

## GOPEN RA

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# ROCKY TRANSITION TO JUSTICE

A few months ago a group of transitional justice experts from Colombia came to Kathmandu, sharing their country’s experience in post-conflict reconciliation with Nepal’s government attorneys and human rights lawyers. Colombia’s ability to resolve its long-running FARC insurgency, and how it has grappled with transitional justice, has lessons for Nepal even though our conflict ended long before Colombia’s.

Soon after the visit, the government proposed amendments to the Transitional Justice Act, which was previously condemned by conflict victims and the international community for not adhering to accepted human rights treaties, of which Nepal is signatory. It had provisions for blanket pardon of war crimes, but families of conflict victims have doubts that, even with the new changes, they will ever get justice.

The draft amendment is heavily influenced by Colombia’s ‘restorative justice’ practice, which focuses on reconciliation and reparation rather than punitive measures. Even so, the amendments are much

better than the existing law (The Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act 2014), which is full of loopholes allowing former guerilla commanders and state security personnel to go scot-free.

The proposed law is an improvement because it is broadly in tune with a 2015 Supreme Court verdict on a case filed by Suman Adhikari, whose father was dragged from a class he was teaching and executed by the Maoists in Lamjung in 2002. The Apex Court had denied amnesty for perpetrators of four types of crimes: extra-judicial killings, enforced disappearances, rapes and torture.

This means Maoist cadres who tied Adhikari to a tree and shot him in the head can be taken to the court. The army officers who detained, raped and killed 14-year-old Maina Sunar in Kavre will also have to face prosecution. Ex-rebels or security personnel charged with similar atrocities cannot be pardoned.

However, just like the existing Act, the draft amendment is so loophole-laden that it can be abused by powerful politicians to get themselves off the hook. For example, if passed by Parliament into law, it will allow transitional justice bodies to reduce the severity of sentencing if perpetrators help with the investigation, or apologise and express a commitment to not repeat their crimes. To put it more precisely, if ex-rebels

are convicted of abducting and murdering a civilian and slapped with a 10-year jail term, they will have to spend only four years in jail. And the draft amendment also has provisions for ‘open jail’ or ‘community service’. War criminals could easily walk free even if found guilty, and there isn’t much clarity on what constitutes ‘community service’. Will joining a political party and contesting polls be defined as ‘community service’? The Act leaves a lot of elbow room.

That is exactly why conflict victims are reluctant to accept the draft amendment: they suspect that culpable politicians will cunningly manipulate the law and get themselves off the hook. They are seeking some foundational laws based on which justice can be delivered. For example, they want to know beforehand

whether all will get 75% discounts in sentencing, or if there will be criteria determining who deserves reduced punishment. They want to know whether convicted criminals will be able to walk free.

After waiting nearly two decades for truth and justice, families of conflict victims are at the end of their tethers. They are lonely and

helpless. Some do not expect the government to do anything, so they have given up even demanding justice. The former enemies are now the state, and they do not want to revisit wartime atrocities. The main opposition NC is led by someone who let the army detain and murder innocent people by imposing a state of emergency in 2002. They feel neglected, and passing the new TRC law without addressing their concerns will be a blunder.

Conflict victims had always pinned their hopes on the UML, which was not directly involved in the war and played a strong role in advocating for transitional justice after the 2006 ceasefire. But the UML no longer exists, and the Maoists have subsumed themselves and their conflict-era atrocities into the merged Nepal Communist Party.

Prime Minister K P Oli, who also co-chairs the new party along with ex-Maoist supremo Pushpa Kamal Dahal, has already gone back on his justice commitment for conflict victims. He recently endorsed the presidential pardon to Balkrishna Dhungel, a convicted murderer. Oli has not been pressing Dahal to arrest one of the accused in the murder of Krishna Ahdikari, whose mother Gangamaya is in frail health on her hunger strike. Replicating Colombia’s restorative justice formula in good faith could work in Nepal if conflict victims were backed by leaders with political will, and a strong civil society. But they are all alone, and the state is indifferent to their pain.

**Just like the existing Act, the draft amendment is so loophole-laden that it can be abused by powerful politicians to get themselves off the hook**



Victims of the conflict sign up for a debate on the draft amendments to the 2014 Transitional Justice Act in Kathmandu on Tuesday.

OMASTHA RAI

## 10 YEARS AGO THIS WEEK

The Editorial in *Nepali Times* ten years ago this week (#406, 27 June - 3 July 2008) dealt with the new government’s promise of prosperity. Sounds familiar? Here is an excerpt:

*‘There isn’t much left to say about the political disarray that we haven’t already said in the past two years. Dispensing advice from this pulpit is a pretty futile exercise. In the end, it looks like whatever anyone says, the political parties will always be obsessed with their game of musical chairs.’*

*‘There is apprehension that Nepal’s regime change also represents an ideological shift, and there will be a temptation to flirt with utopian undertakings and showcase populism. No matter who comes to power, out of enlightened self-interest if nothing else, please keep your dirty politics out of the economy.’*

*‘Actually, the country’s economy is in such a precarious state because of past abuse. It will need a dose of realism in the short-term, hard-nosed determination in the medium-term and visionary pragmatism in the long-term.’*



## ONLINE PACKAGES



SWEAT IT OUT

In our increasingly polluted environment, with unhealthy food habits and stressful sedentary lives, it is most important to keep ourselves fit and healthy. The rise of gym culture in Nepal shows that people are prioritising health much more than they used to. Get to know the latest trends in fitness in this video, hear professional fitness trainers speak about keeping fit, and get ready to sweat it out.



UNLIKELY ACTRESS

Sangita Uranw is the first professional actress from the Uranw community, a traditionally marginalised group in the Tarai. Watch this video profile to find out about her journey, and see how she brings previously unseen stories of her village to life to stage.

### NEPALIS IN BURMA

I remember visiting some remote villages in the northern hills of Burma (now Myanmar) with communities composed only of people of Nepali origin (‘Lost village of Nepal in Thailand’, Ramesh Khadka, #915). Since they were inaccessible to Burmese authorities they were using our old Mulki Ain to administer justice in the community.

Bharat Koirala

Nice to read such a balanced article. It would be nice to know more about the current situation of the Nepali community in Thailand.

Suman Raj

### SPIRIT OF FOOTBALL

Now this is what football is all about (‘Mugu footballers to go to Spain’, From the Nepali Press, #915)! What a great story. I’m delighted to hear the team gets to be involved in such an adventure, and wish them every success.

Colin Finlay

### TAKE ACTION FOR CLEAN AIR

I think the best solution to pollution will not be government, but personal responsibility, and there is no waiting, no taxes or foreign aid required (‘Open air’, Sonia Awale, #915).

Sigmund Stengel

### FEMALE SAFETY

The statistics show only the cases that are reported (‘Four- fold increase in reported rape in 10 years’, Sewa Bhattarai, #915)! Women, ladies, girls, need respect. This starts with the parents teaching their children!

Alan Roadnight

### A TRUE HERO

We lost a true hero of the nation who had made a significant contribution to the field of neuro-surgery (‘Upendra Devkota’s lives’, Kunda Dixit, #915). May the departed soul rest in peace. My deepest condolence.

Binod Rayamajhee

## WHAT'S TRENDING



### The cantankerous conservationist

by Lisa Choegyal  
Possibly India’s fiercest conservation activist, Billy Arjan Singh had a fearsome reputation for being crusty, cantankerous, and unwilling to compromise when it came to the protection of the wild places he loved and championed. His life was one long battle to save India’s wildlife from extinction. This story had phenomenal response last week. Visit our website to find out more about Billy Arjan, his work, and life around tigers.

Most reached and shared on Facebook

### Upendra Devkota’s Lives

by Kunda Dixit  
‘And now the great neurosurgeon and great Nepali, Upendra Devkota, is himself gone — ahead of all the lives he saved,’ wrote Kunda Dixit in this moving tribute to the pioneering neurosurgeon who passed away aged 64 of cancer. The obituary was read by thousands and generated heartfelt condolences from people all over the world. Go online to read about the life and times of Dr Devkota, an exceptional Nepali, whose invaluable work changed the face of Nepal’s health sector forever.

Most commented

Most visited online page

### A military-migrant economy

By Amanda Chisholm  
Looking at the Gurkhas and their family members not just as revered soldiers and martial communities, but as migrant families enables us to locate how the broader infrastructure of these households makes exporting Gurkhas for security services globally possible.

Most popular on Twitter

## QUOTE TWEETS

**Nepali Times @nepalitimes**  
Back from Beijing, PM Oli looks over-enthusiastic in replicating China’s centralised one-party control. Will it work in Nepal? Read: <http://bit.ly/the-great-march-Oli-in-Beijing-nt> ... @omastharai reports

**mohan phuyal @MPhuyal**  
The whole world is accepting China’s one centralised party. Nepal can’t go far from it. Its welcoming visit.

**Prakash C Joshi @pcjoshi17**  
People of Nepal had sacrificed for freedom. Chinese model will not work here, if Mr Oli tries he will be a failure. Nepal is want prosperity with freedom. Nothing more nothing less.

