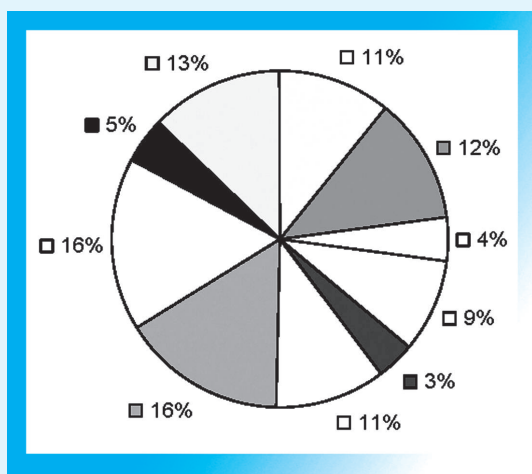




Nepal Press Freedom

Reeling Under Serious Threats and Assaults in 2008

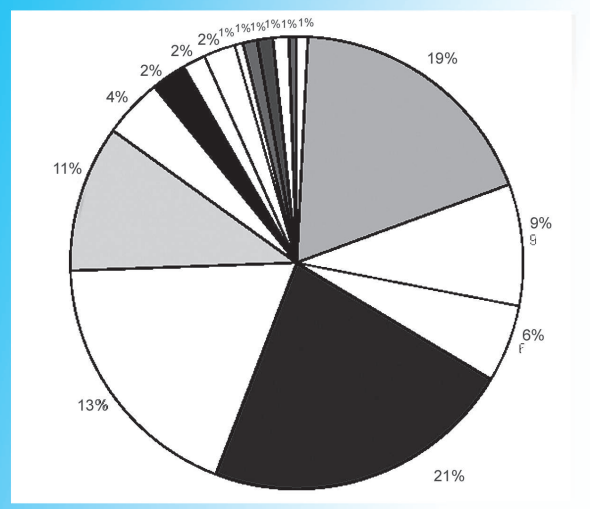


Incidents of Press Freedom Violation in Nepal during 2008 (Month-wise)

Month No. of	Incidents	Percent
January	31	11%
February	35	12%
March	12	4%
April	26	9%
May	10	3%
June	31	11%
July	45	16%
August	48	16%
September-October	13	5%
November-December	37	13%
Total Incidents	288	

Incidents of Press Freedom Violation in Nepal during 2008 (Month-wise)

Incidents	No. of Incidents	Percent
Murder	2	1 %
Attack	54	19 %
Vandalism	25	9 %
Obstruction	16	6 %
Manhandle	64	21 %
Threat	53	8 %
Misbehavior	31	11 %
Loot	12	4 %
Seizure	7	2 %
Arrest	5	2 %
Closure	6	2 %
Job Termination	2	1 %
Abduction	3	1 %
Displacement	3	1 %
Arson	3	1 %
Raid	2	1 %
Total Incidents	288	



Source : Press Freedom Monitoring Desk, Freedom Forum

Nepali media and media workers continued to face constant threats to their personal and professional safety and institutional security in the year 2008, experiencing a hard time to freely exercise constitutionally guaranteed right to freedom of expression and impart information to people. Despite an epoch-making peaceful change in the political atmosphere followed by the establishment of democratic government and successful accomplishment of much-awaited constituent assembly elections, Nepali press and working journalists were hugely subjected to deliberate and organized assaults and atrocities across the country largely from agitating armed outfits in southern plains (Tarai), youth wings associated to various political parties, security personnel and local people. Growing culture of impunity, deteriorating law and order situation, partisan intervention and unprofessional journalism were the major factors contributing to the rising trend of press freedom violations in Nepal.

During the year of 2008, journalist and media houses throughout the country faced a total of 288 incidents of press freedom violation due to the effect of their works. According to the record maintained by Freedom Forum, Press Freedom Monitoring Desk, over a period from January to December, 2008, two journalists (Pushkar Bahadur Shrestha, Editor of Two Local Newspapers-New Highway and New Season and Jagat Prasad Joshi 'Pandit', Editor of Dhangadhi Edition of Janadisha National Daily closed to CPN (Maoist) and President of Revolutionary Journalists Association, Kailali Chapter) were killed. The Monitoring Desk has recorded 54 incidents of attack on journalists and media institutions.

(Contd. on page 7...)

Inside

- ✓ FF Welcomes Broadcasting Regulation/ 2
- ✓ Maoist-aligned Unionists Attacked Himalmedia/ 3
- ✓ Thematic Workshop on Working Journalist Law/ 5
- ✓ RTI/ Legal Watch/ 6
- ✓ International Watch/ 8



Message from the Chairperson

Nepal saw crucial political changes in the year of 2008. The Constituent Assembly (CA) elections heralded the most representative and inclusive body. The nation entered into the federal democratic republic and the new constitution is under drafting process. Likewise, Nepal is going to embrace federalism along with state restructuring. The peace process that started three years back is going on. People have high aspiration for change and acute eagerness for building prosperous and forward-looking Nepal at the earliest. In a bid to materialize Nepalese people's urge for transformation followed by peace and development, the political community and government of Nepal have been receiving continuous support and cooperation from across the world.

However, there seems a wide spreading disappointment and doubts among people. The situation is that people do not still trust the government, Constituent Assembly and political leadership, nurturing confusion whether the on-going process of change will help address people's need or do these changes open up avenues to cut through the persisting standoffs in the country.

