Nepal; there were no *bandhs*, and it was not violent. This demonstrated that it was possible to put pressure on the state using creative methods. The limited success of the campaign perhaps also reflects the limits of these non-traditional methods in the contemporary political climate of Nepal.

### *Cross-Cutting*

Another impact was that Occupy Baluwatar demonstrated that it was possible for individuals not affiliated with any particular organization to independently organize and keep a campaign going for several months. Occupy Baluwatar demonstrated that, despite the fact that the human rights community and women's rights NGOs were somewhat fragmented, they were also able to come together for a common cause.

### *Police Accountability*

Another one of the demands of Occupy Baluwatar was increased accountability of the police, and that action to be taken against any officer that fails to register a FIR. While this has always been an issue for women's rights

<sup>9</sup> Interview with campaigners; 24 October 2013.

activists, no concrete action has been taken in this regard and the problem of FIR non-registration persists. However, the police who were in contact with Occupy Baluwatar campaigners have expressed that the campaign has made them feel more accountable, and that they feel ‘unwanted’ pressure.<sup>10</sup>

## **Evaluation**

On 28 December 2012, a group of youth had gathered to submit the appeal letter to the then Prime Minister Bhattarai without any idea that they would soon be coming to Baluwatar every morning from 9-11 a.m. for 107 days. Initially, it was decided that this protest would continue until 16 January 2013 when the High Level Probe Committee would submit their findings to the Prime Minister. However, the report was rejected by the campaigners and the campaign continued.

There were several reasons for why the campaign started slowly losing support, and, therefore, did not have the impact that it could have had. In this section we will first evaluate how the protest strategies and symbols used were successful in mobilizing and attracting the general public to support the campaign. We will then move on to discussing how the lack of long-term strategies, the alienation of interest groups, and the public’s perception of the background of the campaigners meant that several opportunities to push for change were foregone.

### *Protest Strategies and Symbols*

Sita Rai was a symbol that was able to unite women’s interest groups, NGOs, and human rights activists under the agenda of pushing for an end to violence against women, impunity and corruption. Therefore, the campaign’s adoption of this case was extremely effective. It was able to unite groups to demand that the state respond to the interests of the most vulnerable and marginalized.

The protest strategies used by Occupy Baluwatar were also seen as an alternative to the disruptive strategies more commonly used to push for demands in Nepal. Their creativity shed some positive light on the campaign, and served to motivate the public in participating. Conversely, on 24 January 2013, when the voluntary arrest initiated by the campaigners got violent, Occupy Baluwatar lost some of its core supporters. Those who disassociated themselves that day felt that one of the reasons they had remained involved

<sup>10</sup> Interview with campaigners; 6 December 2013.

in the campaign was its adherence to the principle non-violence, and that the events that day made them feel that this was lost.<sup>11</sup>

#### *Planning and Coordination among the Campaigners*

By the 30<sup>th</sup> day of the campaign, it was clear that the campaigners lacked plans on how to move forward. Despite the weekly group meetings, the campaigners' attempts to create a strategic plan to sustain the campaign failed. An ad-hoc and reactive response was the approach which sometimes worked for the better on a short-term basis, but failed when it came to moving ahead to meet the campaign's objectives. Some campaigners felt that this was because of a lack of leadership, others felt that there was simply a lack of trust, communication and coordination among the campaigners. Because of this, by the 50<sup>th</sup> day the campaign had become static and the initiating campaigners' presence also had dwindled. After this, the protest ground was held to some extent by the presence of Sabitri Shrestha and her family members demanding justice for her brothers, murdered by Balkrishna Dhungel.

#### *Lack of Conceptual Clarity within the Campaign*

A conceptual rift was getting more visible amongst the campaigners on the goals and directions of the campaign. Although Sita Rai's incident instigated the movement, there were several issues around the case: issues of violence against women, impunity, injustice and state corruption. None of these was accepted by all of the campaigners to be the one issue that Occupy Baluwatar was to be conceptually focused on. One group viewed the campaign as a demand for an end to violence against women, and felt that the five cases taken up by the campaign, the demands submitted to the Prime Minister, and other issues of violence against women were of the utmost importance. Another group felt that the campaign was only for Sita Rai and state indifference. This group eventually disengaged themselves from active participation, but remained supportive of the campaign's continuity and came forward at times of need, for example, when the UCPN-M forcefully occupied the protest site on 17 March 2013 demanding that the campaign stop raising the case against Balkrishna Dhungel. The third group's inclination was towards demanding an end to impunity, which especially towards the end of the campaign involved demanding for the arrest of Balkrishna Dhungel.