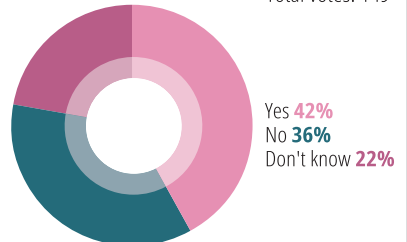
**Nepali Times @nepalitimes**  
Nepali Times Studio this week features air pollution data expert Christa Hasenkopf. Co-founder of OpenAQ, Hasenkopf speaks with @SoniaAwale about the impact of live & easily accessible air quality data as an advocacy tool. Full story+video: <http://bit.ly/open-air-pollution-data-nt> ... @USEmbassyNepal

**U.S. Embassy Nepal @USEmbassyNepal**  
Thank you @nepalitimes team! This video features our clean air speaker Christa, who visited Nepal last week for workshops on ensuring that air pollution measurements have an impact on policy formulation & decision-making by raising public awareness & sensitizing government officials.

Weekly Internet Poll #916

Q. Do you think PM KP Oli delivered on Nepali people’s expectations from his China trip?

Total votes: 149



Weekly Internet Poll #917  
To vote go to: [www.nepalitimes.com](http://www.nepalitimes.com)

Q. Do you agree with the government’s decision to prohibit protests in some locations?



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# The state of play

When the hammer is the only tool you have, every problem begins to look like a nail

The whole world, including Nepal, is now in the grips of the World Cup football tournament in Russia. The host country is expected to generate about \$30 billion in revenue from the month-long jamboree.

Neither Nepal, nor any South Asian country, is participating in the games. Yet we have gone crazy about it, cheering for our favourite teams – in Nepal it tends to be Argentina or Brazil.



**½ FULL**  
Anil Chitrakar

But can we at least learn from the game we love to watch and talk about so much? Some of the discussions are quite esoteric. Such as, when Sweden plays Denmark, the first three letters of each team combined becomes Sweden and the remaining letters make up Denmark?

Betting on the games has become quite a trend, even if it is a great way to lose money. Some love to bet and make or lose money. A taxi driver told me some of the amounts at stake, and it was huge. Restaurants and bars have been cashing in on the games by selling drinks and snacks, and there are attractive discounts if you are able to predict the outcome of each game.

For others, the game offers



MONIKA DEUPALA

a lot more. Let us take the word competition, for example, and understand what it really means. There are 22 players on the field. There are rules of the game, and the outcome of the game does not depend on the size of the country, the size of its army, GDP or population.

The only thing that matters is how well the 11 play and how much time, energy, practice and research of the opposite team it has done. The captains lead, the

coaches strategise, and then the whole world watches. Is it not amazing, therefore, that Croatia can defeat Argentina 3-0? In previous tournaments Serbia defeated the USA, and Iceland defeated England.

Football has regulators. The referee, the assistants and the nearly 35 cameras help ensure fairness. The fans can be, and are, biased. There is time added at the end of each half to make up for time lost or wasted by players.

Let us transpose this rules-based state of play to Nepal, and the businesses and contractors working here. If players and teams feel there is a foul the referee did not see, they have the option of watching the video replay. Using this technology, a penalty can be awarded.

The much talked about game between Croatia and Argentina provided insight into how we need to manage change. As the saying goes: 'When the hammer is the only

tool you have, every problem begins to look like a nail.' In the game, it looked like Messi was the only tool they had. But a toolbox consists of a set of implements, not just a hammer.

Secondly, there is a realisation when goals begin to mount that the 'goal' is not going to change. The rules of the game are not going to change, the field size, the time allocated and referee are all going to remain the same. The 35 cameras are also going to ensure that foul play is unlikely. What needs to change is the way the game is played.

Einstein famously said: 'Insanity is repeating the same process hoping for a different result.' Is Nepal learning from Argentina then? Can we rely only on a 'Messi' to get us where we need to be? Can we continue to play the same game? Do we need to develop new tools? Is it time to change the way we play?

What Nepali entrepreneurs need is a level playing field where they can compete. They want a regulator who ensure fairness. Whenever there is room for discretionary powers to be misused, they want to see a technological intervention. They also want fans and the cameras' attention when they succeed.

It is also worth mentioning that players need to have a strong track record, and keep their profiles updated, so commentators have easy access to their information. In winning teams, the 11 players are there on the basis of merit. They are not there based on their surname, what part of the country they come from, or who they know in the political arena. 🇳🇵

**Anil Chitrakar** is President of Siddharthinc.

## Young change makers

“Environmental pollution is not Nepal's only problem. Citizens around the globe share social, economic and developmental problems. If our situation is the same, our destiny is also the same. So, we have no choice but to unite and solve our problems together. We have to think beyond our surroundings and become global citizens.”

These words are not from an environmentalist or a politician, but from Ankit Sangroula, a Grade 8 student at Mount View School in Bhaktapur. Speaking at Hotel Yak & Yeti, his speech left the room full of adults awestruck.

Sangroula is one of the students mentored by Connecting Classrooms, a joint initiative between the British Council and the UK's Department for International Development (DfID). The program is designed to cultivate knowledge, skills and values in young people so they can live and work in a globalised economy. Working off the beaten track of academic system, the initiative connects students across the world to foster national and international friendship.

It also inspires young people to make positive contributions locally and globally. For example, in Baijanathpur, Morang, eight toilets were built by students from Makalu School without any support from donors or local banks. They gave an alternative to villagers who previously used riverbanks as a bathroom where they were

sometimes bitten by snakes or chased by the police, but now they have an alternative. The local village council and the rest of the villagers followed their steps by constructing more toilets.

The Open Defecation Eradication Project was one of the Council's successful Social Action Projects conducted in Nepal's schools. The projects are student-led initiatives focused on tackling community issues and inspiring leadership and team spirit in students. The Social Action Project

integrated with a curriculum that focuses on digital literacy, critical thinking and problem solving, creativity and imagination, student leadership, collaboration and communication and citizenship.

The event where Sangroula gave a confident speech was ISA, one of the key programs of the British Council under Connecting Classrooms that recognises schools showing strong commitment to enriching students' lives and inspiring interest in international cultures and global issues.

“Through ISA, I have learnt to use the knowledge we get from books to solve problems around us. Before, we just read books and listened to our teachers. But now we learn by doing,” says Sangroula.

Nineteen other schools were awarded and four schools were re-accredited for the year 2017/18 during the event, out of 42 schools from 14 districts. The award, into its 6th edition, is endorsed by

the Department of Education.

Connecting Classrooms has reached out to students, teachers and school leaders in over 30 countries to improve teaching and learning experience through school partnerships and policy dialogues, recognising and awarding progressive schools and encouraging students to lead initiatives. It also provides core skill trainings to school leaders and teachers on how to make the profession more effective and impactful. 🇳🇵

**Sikuma Rai**



THE BRITISH COUNCIL

has been collaborating with 100 schools from 24 districts, involving 16,200 students and reaching out to around 17,000 community members to solve social problems.

The project results have left many impressed. “When these little students came to us to talk about building toilets, we were so proud of them. All of us here are really thankful for this initiative,” says Jhameli Rishidev of Baijanathpur.

In total, British Council has reached out to more than 250 schools in Nepal through International School Award (ISA),

### prabhu BANK BIZ BRIEFS

#### Token of love

Celebrating its 50th anniversary in Kathmandu, Thai Airways conducted an entertainment program at Center for Disabled Children Assistance, Kapan, followed by lunch along with distribution of gifts, stationeries, computers, printers and some cash to the family.

#### In-flight net

Turkish Airlines's newly introduced 'Wireless In-Flight Entertainment System', entirely developed by Turkish engineers

in cooperation with Turkish Technic Inc., and Havelsan, allows passengers to access Wi-Fi and media content via their personal electronic devices in the airlines' 44 narrow body aircrafts. By installing 'Wi-Fi Entertainment' app before flights, over 250 films, 700 TV shows, 2,000 music albums, 19,000 songs, and many more can be accessed.

#### Infinity display

Samsung recently launched two new Galaxy A6+ and A6 priced at Rs44,390 and Rs39,890 with Infinity display giving 15% more display area without increasing the device size. The physical home button

has been swapped with software powered in-display home button and the finger print sensor been moved to the back of the device.

#### Santoor shines

Santoor, from Wipro Consumer Care & Lighting, clocked Rs1,930 crore in financial year 2017-18—nearing a feat achieved by the leading soap brand in India, Hindustan Unilever's Lifebuoy. Capturing a good

portion of Indian rural market shares since 1986, the brand has been driven by a combination of distribution, reach and consistency in advertising strategy.

#### New crossovers

Laxmi Intercontinental, the authorized distributor of Hyundai motors in Nepal, recently launched the i20 Active facelift



2018 featuring body cladding and roof rails, ABS and airbags, rear parking sensors with steering adaptive rearview camera, touchscreen audio, a R16 Diamond cut alloy wheels. Available in Base and S variants, the crossovers are priced at Rs3,396,000 and Rs3,796,000.

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# Trade tit-for-tat

How should Asia respond to Trump's trade war?

This month President Trump launched the opening salvo of a trade war by unilaterally imposing tariffs on steel and aluminum imported into the country from the European Union (EU), Canada and Mexico.