It has not the filthy logic. The sense of fear is immoderately prevailing among people due to the activities being carried out by the coalition government led by CPN (Maoist) that ascended to power after the Constituent Assembly (CA) elections. In the true sense, people are worried with the constitution building process relegating to the backburner, political parties hankering after power politics, national level of consensus among major political parties breaking up and peace process heading towards stagnation. In addition, ignorance of rule of law by political parties' cadres on the strength of violence and force, feeling of insecurity and fear among general public, emergence of new dimensions of conflict in society and increasing trend of politics based on caste, religion and region, rising dearness and price hike of daily needy goods mounting adverse affect on people's livelihood, incompetence of government bodies to ensure good governance, interference on press freedom, rising culture of impunity in connection with human rights violation and involvement of ruling party on people's republic (die-hard communism) which is against fundamental civil liberty and democratic value system are some other activities resulting in such dire situation in the country.

The year 2008 was ended with both sour and sweet moments in the areas of press freedom, freedom of expression and opinion and right to information. On the one hand there was an increased awareness, advocacy and activism towards guaranteeing these rights; media sector witnessed pluralistic development along with arrivals of new media in a considerable volume. However, no considerable policy level reforms were so far taken into consideration on the part of the state this year. There seemed no tendency of bringing people involved in anti-press incidents and atrocities into justice. Nepal did not remain freed from the category of nation which features serious incidents of murder, threats and attack against journalists and media house in an unabated manner. The government's undemocratic image resulting from its interference on media industry remained visible. And no substantial progress witnessed in the promotion of information culture. Instead the situation was prevailed where authoritarian and autocratic style and thought came to scene in state mechanism and bodies. General public realized that their legitimate medium of raising voice and articulating expressions was being weakened with Journalist and media sector reeling under insecurity, harassment and threats.

In such a volatile context, a conscious and vigilant citizens' campaign is a must so as to develop and consolidate democracy and to promote culture of respect to freedom. Freedom Forum has been and will be engaged in consistent and regular advocacy to promote self confidence and trust among general people that all sorts of problems resulting from conflict would be resolved within democratic system. All in all, there is no alternative of democracy. 1

Tara Nath Dahal
Chairperson

FF Welcomes Broadcasting Regulation

The government amended National Broadcasting Regulation-2052 BS, specifying the provision that cable broadcast agencies and organizations transmitting programme with non-profit motive should only pay transmission and distribution royalty equivalent to two per cent of their annual total transaction. Earlier, there was the provision that all type of broadcasting organizations should pay transmission and distribution royalty worth four per cent.

According to Ministry for Information and Communication, the broadcasting organization with non-profit motive is deemed as the broadcasting organization, which is registered as per the prevailing law of registration of organization.

Likewise, the amended Regulation provisioned to charge 10 per cent of existing license fee for the renewal of non-profit-making cable television transmission while the renew charge for broadcasting organizations being operated with profit-making motive is 50 per cent of license fee. The license could be renewed for five years at a time and 25 per cent of license fee would be exempted while renewing for this period.

The government has decided to exempt fee to renew on-air radio, broadcasting television and cable transmitters regularly being renewed as well as additional charge involved for renewal purpose for fiscal year 2008-09. It was also decided to waive 50 per cent of royalty the broadcasters and transmitters have to pay to the government in every fiscal year.

Freedom Forum welcomes the government's decision in favour of broadcasting organizations and cable transmitters. We are happy to share that the Forum has been putting pressure on the government to take initiative in this connection. 1

Appeal Registered in NIC for Actions

Advocate duo, Rishree Ram Ghimire and Krishna Pokharel on behalf of Freedom Forum on November 16, Sunday registered an appeal in the National Information Commission (NIC), asking for taking necessary actions against the public entities for not providing information as per the Right to Information (RTI) Act and issuing order to the concerned body for the disclosure of information as demanded at the earliest.

The appeal was registered in the NIC when the government did not provide official copy of reports of the commissions formed to probe into the killing of CPN-UML candidate from Surkhet district, constituency-1 Rishi Prasad Sharma and murder of seven Nepali citizens in Dang district on the run up to Constituent Assembly (CA) elections-2008.

Advocates Ghimire and Pokharel jointly filed separate applications regarding the

(Contd. on page 3...)

Journalists Arrested and Attacked

An unidentified group assaulted freelance journalist Abadesh Jha and Correspondent for News Today Sanatan Mandal on November 5, 2008 at around 8:00 pm in Biratnagar-14, Morang, the eastern district of Nepal.

A group of about four or five people held the two journalists for about twenty minutes while physically assaulting them, said Morang-based journalist Sambhu Bhandari. The attackers also took away their cell phones and cash. The reason for the attack was not known.

Likewise, freelance journalist Dinesh Thapa and Netra Poudel of Sindhu Prabhaha weekly being published from Sindhupalchowk were manhandled by bandh organizers on November 12. The protestors had manhandled Thapa and Poudel who were at the venue to collect news of the Arniko Highway Banda. 1

Attack on Journalist and Bureau Office

A group headed by Bishnu Prasad Sharma claiming to be the legal advisor of Khumbuwan National Liberation Front (KNLF), Sunsari attacked Itahari-based regional bureau office of Avenues Television on November 19, Wednesday morning, taking up the issue of news coverage on the investigation being carried out regarding the complaint about land. The team assaulted the media workers and warned of dismantling the office with bomb blast and scolded Bureau In-charge Sachin Pokharel and correspondent Somnath Bastola and manhandled office assistant Deepak Karki.

Similarly, an unknown group vandalized eastern regional office of National News Agency (RSS) in Biratnagar on November 13, Thursday. Two persons who came on a motorcycle had smashed the windowpanes of RSS building. The reason behind the incident was not clear. 1

Appeal Registered...

incidents in the Office of the Prime Minister and Council of Ministers on September 5. The commissions formed to investigate into the incidents had submitted reports to the government in the same day on September 11. In this connection, the office of Prime Minister sent a letter in the name of information seeker stating that the respective information is being held by Home Ministry. Another application was submitted to the then Home Secretary on October 15 when Information Officer ignored to furnish information within 15 days as per the RTI Act, Section 9 (1) despite repeated follow-up.