<sup>11</sup> Ongoing conversations with campaigners.

This group felt that the state's indifference towards violence against women was an issue related to the broader issue of accountability and impunity that the campaign was protesting against.

Without clarity on the conceptual basis of the campaign, the campaigners started to find that their goals and intentions differed, accusations of partisanship (especially once the case of Balkrishna Dhungel started becoming prominent) were raised as the campaign did not have a concrete stance, and the campaigners failed to move the campaign in any kind of effective direction.

### *Alienation of Interest Groups*

There were several attempts made by the women rights professionals and activists to guide the campaigners on what the campaign's focus should be. These efforts failed mainly due to campaigners' distrust of these institutions. This was further fuelled when the campaigners began to be accused of being donor-driven ('dollar-funded') despite several attempts by the campaigners to transparently publicize where and from whom they were receiving their funds (Occupy Baluwatar Campaign 2012). Meetings with NGOs would end inconclusively. Unpleasant email exchanges between the campaigners and NGOs, the former accusing the latter of claiming leadership of the campaign, unverified information that NGOs were using Occupy Baluwatar to get funding from international donors, and the marking of One Billion Rising finally led to the disassociation of NGOs and NAWHRD from the campaign.

The same kind of alienation was true of those associated with political parties. It was essential for the campaign to be non-partisan, as it was exactly the perception of partisanship that led to the loss of support for the campaign. However, the emphasis put on non-partisanship led the campaigners to be hostile to all individuals associated with political parties. This meant that the support that the campaign could have received from the Inter-Party Women's Alliance, for example, which took out a rally demanding an end to violence against women soon after the start of Occupy Baluwatar was forgone. Further, other individuals who were associated with political parties and were genuinely supportive of the cause of Occupy Baluwatar were alienated, and thus the support and influence that they could have brought were also lost.

### *Negative Public Perception*

The public perception seems to have varied on Occupy Baluwatar from the day it started. The campaigners were sometimes seen as upper-class, urban youth. The venue of the protests also reinforced this view: it was in an elite neighborhood, and was somewhere that was not easily accessible to all.

Different professional associations like Nepal Bar Association, Nepal Engineers' Association, Nepal Medical Association, GEFONT, etc. extended their support to the campaign. However, as the campaign did not have its own sense of conceptual clarity that was directly visible to the public (was it a campaign to end violence against women? Impunity? To bring an end to the Maoist government?) the participation of specific people would bring with it criticisms that the campaign was being 'ghost operated' deviating towards those individuals' political leanings. This led to the campaign being considered royalist,<sup>12</sup> and also anti-Maoist, ultimately leading to a UCPN-M wing forcefully taking over the space used by Occupy Baluwatar on 17 March 2013. Politicians identified with ethnic identity politics chose to remain silent on Sita's case, although one of them expressed his contempt that the campaign was Brahman-led.<sup>13</sup>

### **Conclusion**

Occupy Baluwatar was started as a campaign that was intended to unite interest groups in fighting for a common cause. This was especially attractive in the political context of Nepal where individuals and groups were frustrated at the lack of attention given to their issues by the government. Sita Rai's case was one that was able to unite individuals from various professional and social backgrounds.

Despite the ability of Sita Rai's case to unite various interest groups, Occupy Baluwatar started losing its support base when NGOs were accused of being self-interested and donor driven, when individuals affiliated with political parties were alienated, and finally when the campaign started being increasingly identified as anti-Maoist. Furthermore, given the duration and commitment of the campaign, the impacts were not as tangible as they could have been. This paper has tried to explore how the strategies adopted by the

<sup>12</sup> This was due to the involvement of some elite women, as well as the involvement of Bibeksheel Nepali, a political organization which at the time was accused of being royalist.

<sup>13</sup> One of the co-authors saw a Facebook status expressing as much but the post was removed shortly afterwards.



campaigners and the fluid organizing structure of the campaign were the main factors that contributed towards both the creativity and strength of the campaign as well as its weakness.

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### **Biographical Notes**

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