## COMMENT

Pradumna B Rana

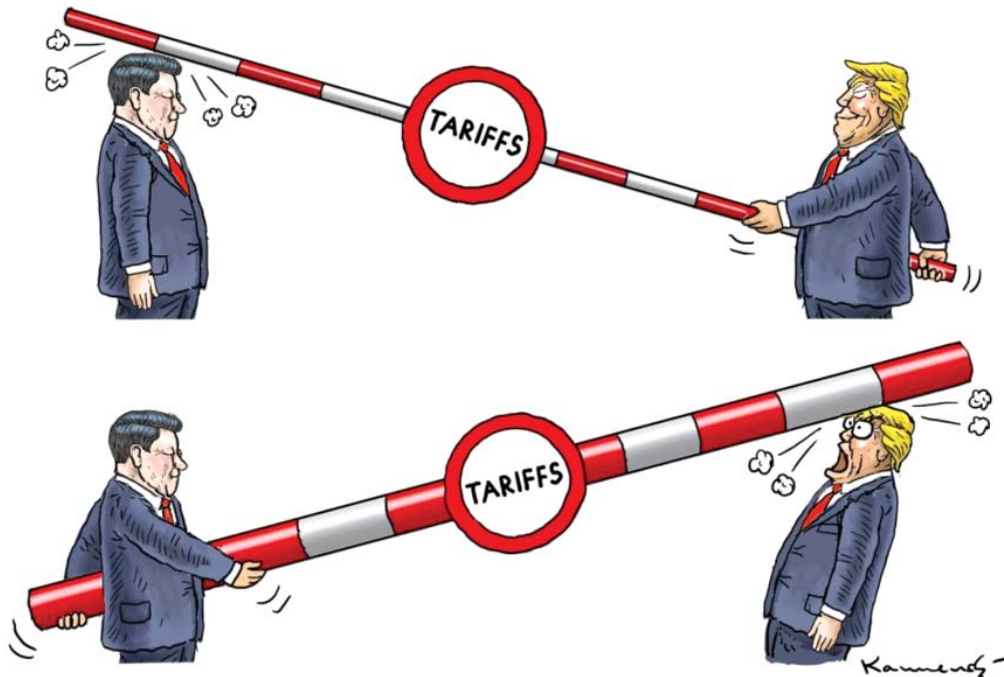
Canada immediately warned it would announce retaliatory measures. The EU and Mexico have their guns loaded. The US and China are also at the brink of a trade war.

On 15 June, Trump announced tariffs on \$50 billion worth of Chinese goods and warned that any retaliation by Beijing would trigger another round of tariffs on Chinese goods. But China struck back within hours, slapping the same amount of tariff on American imports, from agriculture and seafood, to cars and energy products.

Hopefully the worst can still be avoided, but the experience of the 1930s and the subsequent Great Depression suggest that trade wars can have serious economic and social consequences on the entire global economy. The IMF has warned that Trump's new import tariffs pose a stark threat to the global trading system and will ultimately damage the US economy.

In addition to starting trade wars, Trump's trade policies are undermining the post-World War II rules-based multilateral trading system established by the US itself, as the hegemon, with the co-operation of other like-minded countries mainly in Europe.

Under the auspices of GATT and its successor the WTO, globally tariffs had fallen to record low levels, the volume of international trade had expanded, bringing unprecedented economic prosperity all over



the world.

Seventy years on, the Doha Round has stalled and some of the WTO rules and exceptions to the rules need to be revisited. But instead of reforming the institution, Trump has threatened to withdraw the US from the WTO – which could happen, if the WTO rules against the recent metal tariffs the US imposed on national security grounds.

The US is also undermining the WTO by refusing to appoint new judges to the WTO Appellate Body, accusing it of bias against the US. The WTO has traditionally appointed judges based on consensus among its members. Perhaps it is time to change this method to save the rules-based system.

At the recent G7 summit, with a single tweet from Air Force One while flying to Singapore, Trump drove a deep wedge between the US and other countries

that traditionally consider themselves Washington's closest allies, having cooperated closely with the US to help build the post-World War II rules-based trading system. The summit was a fiasco.

The future of the G7, which is supposed to be an oversight body for global matters including trade, is therefore uncertain. Contrary to what Trump had said at the recent Davos meeting that 'America First does not mean America alone', the G7 is now being described by many as G6+1.

The European Union countries and Japan, China, and India should unite, resist, and speak up in favour of the WTO. They should also cooperate more closely in resolving issues, for example, on agriculture, trade, and in reforming the WTO. One reform proposal is that the WTO should address the 21st century trade issues that are 'behind

the border' such as rules for investment protection, intellectual property and regulations on product standards and their harmonisation.

Global value chain or parts and components trade now comprise about 70% of global trade. Currently the WTO focuses on 20th century trade issues such as tariffs, quotas, and subsidies. It is the mega-free trade agreements such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and, to a lesser extent, the Regional Comprehensive Economic Partnership (RCEP) that are focusing on 21st century trade issues.

It is also time to start thinking of replacing the G7 with the G20. Of course the G20 is not perfect and there is a need to enhance both its 'input' legitimacy – its exclusive nature and lack of broader representation – and 'output' legitimacy – its ability to strengthen international cooperation and come up with solutions.

But it is the only forum where, in addition to the G7 countries, systemically important emerging markets have a representation and voice. The G7 members once ruled the world but now their share of world GDP is declining from about three-fourths in the 1990s to about one-half currently. The G7's share of world population has also declined from about 20% to 15% during the same period, with aging populations in most countries. On the other hand, the G20 accounts for 85% of the world's GDP and over 60% of its population. It could well save the global trading system from the depredation of the go-it-alone tendency of the US. 🇺🇸

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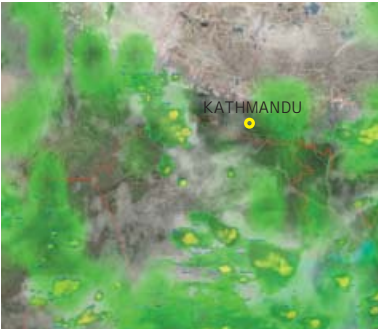
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The monsoon is really getting going in earnest now, the clouds are massing up from the Bay of Bengal, and we can expect more of the torrential downpours interrupted by spells of relentless daylong drizzles that are characteristic of the Himalayan rainy season. Expect an overcast, wet weekend, muddy and flooded streets. Landslide and rockfall danger along highways.

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# All the men and women merely players

Nepali theatre struggles to survive even while it stages plays about everyday struggles



CHANDRA PANDEY



PHOTOS: AAROHAN GURUKUL/FACEBOOK

## Sewa Bhattarai

Nepal's theatre business is not doing well financially, but you would not be able to tell here in the alleys of Teku, home to Kausi Theatre and the drama group *Katha Ghera*. Despite being hard up, new theatres are rolling out productions thick and fast. It all started with Aarohan Gurukul, established by actor-director Sunil Pokharel three decades ago, which later became the first private theatre to stage plays with multiple performances. Besides Kausi, Kunja Theatre and Purano Ghar have recently sprung up in Kathmandu, and there are more than 150 theatre groups across

the country including theatre halls in Jhapa, Pokhara and Morang. Three drama groups are building theatres in Pokhara alone, and many institutes like Actor's Studio and Shilpee in Kathmandu conduct classes. Kathmandu hosts frequent theatre festivals: this month Nepal Academy's Rang Utsav honoured 13th century Maithili playwright Jyotirishwar and Shilpee Theatre held its Tamang Drama Festival. Former theatre artists like Min Bahadur Bham, Dayahang Rai, Khagendra Lamichhane, Menuka Pradhan and Saugat Malla have even migrated from the stage to screen, starring in Nepali films. "It is good to see so many youngsters in theatre who understand film, music, art, and

even the connection between space and performance," says senior playwright Abhi Subedi. "Their interest seems to be in re-interpreting history and depicting the inequalities and cruelties in society." Plays like *Court Martial* questioned the caste system and hierarchy in the military. *Harjeet* reinterpreted a classic story from a woman protagonist's perspective, *Daraundi ko Pani* imagined the life of Lakhan Thapa and Manakamana Devi, *Bhrikuti* portrayed Nepal's famous princess who was married in Tibet, *Ani Deurali Runcha* depicted feudal oppression and forced migration, *Jayamaya Afumatrai Lekhapani Aipugi* enacted the journey of Burmese Nepalis fleeing World War II.

**PROBING QUESTIONS:** *Jiundo Akash* portrays the life of a transgender (left), while Nepal's pioneer theater Gurukul has staged many iconic plays (top and right).