To this effect, Home Minister Bamdev Gautam also did not respond positively stating that the cabinet meeting will need to look into the application. Thus, it has made clear that the government is not in mood of providing public-concerned information even after the RTI Act has been in effect in Nepal. 1

Maoist-aligned Unionists Attacked Himalmedia

A group of workers affiliated to ruling party CPN (Maoist) barged into the office of Himalmedia in Lalitpur, Hattiban and vandalized office building injuring more than 12 media workers including distinguished senior journalist Kunda Dixit.

Dozens of pro-Maoist workers headed by central Chairperson of Maoist-aligned All Nepal Hotel and Restaurant Workers Union Ramesh Babu Panta and Vice-president of All Nepal Communications, Printing and Publications Welfare Union, Lalitpur chapter Rajesh KC entered into the office of Himalmedia, a renowned publication house that publishes Himal Khabarpatrika fortnightly magazine, Himal South Asian monthly and Nepali Times weekly and resorted to vandalism and beating at around 11 PM, Sunday, December 21.

The group resorted to such an extreme action taking up the issue of news coverage against Maoist trade union in the latest edition of Himal Magazine. The magazine criticized the Maoists anarchic act of disrupting the publication and distribution of newspaper with the use of hooligans and their cadres. They entered into the office while the management team was holding meeting there. "The group started vandalizing office building and beating media workers when KC pointed his finger at CEO Ashutosh Tiwari", according to Kiran Pandey, photo journalist of Himalmedia.

Twelve persons including editor of internationally known Nepali Times Dixit, chief executive officer Ashutosh Tiwari, Finance Officer Bindira Shakya and journalist Dambar Bahadur Shrestha were injured in the attack. The pro-Maoist workers claimed that the magazine carried anti-Maoist pieces. Earlier, too, the pro-Maoist workers have been accused of threatening CEO Tiwari, and disrupting the distribution of magazine.

Prime Minister Pushpa Kamal Dahal on the following day refuted any direct involvement of Maoist party in the assault on Himalmedia and claimed that "some immoral agents" who have "infiltrated" into the Maoist party and ranks were in fact involved in it. He also expressed commitment that the government will probe the incident and take action against those involved in the attack. PM Dahal expressed sadness over the incident and urged everyone to fight against these "infiltrators" with determination and that they will have all the support needed from the government.

Around a dozen media persons were injured after police wielded baton on the rally taken out by journalists organizations and civil society to protest attack on Himalmedia. The police personnel posted at the Maitighar Mandala, a rally-prohibited zone, snatched their banners and resorted to the baton charge after the rallying journalists reached

Maitighar Mandala. FNJ secretary Ramji Dahal including some other journalists were injured in the baton charge. Maitighar Mandala area become tense after the protestors clashed with the police.

Likewise, Media Society and Editors' Alliance in a joint statement strongly condemned the attack by Maoist workers on Himalmedia, and launched a protest programme beginning with blank editorials in all member newspapers, television and radio news programmes on December 23, Tuesday.

The protest editorials was appeared on Annapurna Post, The Himalayan Times, The Kathmandu Post, Kantipur, Nepal Samacharpatra, Rajdhani, Himalaya Times, Image Channel TV, Image News FM, Nepal, Kantipur TV, Kantipur FM, myrepublica.com, dainikee.com, eKantipur, Newsfront, Nepali Times and Himal Khabarpatrika.

"This is the first in a series of escalating protests that our media companies will launch if the current organised attacks on us by groups affiliated to the ruling party are not stopped immediately," the statement said.

"We feel the attack on Himalmedia and other media houses represent a serious threat to press freedom, democracy and pluralism in this country, and it is ironical that it should be perpetrated by a group affiliated to a party that won the election and leads the government," it added.

They said the incidents of violent intimidation were politically motivated, and demanded a full public apology from the CPN-Maoist, a credible commitment not to repeat such attacks on the fourth estate and to abide by the rule of law. In turn, the publishers also said they will continue to abide by all the laws of the land.

Various diplomatic missions in Nepal, including the US Embassy, European Union, right bodies, political parties, media organizations flayed the attack terming it an illegal assault against entire Nepali press. This anti-press incident drew a wide attention at national and international level and sparked a series of nationwide protests in different ways.

Earlier too, a group of around 10 unmasked persons burnt copies of Himal Magazine in front of its office at Maitighar in the capital on November 16, Sunday night. The group, which was in combat dress, seized 5000 copies of the magazine which were readied for distribution and burnt around 1300 out of them. According to Himalmedia, a person claiming his surname Luitel issued life threat Bharat Adhikari, a journalist for Himal Khabarpatrika over telephone regarding the issue of news published in the newspaper. He warned journalist Adhikari of taking life on November 21. 1

Nuwakot-based Journalist Thrashed

A group of persons thrashed and injured Editor and Publisher of Nuwakot Jagaran Weekly, Shiva Devkota on November 17, Sunday at around 12.45 PM, while he was attending the people awareness campaign of the Nepali Congress (NC).

The persons manhandled me causing injury in my right hand while I was expressing my views in the awareness campaign in the capacity of Chairperson of Nepal Press Union, Nuwakot, according to journalist Devkota. ¹

UML Cadres Threaten Journalist of Life

CPN-UML leaders threaten journalists of life taking up the issue of news coverage regarding the beating to Dadeldhura Campus Chief Arjun Basnet by a group led by UML leader Bikram Shahi.