Nepali theatre has come of age, with plays that ask probing questions about social injustice, discrimination, and modern ethical dilemmas. *Jiundo Akash* portrays a transgender person, the adaptation of *Vagina Monologues* brought the private lives of women into the public sphere, while *30 Days of September* sensitively tackled child abuse. Despite these vibrant themes, however, Nepali theatre still struggles with originality. Few of the plays are new, and directors seem to prefer Shakespeare, Moliere, Tagore, or even Lu Sun to home-grown dramas. There is a general lack of technical knowledge of stage production. "Nepali theatre lacks research, which is impeding its growth," explains pioneer theatre artist Sunil Pokharel of Aarohan Gurukul. "Different ethnic groups have diverse performance cultures in Nepal, we need to mine these cultures so that we can produce more original, Nepali-style plays." Strong folk performance cultures are evident in Janakpur, where Mithila Natyakala Parishad, one of the oldest theatre groups still active, draws from folk traditions and attracts big audiences to every

performance. But it struggles with not having its own home stage. Gurukul was one of the first to have its own theatre, but the hall was destroyed in 2012, followed by the closing of Theatre Village in 2016 and Theatre Mall in 2017. At ticket prices of Rs100-500, the income just does not justify the expensive land theatres are housed on. Except for groups like Sarwanam, which has its own space, theatres rent and have to constantly worry about their future – which doesn't do much for creativity. Dozens of groups have to take turns staging plays in the six or so theatres. Sunil Pokharel limits himself to just two plays a year because of space constraints. "Theatre's main problem today is that it lacks institutional support," says Abhi Subedi. "There is no degree course on theatre in Nepal's universities, and little government financial support to produce plays." Pokharel says corporate sponsorship would do the trick and make up for the shortfall in ticket revenue, but there isn't much of that. Despite difficulties, artists find Nepal's close, intimate theatres, where the audience can hear the performers breathe on stage very impactful. Says Pokharel: "There is no such thing as enough money, in any profession. And if you think you want to take to the stage, you have to be prepared to survive the harsh reality of theatre." 🇳🇵



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# Drama in real life

Sangita Uranw describes the first time she saw the inside of a theatre: jaw-dropping. Used to performing street dramas, where passersby jostled to watch her, she had never been inside a proper theatre. She did not know that there were places where plays were staged.

Uranw, 22, is the first professional actress from the Uranw, a sidelined and neglected Tarai community. Few in her native Kuchhita village of Sunsari are educated, and rarely do women leave households. Uranw’s story, therefore, is itself drama in real life, and provides an example of how previously unseen sections of society are now actors on the national scene.

“I was interested in acting from a very young age, dressing up and performing at home,” recalls Uranw (pronounced: Oo-raa-o with a nasal intonation in the ‘raa’). “I got involved in child clubs, and then in street dramas where we spread awareness on issues like child marriage, dowry, sanitation.”

When Ghimire Yubaraj, director of Shilpee Theatre, went to Sunsari to give theatre training, he spotted 18-year-old Uranw’s potential talent and offered her a three-month scholarship in Kathmandu.

“At first my parents worried about

where I would stay, what I would eat. ‘Are you really going to become an actor?’ they would ask. But in the end, my passion convinced them,” says Uranw.

She first started re-enacting her village life at Shilpi: she created stories, fleshed out characters, and saw dramatic potential in the ordinary.

“Sangita created a memorable solo performance in Uranw and Nepali languages, where she acts as ten different characters. Interestingly, the story is told by a crab. She brings her village to life,” says her mentor Ghimire Yubaraj.

Making a dramatic crablike entrance, Sangita does a half back flip, lands on her back, and walks backwards on two hands and two feet. A little girl takes the crab home and it narrates how her alcoholic father drinks instead of taking her to the hospital, how her stepmother assigns chores to her, how eager she is for a glimpse of her neighbour’s TV.

“As children, we used to go to the paddy fields in monsoon to plant rice, and to look for crabs in the rivers to eat in chutneys,” remembers Uranw. “That is what I want to bring to stage: stories that I have seen, felt and experienced. We have so many stories in every village of Nepal, but we rarely see them on stage, and I want to change that.”

She found that particular story in the life of her friend, who had a difficult time after her mother passed away. The 30 minute solo performance was scary for her at first, but shows her dedication and passion for the craft: it was praised for capturing the essence of life in the Uranw community after being staged at Shilpee Theatre and travelling to Morang and Jhapa. Her family, including her mother, attended the play in Biratnagar and were proud to see her perform.

While she learns and works at Shilpee Theatre, Uranw is also attending college, and is grateful for her family’s support. “The most important thing for them is that I am getting to study. And, as long as I continue my education, they will not complain,” she says. But for Uranw herself, theatre always comes first.

Over the past three years she has worked in six plays and feels there are many other Uranw youth who have the talent to be on stage and also succeed in many other fields. She says: “There were no actors from the Uranw community, but I succeeded because of my family’s trust and support. There are many others like me, and they can excel in whatever they want to do if they get the opportunity.”

**Sewa Bhattarai**

## UNLIKELY ACTRESS



Go online to watch Sangita Uranw enact a crab that tells the story of her village, trace her journey from her hometown in eastern Tarai to the stage in Kathmandu, and listen to her dreams and hopes for herself and other Uranw youth.

[nepalitimes.com](http://nepalitimes.com)

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# THE







# From just body-building, Kathmandu’s gyms have grown to cover overall fitness and wellbeing

GYMKHANA MUAY THAI



GYMKHANA MUAY THAI



ALL PHOTOS: THE PUMP NEPAL

## Duksangh Sherpa

When he saw a fitness video that was giving incorrect information, Sushant Pradhan decided to make his own. That little clip led to a whole new YouTube channel and a popular Kathmandu gym, The Physique Workshop. Today, three years later, Pradhan is the most popular Nepali fitness vlogger around.

“I never thought my channel would be so popular, so fast. It is proof that the people’s awareness of fitness is increasing. They are prioritising health,” says 27-year-old Pradhan.

The word ‘gym’ used to be associated in Nepal

with bodybuilding, mainly for men. The idea of going to the gym was to pump iron and have bulky muscles. Today, the concept has changed to overall fitness and wellbeing for men and women of all ages.

And Kathmandu’s new gyms have stepped up to meet that demand with places like The Pump, Platinum Fitness, Fitstop fitness, The Physique Workshop and Gymkhana. Befitting their playful names, the places offer cardio, weights and workout plans for people with different fitness goals, from insanity, yoga, High Intensity Interval Training, cardio kick-boxing, weight training, calisthenics, functional fitness to CrossFit and more.

One common aspect of all venues is that they were started by people passionately into fitness, long before it became fashionable to be a gymini.

## The stamina to workout

The global popularity of functional training has made it popular in Kathmandu. The Pump and Gymkhana Muay Thai was one of the first to introduce such a workout which, unlike conventional fitness routines, involves training with equipments like kettle bells, tyres, boxes, battle ropes, and TRX. Functional training improves our day to day activities by building strength, stamina, endurance, flexibility and mobility. It emphasises on our core strength and muscle movements.

## NO excuses!

The easiest excuse not to exercise for most people is “No time.” Yet, there are people who not just make time for workouts but even travel for hours to frequent their favourite gym.

Raul Moktan of Gymkhana in Maharajganj says some of his members come every day from as far away as Bhaktapur and Thankot.

Age is another factor people use as an excuse, but there are people over 70 who workout regularly and are fitter than ages is determined by food habits, fitness level and lifestyle.

“Start now to build a healthy body which will support you till the end,” reminds Moktan, whose Gymkhana is open from 5:30 am to 10:00 pm every day. “There is no excuse for not taking responsibility for your own wellbeing.”

Fitness does not necessarily mean visiting a gym. Workouts can be done at home, following a trainer’s instructions.

But in case you are not sure about kick-starting a structured fitness routine, you could follow a combination of basic body weight movements such as squats, lunges, push-ups, pull-ups, burpees and planks. Working on your major muscle groups, these movements are not only effective and time-tested, but are also easy to perform anytime, anywhere. So are you ready to amp up your fitness and energy levels?

“I don’t see myself doing anything else. This is what I am most passionate about,” says Raul Moktan, co-founder and executive director of Gymkhana Muay Thai, and a professional boxer himself. He gives his members a wide variety of fitness choices: from combat training to calisthenics, and high intensity interval training to spin classes.

When gym guru Sachit Pradhan, a veteran of Kathmandu’s gym scene, first started going to the gym, things were different. “All we had were basic free weights in a very simple space. There was no detailed guidance, the way it is available now,” he says.

Sachit and his younger brother Sachin have been training for over two decades and have learned about fitness through years of experience and self study before they opened Platinum Fitness Club. “People now are better informed. From YouTube videos to workout programs, everything is available on the net,” adds Sachin.

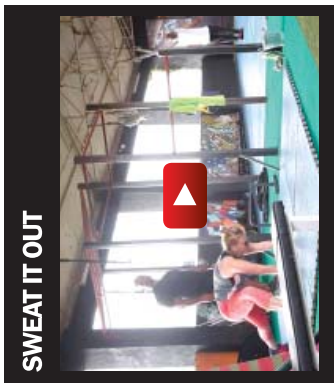
Gym members are people like Sheetal Rana, principal of Excelsior School, who makes time from her hectic schedule to work out regularly. “The most important benefit is that it makes you efficient by helping you de-stress while making you fit to deal with day to day challenges,” says Rana.

Staying fit is more important than ever because of the polluted environment, our stressful sedentary lifestyle, and unhealthy food habits.

“Throughout human history, physical activity

has always been an important part of our lives. Movement conditions our body, sharpens our minds, keeps us alert and efficient throughout the day,” explains internationally certified trainer Ashish Yakhumba of The Pump, Nepal’s first CrossFit and calisthenics gym, who has trained clients aged 15-90 years, from athletes to people with disabilities.