The threat was issued to journalists when a news on manhandling and threatening to Campus Chief Basnet of life on the directives of UML zonal committee member Shahi was published in newspapers published at local and national level before three days.

A group of Journalists staged sit-in before District Administration Office on December 10 demanding their physical security when UML-aligned Youth Force was given direction in public to thrash journalists

Meanwhile, cadres of CPN-UML's youth wing Youth Force (YF) "ransacked office building" of Birgunj-based Ankush Daily, "torching around 2500 copies" of the newspaper and official properties, and manhandling accountant at Ghantaghar, Birgunj in central region of Nepal on December 23, morning. A group led by Youth Force, Parsa District President Ajaya Kusuwaha resorted to violent attack and hooliganism in the office taking up the issue of news coverage in December 21's edition. The edition covers a news exposing involvement of CPN-UML Constituent Assembly (CA) Member along with high-ranking police officers in fake note smuggling based on explanation of Sajid Ansari held by police in connection with this illegal business.

A group led by Youth Force, Parsa District President Ajaya Kusuwaha resorted to violent attack and hooliganism in the office taking up the issue of news coverage in December 21's edition. The edition covers a news exposing involvement of CPN-UML Constituent Assembly (CA) Member along with high-ranking police officers in fake note smuggling based on explanation of Sajid Ansari held by police in connection with this illegal business. ¹

Missing Journalist Joshi's Skeletal Remains Found

The skeletal remains of Kailali-based journalist JP Joshi 'Pandit' was found in Malika Community Forest along the bank of the Godabari River in Mlakhethi VDC of Kailali district on November 28.

Journalist Joshi went missing since October 8 whose whereabouts had become a serious concern to his family members, locals and journalists at large. His dead body was found beyond recognition as skeleton of his body was dispersed in the gap of 20-30 metres, local journalist Shivaraj Yogi informed, adding, "Parts of the body were found scattered in different places of the forest. Likewise, his mobile set with the number 9848427720, Indian driving license, clothes, pen and cap were also found in the area". Based on possessions, Joshi's family confirmed that the remains were of Joshi.

Speaking at a street press conference organized by local journalists on November 27, Joshi's brother Puishpa Raj suspected CPN (Maoist) Kailali District In-charge Hari Chaudhari 'Utsav' for the disappearance of his brother citing that his brother had been targeted after he wrote article on Janadisha Daily against the demand of Tharu autonomous state, Yogi added.

District Police Office, Kailali, arrested three suspects, including Lokendra Raut, his brother Karna Raut and Prakash Raut against whom slain journalist's family registered First Information Report (FIR) at police office. Federation of Nepali Journalists (FNJ) fact finding mission formed to investigate into the alleged murder of Joshi suspected Maoists involvement in the case.

Under the Freedom Forum's special mission to Kailali to know the objective reality behind the disappearance of journalist Joshi, Chairperson Taranath Dahal and General Secretary Pradip Ghimire on November 25, Tuesday visited his house in Kailali and expressed solidarity to journalists' agitation against series of attack on journalists and media houses.

Journalist Pandit was the Editor of Dhangadhi Edition of Janadisha National Daily closed to ruling party CPN (Maoist) and Chairperson of Association of Revolutionary Journalists, Kailali Chapter. A local resident of Malakhethi VDC -3 Malika tole, in the district, Pandit is also a member of the CPN-Maoist Kailali District Committee. ¹

Maoist Union threatens APCA Nepal

Just a day after vandalizing the office of Himalmedia and physically assaulting its scribes and other staffers, a union affiliated to the ruling CPN-Maoist again threatened the employees of APCA Nepal marketers of The Himalayan Times and Annapurna Postwith of dire consequences on December 12, Monday.

A day after illegally putting up the board of the All Nepal Communications, Printing and Publications Workers Union (ANCPWU), its cadres physically assaulted APCA Nepal staffers after they tried to take down the board today.

In a press release, APCA Nepal said that the Maoist union had fraudulently registered the union and against which a case is pending in the Supreme Court, put up their union board in the reception of APCA Nepal office.

Likewise, putting forward their 12- point charter of demands, workers belonging to all Nepal Communication and Printing Publication Workers Union (ANCPWU), which is affiliated to CPN (Maoist), warned that they would close the regional office of Kantipur Publications Pvt. Ltd .here at Biratnagar and disrupt the publication of newspapers from December 18, Thursday, according to Kantipur report.

Staging a two -hour sit in at the publications eastern regional office on Monday, ANCPWU workers demanded that the management give permanent status to office staff working for 240 days. They also demanded that they get the government announced salary and other benefits. During their sit-in at the entrance gate, Maoist workers restricted movement of office staff and journalists. ¹

Ramaroshan FM Station Padlocked

A group of people from Achham district headquarters Mangalsen captured and padlocked the transmission station of Radio Ramaroshan, the only community radio in the district at Thulasain of Janalibandali VDC December 8, Monday.

The radio management claimed that liquor traders padlocked the station with the help of police as the radio recently broadcast news of free alcohol trading in Achham, a dry district. They also blamed police for being mere spectators in the incident. The radio transmission was halted for an indefinite period from Monday due to the padlocking. ¹

Press workers strike disrupts newspaper Publishing

Owing to the indefinite strike announced by Free Press Workers Union in Kanchanpur, a far-western district of Nepal, so as to put pressure to have their demands addressed, some eight newspapers published from the district could not get published on December 9, Tuesday. The press workers launched strike as a part of their agitation citing that the press manager turned apathy to heed their demands. They have been demanding 50 per cent increase to their existing salary.

The dialogue held between press manager and media workers on Tuesday ended inconclusively. Around 34 media workers of 10 printing press of district came to agitation. ¹

Thematic Workshop on Working Journalist Law



Freedom Forum brought together working journalists, government officials, media owners, media experts and representatives of media unions at a daylong thematic workshop on 'Status of Implementation of Working Journalist Law' in the capital on December 25, Thursday.

The Forum organized this workshop in association with ARTICLE 19 and Federation of Nepali Journalists (FNJ) with the view to holding tripartite discussion among working journalists, management and respective government officials in the context when the issue of professional security of working journalists, employees and workers serving with Nepali media and journalism sector has been relegated to the backburner.

Even after the restoration of democracy and implementation of democratic republic in Nepal, journalists and media workers who were in the forefront in the struggle for democracy and press freedom movement in the past have not witnessed any substantial changes in their situation.

However, timely changes and reforms have been made in Working Journalist Act, but its regulation has not yet amended in accordance with the Act. The State and government have turned deaf ear towards the responsibility of developing necessary monitoring and regulatory mechanisms and initiatives specified by the Act. Likewise, media management has also remained indifferent to discharge their duty as indicated by the Act. The situation is that the government has not even followed the mandamus of Supreme Court to constitute a body to regulate and monitor the implementation of Act.

Keeping this context in centre, the workshop discussed major issues including the appointment of Press Registrar, implementation of minimum wage determination committee report, on-going conflict between media management and trade unionists, government draft of first amendment of working journalist regulation among others amid a gathering of stakeholders.

At the workshop, Freedom Forum Chairperson Taranath Dahal presented a paper on "Implementation of Working Journalist Laws; Regulations in the Web of

Amendment" on which journalist Bindu Kanta Ghimire and Under Secretary at Ministry of Law, Rajendra Nepal rendered comment. The discussion was centralized on the working paper. Some 40 stakeholders took part in the workshop.

While speaking on the occasion, various speakers called for honesty and high commitment from the government and media houses to implement the Act, adding that journalists are being exploited as the Act could not be implemented and made it clear that there was no alternative to taking to the street for its implementation.

President of Press Council Narayan Sharma urged not to use journalism as a tool to earn profit in the name of commercial journalism and journalism of 21st century. The Council was always dedicated to implement the Working Journalists Act, he added.

"We would launch protests if the concerned did not fail to implement the Act and journalists problems" said Suresh Acharya, Chairman of Minimum Wages Fixation Committee. Similarly, President of Nepal Press Union Samir Jung Rana demanded establishment of press registrar to address the problems of working journalists.

W

60th Human Rights Day-Freedom of Expression Situation Deteriorating

Freedom Forum organized a daylong programme to mark the 60th anniversary of the Universal Declaration of Human Rights in Kathmandu on December 9 amid a distinguished gathering of media professionals, human rights defenders, press freedom and freedom of expression activists, legal practitioners and Constituent Assembly (CA) members. Various speakers expressed concern over deteriorating situation of the freedom of expression as the press, even after the restoration of democratic system, could not be independent and have favourable time to disseminate news and views. The participants at a programme on 'Condition of the Freedom of Expression in Nepal' said the human rights issue was shadowed due to growing impunity.

Chairman of the National Human Rights Commission Kedar Nath Upadhyay said when human rights situation was to be assessed in any country; press freedom and security to journalists would be taken as indicators. It was a matter of great concern that the press, the fourth estate, was unsafe, he added.

Guarantee of press freedom and freedom of expression and opinion was crucial because information regarding incidents of human rights violation taking place in various parts of the world would not have been imparted anymore had there not been the freedom of expression, he stressed, adding-the state should be proactive and serious towards ensuring security to journalists who are increasingly under attack and threats in Nepal. He claimed that ruling party CPN (Maoist) boosted up the morale of its youth wing YCL to work against rule of law.

Chairman Upadhyay informed that the NHRC was planning to have alliance with the organizations working for the protection of press freedom in this issue.

Human Rights vanguard Krishna Pahadi said the media sector in Nepal was deteriorating due to the culture of intolerance. He stressed on the implementation of the Working Journalists Act and management of social security to the journalists.



(Contd. on page 7...)

NIC involves in breaching RTI Act

The National Information Commission (NIC) provided information about Chief Commissioner and Commissioners' property details, association and responsibility in other organization, political involvement, income source and monthly remuneration in NIC on November 5 and 6. However, the NIC did not provide information in appropriate format and time which contravenes the provisions enshrined in the RTI Act-2007.

The NIC provided information after 14 days of the registration of appeal misinterpreting it as the first application. It is the clear violation of the Act, which has clear provision that information should be provided within 15 days of the registration of first application and 7 days of the appeal. Similarly, information regarding the property details of Commissioners was provided in a straight way but copies of evidence were not given.

According to the information provided by Chief Commissioner Binaya Kasaju, he admitted that he has been involved as general members in FNJ, Grameen Bikas, Palpa, Bal Sahitya Samaj, INSEC, Sanchar Adhikar Kendra and advisors in various radios on volunteer basis. Likewise, he is found to be a regular columnist in "Budhabar"-a weekly newspaper which is being published from Communist Party of Nepal-United Marxist Leninist (CPN-UML), Headquarters in Balhu, Kathmandu.

Commissioner Shree Acharya is found to be affiliated in FNJ as central council member while another Commissioner Sabita Bhandari Baral is associated to Nepal Bar Association and IPLO as Treasurer and Executive Member in Helpless Service Centre. It came to know that she is carrying on her profession in litigation sector also.

It has raised the question of neutrality, judicial conscience and transparency of

NIC while the persons discharging their responsibility as Commissioners in judicial body are working being associated to other organizations.