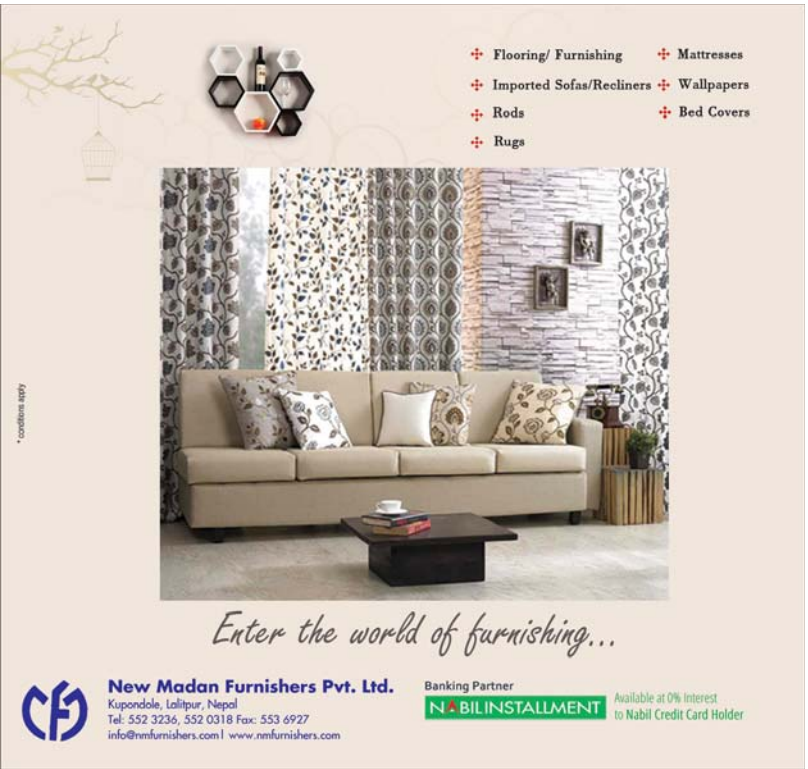
Says Yakhumba: “There is no excuse for not working out. You have to give at least 30 minutes to yourself every day, for your own wellbeing and overall health. Movement and exercise is one of the most underrated forms of medicine and meditation.” 🇳🇵



Watch this short video to hear what qualified fitness trainers have to say about keeping fit and get to know the latest new trend in the world of fitness.



# GETAWAY





Thomas Heaton

Clothes glued to my skin with sweat, I have no idea how I'm going to trek another four hours. I have absolutely no idea how I'm going to finish the day's trekking, let alone do 10 more days of it.

Soaked in sweat, awaiting my first mound of dal bhat, the more than 130kg of weight on my 1.89m frame seems heavier than ever. Mardi Himal viewing point and Annapurna Base Camp are my group's destinations, both 'manageable' treks I was told. Like my dal bhat, I took the advice with a grain of salt.

This time last year I excused myself from the trails, claiming I would not be able to see the country by looking at my feet trekking uphill. But it's time to atone for that idle sin. I also want to prove something to myself, and others: anyone can do it.

One hour later, on our journey to Forest Camp from Dampus via Pitam Deurali, both my guide Bikash Tamang and great friend Luke Burgess are having their doubts.

"Can you keep going? If we're going to go back, we have to make our minds up now."

Beefy, stout, portly, porky -- however you describe us large men, you don't see our clothing sizes in Thamel for a reason. Most abominous fellows don't trek or, if they do, they walk up to Poon Hill to later claim Machupachare's summit.

Sinewy characters, my two counterparts are concerned. I am too. I entertain the prospect of turning back -- thoughts equally shameful and scary. I steel myself for the awaiting climes, a dose of sweets jammed down my throat (a lifetime first) and I slope uphill behind them. I have no understanding of my surroundings, or even the colour of the sky, I keep focus on my heavy feet. And we make it, to my counterparts' relief. My frame has made it up this hill, and I hope it's gaining momentum.

The next day we surge ahead,

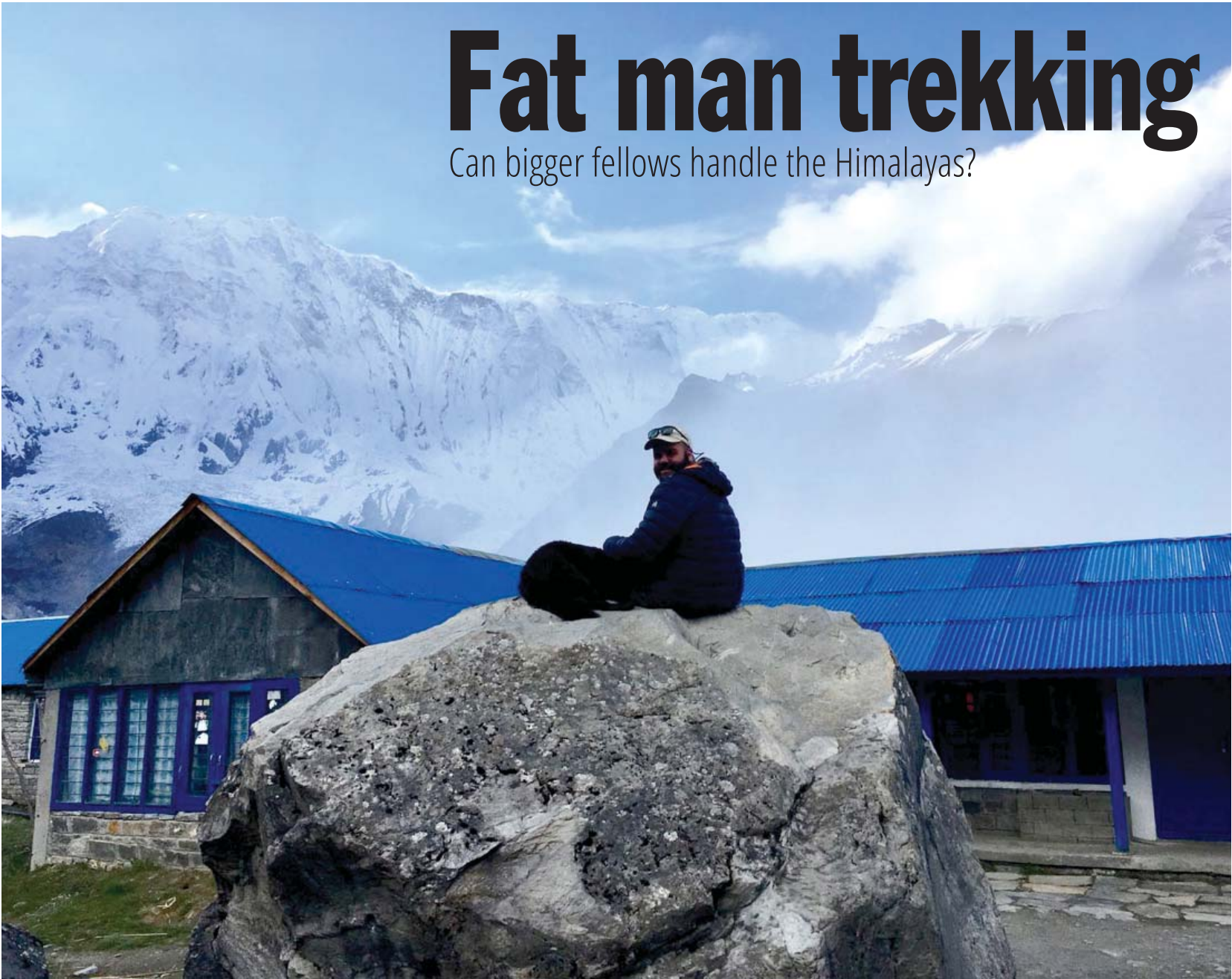


PHOTO: THOMAS HEATON

buoyed by a rapid rise to Low Camp, and reach High Camp. My slow approach to the hills seems to keep us going, and see me named 'The Yak' and 'Despacito' (Spanish for slowly). My head lifts as we slowly mount the hill, and I start to absorb my surrounds.

The third day was as hard as the first, squashing any sense of cockiness I might have gained the day before. Trekking at 4.30am to catch the sunrise, still digesting last night's dal bhat, I get used to the hurt. The elevation does nothing to me, but the trail does. All I feel is exhaustion, but the views from 4,250m are worth it. The final step onto the prayer flag adorned platform is my Neil Armstrong moment, without a giant leap for mankind-- just tears. Weeping at such height is an interesting experience. A combination of hyperventilation, exhaustion and elation, it's hard to describe.



The mountains stare down at us, like deities, but it's hard to believe they're real. Seemingly projected onto the horizon, I wonder how people explained such things before cameras. One thousand words would not explain their grandeur.

Now the prospect of reaching ABC seems feasible. From Naya Pul to Jhinu Danda, through Chomrong, to Bamboo, my left knee takes a beating. Nepal's up-and-down terrain makes my suspension squeal. Pain, fear and vertigo be damned however, nothing is impossible if the desire is there, according to my guide. So, with a nifty new 'natural' walking stick, I keep walking. A diet of dal bhat, spicy masala tea, instant coffee, and at least six litres of water each day is the perfect octane for this decrepit New Zealand-made Tata.

The final day of the ABC trek pales in comparison to Mardi, however the altitude is felt a little more by all. Walking in the clouds, with local mountain dogs guiding us along the way, the slow and steady climb from Machupuchre Base Camp seems light in comparison to the almost vertical Mardi.

Touching the welcoming sign released, once again, a stream of sweat from my tear ducts -- this time I don't care whether it is out of exhaustion and pride. I've proven my point.

Nobody in good health has an excuse not to trek in Nepal, and no one should pass on the opportunity as I once foolishly did. Until one has trekked this country they won't understand why. Those that have, however, do understand how spirit-affirming and life changing the experience is. It is something that brands itself in minds forever. Also, the point is proven: the corpulent comrade can trek, even if he is twice the weight of the average Nepali. 🇳🇵



Thomas Heaton is a New Zealand journalist, food writer and enthusiastic traveller.

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# OCEAN'S 8

When Debbie Ocean (Sandra Bullock), the sister of a well known con-man, is being released from jail, she claims she will lead a simple life, just paying her bills and all that. We immediately know that this is not true. The rest of the movie, where she masterminds a grand jewellery theft, is similarly predictable -- but no less enjoyable. Directed by Gary Ross, this all-female sequel to its popular eponymous heist-movie franchise is a fun ride with women who kick ass.

As Ocean gathers an odd group of women, from her old partner Lou (Cate Blanchett) to the elusive hacker (Rihanna as mysterious Nine Ball who refuses to give her real name), a lot of racial stereotyping is at play: the assumption, carelessly thrown around, that all Russians are hackers; an Indian girl Amita

(Mindy Kaling) who is frustrated that 'she has no *pati* (husband)', an Asian street hustler Constance (Awkwafina) who looks straight out of martial art movie, and many more. Out to prove the point women can be as cunning as men, the movie is not subtle.

Helena Bonham Carter, as the disgraced designer Rose Weil, is particularly effective, going off into dazes and coming back with sudden exclamations that turn out to be just the right thing to say. Tammy (Sarah Paulson) has an eternally pinched expression as a fraudster trying to appear normal for her kids, adding to the drama. How the women convince their scapegoat, vapid actress Diane Kluger (Anne Hathaway), to fall into their plans at the glamorous Met Gala is a bit tricky. But what do they do when Kluger (is the real Diane Kruger watching?) turns out to be not as brainless as they expected?

The movie has plot holes and glitches here and there, some beyond credibility, but the stellar cast works quite well together to make sure you are not bored, with

twists and turns until the very end. And last but not the least, the insurance investigator (James Corden) manages to steal the show with his witty remarks, despite the boring, stodgy role he is burdened with.

In an era when there are voices being raised for more visibility and stronger roles for women in films, movies like Ocean's 8 come as a welcome break. Here we see women being smart, strong, brainy, skilled, enterprising, calculating, victorious, and not pigeonholed in eye-candy roles. Not saying they are not beautiful, however. But -- despite the overdose of glamour and fashion (including a cameo from *Vogue* editor-in-chief Anna Wintour)-- the way they look is not centre stage here, which is a relief. The eye candy here is Debbie's ex Claude Becker (Richard Armitage), and we are fine with that.

Sure, we need more movies that pass the Bechdel Test, but is that enough? This movie throws up a question of what was meant by higher visibility of women. Do women on screen have to do all the borderline negative things that male heroes do to be considered successful? That then brings up the general question of whether glamorizing crime is OK, no matter if it is men or women. The answer is that this is a leave-your-brains-at-home kind of movie. Enjoy the ride and forget about it afterwards.

**Sewa Bhattarai** 🇳🇵

Watch trailer online

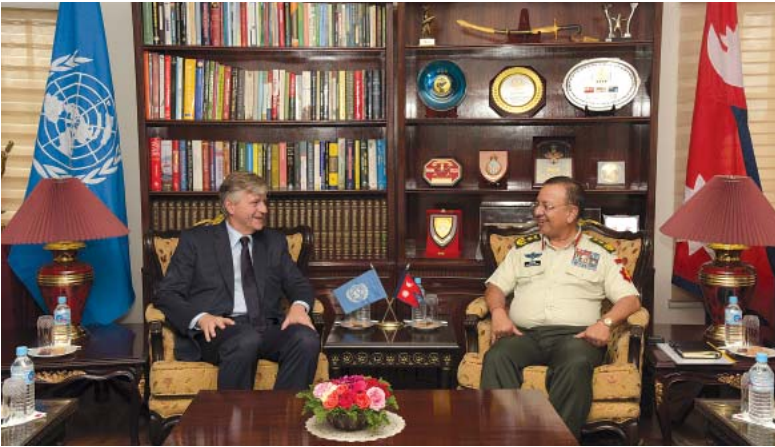
nepalimes.com



**WELCOME SHOWER:** The new Nepal Airlines Airbus 330-243 named 'Annapurna' is greeted with a water salute after being delivered from Toulouse to Kathmandu airport on Thursday morning.



**HERITAGE HIGH:** The public gets a rare opportunity to visit Gaddi Baithak for the inauguration of the newly-restored building, in Kathmandu Darbar Square on Wednesday. The European-style neoclassical building, damaged in 2015 earthquake, was rebuilt by the US Embassy, Miyamoto Disaster Relief Fund and Department of Archaeology.



**PEACEMAKERS:** The UN Under-Secretary-General for Peacekeeping Operations, Jean-Pierre Lacroix, meets with Chief of Army Staff of the Nepal Army Rajendra Chhetri in Kathmandu on Tuesday.



**RICE POWER:** Yubak Dhoj G.C. of the Ministry of Agriculture, Land Management, and Cooperatives, and Matthew Morell of the International Rice Research Institute (IRRI) on Monday signed a five-year collaborative work plan to make Nepal self-sufficient in rice production.



**BEING RESPONSIBLE:** Thai Airways conducts a musical program at the Centre for Disabled Children Assistance in Kathmandu on Saturday. The event is part of a series of CSR programs organised to celebrate the airline's 50 years of operation in Nepal.

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NAYA PATRIKA

# Modern Arniko

Ganesh Lamsal in *Naya Patrika* on 25 June

नयाँ पत्रिका

Ten years ago, Manjul Mitteri (Baraili) of Morang announced he would donate 1000 stone statues to the state. But for the past one and a half years Manjul has been committed to a different project: building the world's largest sculpture of Buddha, in Japan.

"Once upon a time, with his remarkable craftsmanship Arnico earned Nepal international fame. Centuries later, we have the same opportunity again," said Manjul,

who himself has been called a 'modern-day Arniko' since news broke of his involvement in the world's tallest Buddha statue.

Japanese hotelier and social worker Osima Sikuzi found out about Manjul through Nepali engineering students in Japan, and approached the artist with plans to build seven statues of local deities, including the 65-feet-tall statue of the Buddha. Three other Nepali sculptors, Biswokarma, Ramchandra Pandit and Ganesh Rai (pictured), are working day and night to carve the statues into a cliff at the famous tourist district

of Kumamoto, 90km outside Tokyo. The project is 30% done, and will take another six years to be completed.

Despite the challenge, the Nepali sculptors are glad to be a part of the historic project. But their work often reminds them of Nepal's unused potential. Tall cliffs, abundant natural resources, and home-grown talent makes Nepal a better site for such construction. "But unfortunately, politicians employ Chinese artists for large-scale projects," said Manjul, who recently returned to Nepal for his holidays.

After the statues are complete, the Japanese government plans to include the site in the World Heritage List, which will also put contemporary Nepali sculpture on the map, said Manjul. He found out early on his trip that many in Japan were misinformed about the birthplace of the Buddha, and available textbooks were misleading. "We aren't only building the tallest statue of the Buddha, but also letting the world know about his Nepali origin," he said. Meanwhile in Nepal his wife Kausila, also a professional sculptor, is helping sculpt the 1,000 statues he promised at home. While they haven't progressed as much as they would have liked due to lack of funding, the couple have opened the Umlabari Statue Museum with local support. So far they have sculpted statues of 150 famous personalities. Once Manjul is back from Japan for good, the artistic couple plans to work together to achieve their ultimate goal.

"We will surely gift 1000 statues to the state, and make our dream come true," said Kausila.

## Levy on foreign workers

Hom Karki in *Kantipur*, 28 June

कान्तिपुर

Nepal has set new labour guidelines in motion, barring foreigners from working here without a work permit. Indians are immune to the new rules thanks to the 1950 Indo-Nepal Treaty of Peace and Friendship, but their names and other details will be documented. However, like other foreigners, Indians too will have to pay a levy of Rs 20,000 for six months, and Rs 30,000 after that.

Companies or businesses employing foreigners, including Indians, must notify the Labour Department about their non-Nepali workers. Else, they will have to pay a fine double the amount of levy. Officials claim they will start labour audit, which will help fine the companies that violate the guidelines.

Officials claim the new guidelines, which have been published in the gazette this week, are in tune with international practices, and guarantee social security of foreigners just like Nepalis. They say foreigners are entitled to provident fund, gratuity and other facilities just like Nepalis.

Foreigners hired as technical experts can work up to five years in Nepal, but others cannot work here for more than three. The guidelines also make it mandatory for Nepali companies to introduce a plan to gradually replace foreign technical experts by transferring their expertise to Nepalis. And the numbers of foreigners hired by Nepal-based companies should not exceed 5% of the total staff volume. However, the new labour guidelines do not apply to diplomatic agencies or entities operating under a specific agreement with the government.