The NIC apparently ignored the first application registered by Krishna Pokharel on October 3, 2008 on behalf of Freedom Forum seeking information about commissioners under the above-mentioned headings.

The Forum registered appeal on October 22 when the NIC did not provide information in the proper medium and format as demanded. The NIC responded the first application only on October 19 after 16 days of registration of application stating that the information is posted on its official website. It is the clear violation of RTI Act as on the one hand information should be provided within 15 days on the other it was not provided in right medium.

We conclude that the NIC breached the procedures and essence of the RTI, dillydallying to provide information and making information disclosure procedures more complicated. The serious question raised as how will this body regulate the RTI Act and facilitate information seekers when it violates the rules and ignores the essence and significance of application.

The Commission is the authorized body to take proactive measures for the promotion Right to Information (RTI) culture and to dispense justice when public concern information are not provided on demand.

Freedom Forum wishes that NIC should become a role model to propel information culture and to promote culture of transparency, neutrality and judicial conscience, and also pledges to support NIC to this effect. We are ready to provide the information furnished by the Commissioners in various headings on demand. 1

RTI-An Effective Tool to Check Wrongdoings

Freedom Forum Chairperson Taranath Dahal on behalf of the organization registered an application at the office of Prime Minister and Council of Ministers on November 10, 2008, demanding information regarding the amount deposited in the Prime Minister Natural Disaster Relief Fund from various individuals and organizations for victims of the Koshi deluge.

Information seeker Dahal, in accordance with Right to Information (RTI)-2007, Clause 7 (A), urged to provide information about the number of total population (households, women, men, children below 18, senior citizens above 60) rendered displaced after the dismantle of Koshi river embankment this year. The application under RTI Act also sought information related to the official report the government prepared after assessing the losses of lives and properties in the disaster, details of amount deposited in the Fund by mid-October 2008, name list of donors (agency, organization, individual) and donation amount with dates. Dahal also demanded what the amount was provided as a relief to the victims in which dates through which organizations and authorities.

It is noteworthy to mention here that the flood-hits in eastern Nepal had come on agitation, demanding relief package from the government and concerned bodies. It spread doubts among people whether the huge chunk of relief fund raised for the humanitarian aid to victims has been appropriately used or not.

In keeping with possible misappropriation of the fund, the information was sought in a bid to check wrong doings and put government's effort on track. It is noted that every citizens are entitled to seek information held by the public bodies according to the Act. 1

SC Orders Amendments in Existing Laws

In response to a writ petition registered by Freedom Forum on amendments in laws related to the King, the Apex Court in Nepal on November 13, Thursday issued order to the government to ensure update of all prevailing legal provisions in the changed context in the country.

The joint bench of justices, Anup Raj Sharma, Kalyan Shrestha and Rajendra Prasad Koirala directed to scrap the laws enshrined in relation to the King and to ensure timely amendment in other legal provisions in compliance with the Interim Constitution of Nepal. Advocate Rishee Ram Ghimire on behalf of Freedom Forum registered the writ petition in the Supreme Court stating that provisions related to the monarch have not been amended even after the king was given a status of citizen following the establishment of Federal Democratic Republic in the country.

There are altogether 600 laws, including Acts and Regulations prevailing in Nepal. Out of them, around 300 laws are to be amended in accordance with the constitution. Most of the prevailing laws have the term "Shree Panch" which is needed to be annulled in line with the current system of governance. The special provisions on King enshrined in Act related to Crime against the State and Punishment-2046 BS, Press and Publication Act-2048 BS and National Broadcasting Act-2052 BS have not yet changed even following the implementation of republic in Nepal.

The Acts had banned the publication which clearly breached the fundamental rights of people against the word and spirit of the Constitution. It is the laudable achievement gained on the part of Freedom Forum in its legal fight in scrapping provisions contradictory to the Interim Constitution of Nepal. 1

Journalists Arrested and Attacked

An unidentified group assaulted freelance journalist Abadesh Jha and Correspondent for News Today Sanatan Mandal on November 5, 2008 at around 8:00 pm in Biratnagar-14, Morang, the eastern district of Nepal.

A group of about four or five people held the two journalists for about twenty minutes while physically assaulting them, said Morang-based journalist Sambhu Bhandari. The attackers also took away their cell phones and cash. The reason for the attack was not known.

Likewise, freelance journalist Dinesh Thapa and Netra Poudel of Sindhu Prabhaha weekly being published from Sindhu Palchowk were manhandled by bandh organizers on November 12. The protestors had manhandled Thapa and Poudel who were at the venue to collect news of the Arniko Highway Banda. 1

REELING UNDER SERIOUS ...

Since the beginning of the year, journalists and media houses witnessed 53 incidents of threats largely from various armed group and emerging youth wings YCL and Youth Force.

This year more than 62 journalists were manhandled and 31 had to come across misbehavior in the course of discharging duty. During the period, various 18 media, including newspapers, FM radios and televisions were forced to remain shutdown due to the coverage of news story while on the other media workers and house faced 16 incidents of obstruction from agitators and hooligans in various parts of the country. More than 12 media houses were ransacked and attacked in various pretexts that created sensational threats to press freedom of Nepal.

Mainly journalists working in central, eastern and far-western region and southern plains of Nepal had faced series of threats, obstructions, attacks, arson and displacements from unionists affiliated to different political parties, media management, regional and ethnic groups launching agitation demanding rule to self determination and autonomy. Journalists were forced to write favourite reports of these groups' activities.

Apparently, the Desk has recoded 25 incidents of vandalism while incidents of seizure, loot and abduction stood at 7, 12 and 3. (Please go through the chart for details number of incidents)

Dozen of journalists were attacked, issued death threats, their offices ransacked, their vehicles set ablaze and distribution and transmission were obstructed. The major incidents recorded during the period are beating and death threat to Lakki Chaudhari, Editor of Hamar Pahura Daily in Tharu language, including more than three dozen vandalism journalists in Dhangadhi, Maoist Chairperson Prachanda's warning to Kantipur Publications of serious consequences, exhumation and findings of remnants of Dailekh-based journalist Dekendra Thapa who was allegedly killed by CPN (Maoist) in August, 2004, assault on Nepal Press Council and halt of publication of more than 19 dailies and weeklies in Jhapa and prohibition of distribution of newspapers in Parsa by Madhesi Janaadhikar Forum.

The media houses including Kripa Daily, Narayani Today, Kantipur Daily, Prateek Daily, Singhanath Daily, Metro Post Daily, Democracy Weekly, Himal Media, Ankush Daily, Simhalung FM, Ramaroshan FM, Pokharapatra and Dainik Lumbini were ransacked and attacked, and journalists working there were also repeatedly threatened, misbehaved and tortured. Recent attack on Himal Media by the politicized trade union associated to ruling party Maoist drew wide attention at national and international level, and sparked a series of protest. The publication of The Himalayan Times and Kantipur were obstructed by Maoist labour union. Likewise, production of Nepal Samacharpatra, Kantipur, Kathmandu Post, HBC FM, Drishti Weekly, Himal Media were also obstructed to bring out the publication and disseminate news.

All weeklies and dailies published from Jhapa and Dhangadhi were closed down for an indefinite period due to the general strike and obstruction in distribution caused by agitating groups in Tarai.

Akhil Tarai Mukti Morcha set ablaze the vehicle belonging to katnipur Publications and beat journalist and vehicle driver in Saptari. Similarly, warning to close all newspapers and radio programme by underground armed group Tarai National Liberation Army in Janakpur, seizure of copies of The Kathmandu Post and Kantipur Daily by UML-aligned Youth Force are some of the major press freedom violation incidents occurred in the year. The CPN (Maoist), including other political parties as well repeatedly expressed commitment to press freedom but at the same time used their sister organizations to obstruct journalists activities.

This year too, no significant initiative and progress has been made from the state with regard to media laws or policies except amending national broadcasting regulations-2052 BS waiving distribution and transmission royalty to broadcasting organizations. Instead, the government formed a taskforce to furnish recommendations on FM Radio frequency which will apparently restrict the operation of FM radios with capacity of over 500 Watt and to stop increasing capacity of FM. Similarly, there is the trend of imposition and control of government regarding the distribution of public advertisement that stood against free and professional media.

In an effort to formulate long-term policy of freedom of expression in Nepal, Freedom Forum, ARTICLE 19 and Federation of Nepali Journalists (FNJ) held series of meeting of expert panel including lawmakers, journalists, civil society leaders and legal practitioners under the Agenda for Change process. The comprehensive report of AFC has been developed and next phase of implementation is to be taken into account in next year. Likewise, Freedom Forum organized consultative workshops in all five development regions of the country on "Media Law and Policy" and published and disseminated widely as a part of advocacy for media laws reforms. ¹

60th Human Rights Day...

The state mechanism itself was being involved in the violation of human rights, claimed Pahadi. "The state has turned its deaf ear in ensuring social security of working journalists and government's inability to take actions against perpetrators has heralded possibility of promoting the culture of gun."

Human rights leader Pahadi added journalists were facing rising trend of insecurity and uncertainty at the moment due to extremism manifested with respect to politics, caste, religion and region.

Deputy Chief of the UN Office in Nepal, Jyoti Sandhya said as the press is one of important mediums of human rights protection, it should be made more independent."

Acknowledging the crucial role Freedom Forum has been playing to promote culture of information and advocate for the protection and promotion of free press and freedom of expression in Nepal, she voiced her concern over the abrupt increase of incidents of human rights violation during the last two years. Similarly, FNJ General Secretary Poshan KC said there was growing attack on press in the recent times. He demanded severe action against the murders of the scribes.

Freedom Forum Chairman Tara Nath Dahal opined that unless there was fearless environment to express views, the democratic system would not be guaranteed in any country.

UDHR is the ever best document of present civilization and a common commitment to make this world peace and beautiful he said, adding, right to freedom of expression and opinion as enshrined in Article 19 of UDHR is the mother of all other human rights. ¹

Congratulations

Freedom Forum would like to extend sincere congratulations to its Chairperson Taranath Dahal for being felicitated with Suryabhakta-Patanadevi Adhikari Memorial National Journalism Award-2009 for his substantial contribution in the development of professional journalism as well as activism in press freedom, freedom of expression and opinion, right to information and democracy in Nepal.

Suryabhakta-Patanadevi Adhikari Memorial Journalism Foundation presented this award to journalist Dahal amid a special function organized in Kawaswoti of Nawalparasi on December 5, Friday. Former Finance Minister Dr. Ramsharan Mahat, who was the chief guest of the programme, handed over the award on the occasion.

The award instituted in memory of freedom fighter late Suryabhakta Adhikari and Patanadevi Adhikari, locals of Gaindakot-5, Nawalparasi carries a purse of Rs. 15,101 along with copper plaque and letter of appreciation.