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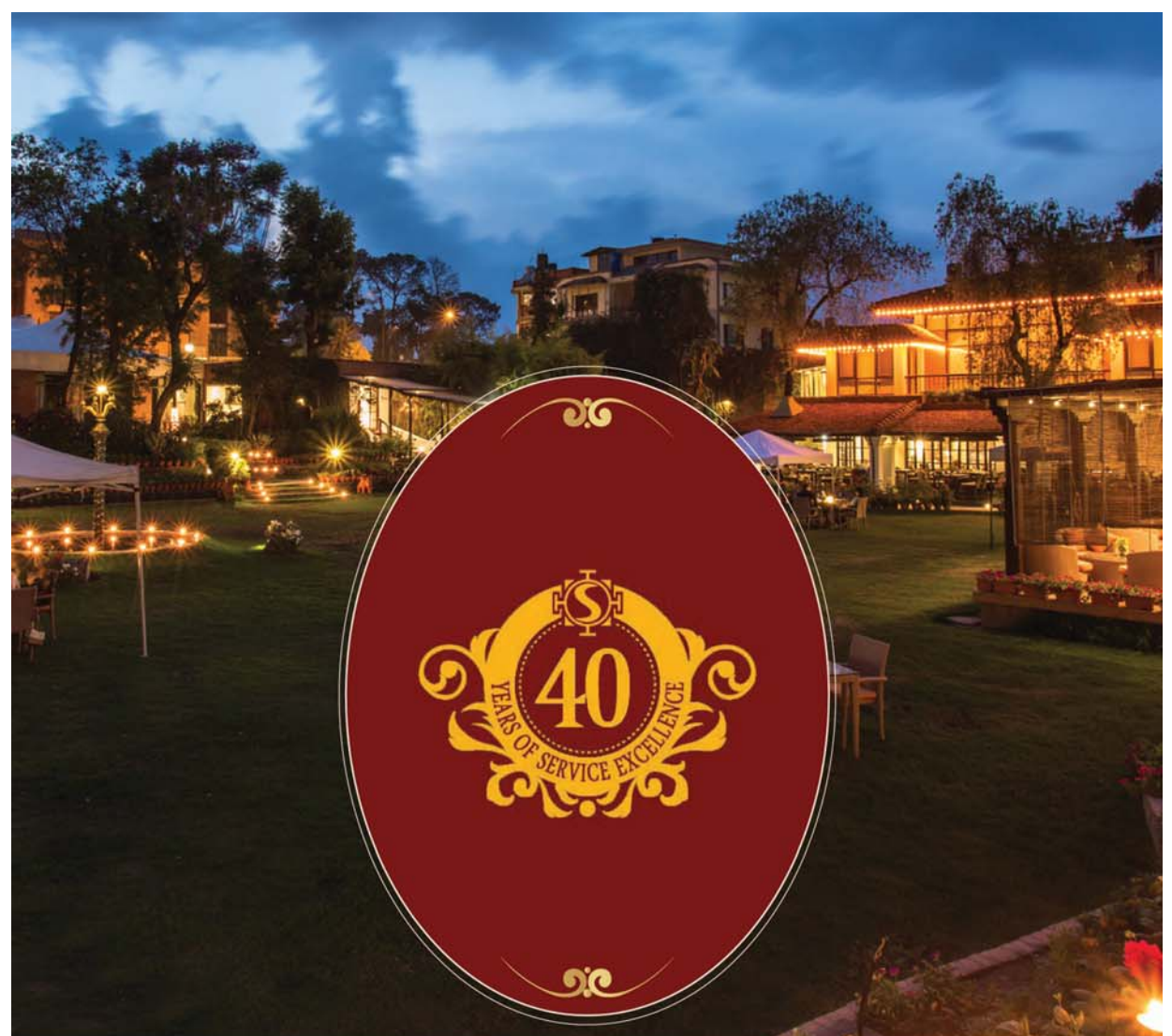
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# JUST NOT JUSTICE

Proposed amendments to Nepal’s Transitional Justice Act still let perpetrators off the hook

Om Astha Rai

Laxmi Khadka of Bardiya and Usha Dahal of Banke were on the same Nepalgunj-Kathmandu flight on a scorching afternoon early this week. The two are now united in a quest for justice, but were pitted on the opposite sides during the war. While Khadka’s husband was kidnapped by Maoists in 2003, Dahal’s husband was detained by police in 2002. They never saw their husbands again. Their husbands vanished at the hands of opposing sides, and both now seek truth and justice. Their common cause has allowed the two women to develop a strong bond. They often travel together to attend programs held by Conflict Victims Common Platform -- an umbrella body of the families of those killed, tortured and made disappeared during the 1996-2006 Maoist war. Dahal, 45, calls Khadka, 50, *didi* (elder sister), and they spend hours talking about not just their missing husbands but also about other mundane matters like places, food and Facebook. Dahal, a staunch Maoist sympathiser, says: “I thought every single non-Maoist was my enemy, but my views changed



when I met Laxmi Didi and women like her.” Khadka smiles, and passes a white shawl to Dahal as the two ready for a photo shoot at a lodge in Kathmandu. She says: “Politicians turned us against each other during the war, but we are now together to fight against them.” Once in Kathmandu, they learnt that a bill was finally in place to amend the 2014 Transitional Justice Act, and the government wanted their quick comments on it. They are aware that the contents of the bill and its wording will directly affect their lives, but they do not know how to react. Relatives of conflict victims like Khadka and Dahal have been given just two weeks to discuss the draft amendment. Human rights groups had opposed the 2014 Act, which they said does not meet international standards and had provisions of blanket pardon for those accused of war crimes. The government took four years to come up with the amendments, and now wants to pass it as soon as possible. Victims’ families say there is too little time to even understand the 22-page document laden with legal jargon. Suman Adhikari,

son of Muktinath Adhikari who was executed by Maoists in Lamjung in 2002, says: “We cannot make head or tail of the draft amendment in such a short period. The government must give us a simplified and summarised version of the bill, and more time to study and debate it “ The way the government is hurriedly pushing through the new bill raises suspicion that it just intends to get it done and over with, denying transitional justice to conflict victims. Law and Justice Minister Sher Bahadur Tamang has claimed that the new bill is ‘pro-victim’, and it will solve all conflict-era cases. But conflict victims and human rights activists say the bill could actually be ‘pro-perpetrator’. To be sure, the draft amendment has addressed the four fundamental principles of transitional justice: truth, reparation, conviction and commitment to not repeat war crimes. It is also largely in tune with a Supreme Court verdict, which is against granting amnesty to perpetrators of gross human rights violations: extra-judicial killing, torture, enforced disappearances and rape. But the new bill has taken a leaf out of Colombia’s ‘restorative justice’ system, which focuses on reconciliation and reparation



instead of punitive measures. It guarantees conflict victims the right to reparation, but it also proposes to reduce jail terms by up to 75% if perpetrators help the investigation, apologise and express a commitment to not violate human rights in future. Even if the accused

does not admit to the crime, sentencing can be reduced up to 60% depending the condition in which the incident took place. For example, if an ex-guerrilla or soldier is convicted of kidnapping and murdering a civilian and is slapped with a 20-

# When our son was

A translated excerpt from a chapter of ‘Death of Justice’ - a memoir of **Gangamaya Adhikari**, who is on the third week of her hunger strike at Bir Hospital, demanding her son's murderers be brought to justice.



It was Thursday 3 June, 2004. We used to keep earnings from the sale of produce for our in-laws, and this time our youngest son Krishna wanted to take the money to Chitwan to hand it over to his grandparents. Krishna had travelled to Chitwan for the first time a year ago with his father. My husband was not sure if he would be able to travel alone and worried that carrying all that cash would be unsafe. “It’s best that I go. You might get lost,” he said. But Krishna had made up his mind to go, and also get his SLC results while he was in Chitwan. That sounded reasonable. Our elder son Noor Prasad was also home at the time. He tutored village students who had failed their exams. On the morning of 3 June, he left home early for classes. I was cooking rice, Krishna was preparing to leave for Chitwan. “Mother, I’m going to be late if I wait for you to finish cooking the vegetables,” said Krishna as he helped himself to the yoghurt I had set. I had a lot of household chores myself and fodder grass to cut. So I told

Krishna to finish the rice and yoghurt while I left for my work. Krishna was neatly dressed in a crisp shirt and white pants when he left. His father had handed him Rs. 20,000, saying that Rs15,000 was for his grandparents and Rs5,000 was for him to buy whatever he wanted. “I don’t want much besides a new pair of shoes,” said Krishna, who had himself saved Rs2000 working in the farm and saving from his tiffin money. It was not even 6AM, but the sun was already up in the sky. On his way, Krishna stopped by the school where his elder brother was tutoring his students. The two spoke briefly before Krishna continued on. His brother watched through the classroom window as Krishna walked away, not knowing it would be the last time he would ever see his young brother. Had we known that Krishna was travelling to his death, I would have kept him safely hidden within the walls of our







**COMMON QUEST:** Laxmi Khadka (*left*) and Usha Dahal's husbands were abducted by opposing sides during the war, and never returned. They are in Kathmandu together this week to lobby on a bill to amend the 2014 Transitional Justice Act.

OMASTHARA

year jail term, he/she will have to spend only five years in jail. As per Nepal's criminal law, one day is made up of 12 hours, not 24 hours. So, a five-year jail term would actually be 2.5 years. And, based on 'good behaviour', the sentence can be shortened by another 60%.

Those convicted of war crimes could end up spending less than a year behind bars. The new bill also introduces the concept of 'open prison' and 'community work'. Convicted murderers can even spend their reduced jail-terms at home, or

do 'social work'. "If this is how those who took away my husband will be punished, I don't want justice," says Laxmi Khadka. The two ex-Maoists who kidnapped her husband are roaming free. "It means I will have to continue living with them even

## BILL, PLEASE

Amendment to the Transitional Justice Act: what is good and what is bad.

### PROS

- Complies with international laws and practices
- In line with a 2015 Supreme Court verdict, which denies amnesty to perpetrators convicted of extra-judicial killing, enforced disappearances, torture and rape
- Guarantees conflict victims' rights to reparation
- Separates gross human rights violations from other human rights violations
- Recognises circumstantial evidence: accused can be held guilty even if concrete proof is not found

### CONS

- Wording leaves room for the possible distortion of the spirit of Supreme Court ruling
- Does not have foundational laws to reduce sentencing or to define 'open jail' and 'community work'
- Political commanders not made responsible for war crimes committed or abetted
- Excludes civil society groups from transitional justice, does not actively solicit society's role in finding out truth
- No appeals, so victims not satisfied with verdicts have nowhere to go

to get off the hook. He says: "It would be too risky to accept a transitional law laden with so many loopholes, especially after the UML-Maoist merger." Pyakurel also criticises the bill for lacking provisions that could hold political commanders responsible for the war crimes they committed or abetted. "If this bill is passed as it is, Deuba and Dahal will not even have to say sorry, let alone face jail sentences," he says. "Why should they be allowed to enjoy impunity?" Suman Adhikari, ex-President of Conflict Victims Common Platform, says they are not totally against reducing punishment. "Punishment can be reduced if it serves the purpose of social harmony and reconciliation," he says. "But the government should not have arbitrary power to decide whose sentencing to reduce and by how many years." What worries conflict victims is that ex-Maoist leaders, the military leadership and the main opposition NC have given their nod to the bill. The Maoists have filibustered transitional justice process for a long time, and are now washing their hands of blood after the merger with the UML. They are now part of modern Nepal's strongest government ever, so they want to use their positioning to conclude the transitional justice process by pushing through a diluted law. A lawyer involved in drafting the bill admitted to us: "Given our political environment and the power that ex-Maoists wield, this is the strongest document we could come up with."

Conflict victims accept that the bill does address their rights to reparation, but Human rights lawyer Mandira Sharma says even this provision is flawed. She says: "If victims are denied reparation, they cannot seek justice. The bill does not envision a mechanism where victims denied of reparation can go." 🇳🇵

# killed



**CRITICAL:** Gangamaya Adhikari is monitored in ICU at Bir Hospital on Thursday, transfered on Wednesday - the 30th day of her hunger strike.

BIKRAM RAI

house, or I would have sent him somewhere far away. Chhabilal Poudel was the headmaster of our village school. Since he had taught both our sons, we also called him 'sir'. He visited our home at around 10AM that day. "Where are your sons?" he asked. I told him that the younger one had left for Chitwan to meet his grandparents, while our oldest was in class. "Oh," he replied, seeming to give it a lot of thought, sitting on the bench. "Would you like some tea?" I asked. "Sure, I'd like a cup," he said. I served him tea with snacks leftover from the previous day, and then got back to sweeping my porch. I had no idea, not even an inkling, that he was spying on us. We also didn't know he had joined the Maoists. We never imagined he was seeking revenge on us, and plotting to murder our youngest son. I saw Chhabilal in front of our house the next day too. At first, I didn't think much of it. But I saw him the next day and repeatedly saw him the following days. Each time he passed our house, he used to gaze at us in an odd manner. Something felt off. 'Why does this person pass by our house every day and look at it almost like a thief, as if he's planning to rob something', I wondered to myself. Little did I know he was waiting for signs of grief. We had no idea they had already killed my son Krishna on the evening of 6 June, 2004 in Chitwan. That evening, after finishing all the work for the day we sat down to listen to the news. Kalika FM had already broadcast the news of our son's death, but we were not aware of it. Although there was constant news of disappearances and murders, it never crossed our mind that our son could be one of them. In those days, the moment we turned on the radio, the only news we heard were of people killed in the conflict in different parts of Nepal. This discouraged me from paying attention to the radio. I was preparing rice and vegetables and heating some milk, while

the radio was on in the background. My husband was tending to our buffaloes. As I was heating some rice, I was wondering where the latest deaths would be reported from. Just then, my elder son arrived. "Son, did you hear a few people died today? They were from Chitwan," I said. That evening, we all went to bed feeling uneasy and upset about what was happening -- the instability, violence and the news of death. As I was about to sleep, I felt sad wondering which parents had lost their children that day, and worried. Only the next day did I find out it was my own son, Krishna. The next day Ramprasad Adhikari came to our house at around 10:00 am. He was not just our neighbour, but also a close relative. He had come in on a night bus from Chitwan the previous night. He walked straight to our house. "Aunty, Krishna got into a bus accident. He is in Bharatpur Hospital, we need go to Chitwan immediately."

It felt like the ground had swallowed me up. My world turned upside down at that moment, and everything seemed blurred. I started crying uncontrollably. My husband was in the house at the time, he collapsed on the floor when he heard the news. My elder son, unable to process this news, was frantically pacing around. Our once peaceful home now felt like a storm had uprooted us. We were informed about our son, but had no idea it was his murderer who gave us the news. My husband decided to leave immediately for Chitwan to see our son in hospital. "Son, you take care of your mother. I will go and find out what happened," my husband told him, his fragile frame trembling. Throughout their journey, my husband later said, Ramprasad was constantly getting calls. Maybe the caller was asking him about their whereabouts. He also told the person at the other end: "The mother is not in a good state, the elder son is extremely distressed." "Who is calling you like this, asking you about the details?" asked my husband. "It's Januka Didi," he replied without

thinking. Januka Poudel was Chhabilal's niece. Just like her uncle, she too had joined the Maoists. We heard that she was a guerrilla commander. But even till that point, we never suspected the two of being involved in our son's murder. Since Ramprasad was constantly getting calls from her, my husband started getting suspicious. But he told himself our son had just been injured and that would be fine soon. But when the two reached Bharatpur Hospital, Ramprasad abruptly informed my husband: "Uncle, brother passed away." My husband fainted upon hearing these words. The post-mortem had already been done. His lifeless body had been prepared for cremation, and they had also arranged for all the legal documents stating he was our son and that my husband claimed him for final rites. It was strange that all these steps had already been taken the day before. The body was taken to the banks of a river, ready for cremation. But just when my husband was about to cremate him, he noticed there was blood flowing from what looked like several gunshot wounds on Krishna's head. He also noticed Krishna's hands and legs were dangling. They not only shot our son in the head, but had also beaten him mercilessly with a rod, breaking his limbs. "I was told my son died in a bus accident. How can he have gunshot wounds to his head if he died in an accident?" he screamed at Ramprasad, and everyone else present. No one uttered a single word. The cremation took place quietly, while the question kept burning in his mind. He returned home the next day. I was desperately waiting for him, thinking that even though Krishna was injured, my husband would bring him back home. But I saw him approach alone with a disheartened look, and knew. "They killed our son," he said simply. "But don't you cry. It will just give even more joy to our enemies." 🇳🇵



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# Gut feeling

The burning topic this week is the rainy season that is upon us. The monsoon gets a lot of bad press for its mud, leeches, diarrhoea (verbal and gastric) and flooded streets that swallow up Marutis.

It is time we used these unique selling points to rebrand the Monsoon in the new Visit Nepal Year 2020 campaign. What the new logo lacks is a Monsoon Madness Promo. It is incumbent upon us to start cashing in on the rains, and use its hidden potential to attract visitors from areas of the world where rain is rare.



FACEBOOK

- 'Stranded in Lukla? Take a Rain Cheque'
- 'Avoid Airport Taxi – Take Gondola To City'
- 'Come To Nepal & Start an Umbrella Movement'
- 'Visit Patan Best Momos This Side of the Sewage Canal'
- 'Enjoy Gwarko, Glastonbury of the Himalayas'

Here are some catchy slogans concocted especially for this occasion:

- 'Visit Patan: It Rains Cats, Dogs, As Well As Water Buffaloes'
- 'Pay to Wet Your Bed in Nepal'
- 'Have the Runs in the Rain'
- 'It Never Rains in Nepal, It Pours'
- 'Wallow in Waling'



- 'Visit Nepal and Lose 10kg in 10 Days, or Your Money Back. Conditions Apply. If in Doubt, Consult Lawyer and/or Gastroenterologist'
- 'Fine Print: Contract Diarrhoea and Trigger a Violent Uprising'
- 'Visit Nepal and Cultivate a Gut Feeling'



The Ass

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