Press freedom round-up 2008

In 2008:

- m 60 journalists were killed
- m 1 media assistant was killed
- m 673 journalists were arrested
- m 929 were physically attacked or threatened
- m 353 media outlets were censored
- m 29 journalists were kidnapped

Internet:

- m 1 blogger was killed
- m 59 bloggers were arrested
- m 45 were physically attacked
- m 1,740 websites were blocked, shut down or suspended

For comparison, in 2007:

- m 86 journalists were killed
- m 20 media assistants were killed
- m 887 journalists were arrested
- m 1,511 were physically attacked or threatened
- m 528 media outlets were censored
- m 67 journalists were kidnapped

Overview

The Asia-Pacific and Middle East regions are still the deadliest for the press. After Iraq (with 15 journalists killed), the two countries with the highest death tolls are Pakistan (7 killed) and the Philippines (6 killed). The bloodshed continues in Mexico, where four journalists were murdered in connection with their work. The fall in the death toll in Africa (from 12 in 2007 to 3 in 2008) is due above all to the fact that many journalists stopped working, often going into exile, and to the gradual disappearance of news media in war zones such as Somalia.

The number of arrests (for periods of more than 48 hours) is particularly high in Africa, where it is almost routine for journalists to end up in police cells when they upset senior officials or cover subjects that are off-limits. In Iraq (31 arrests), the US military's handling of the security situation often results in Iraqi journalists, including those working for foreign news media, being imprisoned. In China (38 arrests), many cases of detention were attributable to the Olympics. In Burma (17 arrests), outspoken journalists and bloggers were jailed in a crackdown by the military government.

Reporters Without Borders comment:

"The figures may be lower than last year's but this should not mask the fact that intimidation and censorship have become more widespread, including in the west, and the most authoritarian governments have been taking an even tougher line. The quantitative improvement in certain indicators is often due to journalists becoming disheartened and turning to a less dangerous trade or going into exile. We cannot say that 60 deaths, hundreds of arrests and systematic censorship offer grounds for optimism."

Repression shifts to the Internet

The fall in the number of journalists from the traditional media killed or arrested in 2008 does not mean the press freedom situation has

improved. As the print and broadcast media evolve and the blogosphere becomes a worldwide phenomenon, predatory activity is increasingly focusing on the Internet.

In 2008, someone was for the first time killed while acting as a "citizen journalist." It was Chinese businessman Wei Wenhua, who was beaten to death by "chengguan" (municipal police officers) while filming a clash with demonstrators in Tianmen (in Hubei province) on 7 January. Cases of online censorship were recorded in 37 countries, above all China (93 websites censored), Syria (162 websites censored) and Iran (38 websites censored).

Taboos established by the monarchy in Thailand and by the military in Turkey are so tenacious that incautious Internet users are increasingly being monitored and punished by the police. It is becoming more and more common for sites to be blocked or filtered because of content that officials have deemed "offensive."

In China, 10 cyber-dissidents were arrested, 31 were physically attacked or threatened, and at least three were tried and convicted. In Iran, Reporters Without Borders registered 18 arrests, 31 physical attacks and 10 convictions. Online free expression is also curtailed in Syria (8 arrests and 3 convictions), Egypt (6 arrests) and Morocco (2 arrests and 2 convictions).

Internet freedom has been crushed with particular severity in Burma, where the military government has arrested and tried blogger and comedian Zarganar and the young cyber-dissident Nay Phone Latt in a disgraceful manner and sentenced them to incredibly severe jail terms (59 years for the former, 20 years for the latter). These two men join Burma's many other political prisoners, who include 16 journalists.

Reporters Without Borders comment:

"The growth in the Internet's influence and potential is being accompanied by greater

vigilance on the part of some governments with already marked security concerns. Every year, repressive governments acquire new tools that allow them to monitor the Internet and track online data. The Internet is gradually becoming a battleground for citizens with criticisms to express and journalists who are censored in the traditional media. As such, it poses a threat to those in power who are used to governing as they wish with impunity."

Hostile climate, better figures

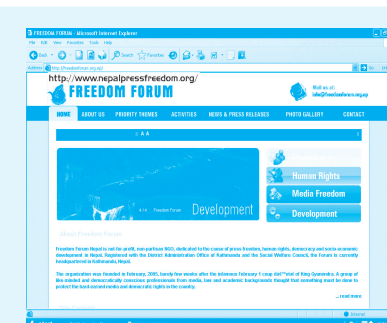
The upsurge in online repression comes at a time when traditional media, even in the leading western democracies, are coming under renewed pressure. Anti-terrorism and "post-9/11" laws put investigative journalists in very delicate positions. Foreign correspondents face growing hostility if they are from countries that are part of, or associated with, the US-led "anti-terrorist" coalition.

There are no grounds for optimism. The murders of journalists continue although the number has fallen slightly (by 22 per cent, from 86 in 2007 to 60 in 2008) and the deaths are now concentrated in "hot zones" - Iraq, Pakistan's Tribal Areas, Philippines and Mexico - where civilians of all kinds fall victim to wars, political and criminal violence or terrorism. Abduction, an effective source of income and political affirmation, is still very frequent in Afghanistan (7 journalists and media assistants kidnapped), Somalia (5 kidnappings), Mexico (5 kidnappings) and Iraq (4 kidnappings).

Finally, there is a slight decline in the use of censorship (with a third fewer cases in 2008 than in 2007) but it continues to be a routine tool in many countries that are equally distributed in all the continents - Sudan (4 media outlets censored), Guinea (5), Somalia (5), Iran (27), Egypt (10), Syria (11), Russia (15), Belarus (18), Turkey (13), Burma (85), China (132), Pakistan (19), Malaysia (25), Bolivia (20), Brazil (14), Mexico (10) and Venezuela (7).

Source: Reporters Without Borders

Our Websites:



Published by:

Freedom Forum

P.O. Box: 24292, Kathmandu, Nepal
Tel / Fax :977-1- 4102030 / 4102022

Email: info@freedomforum.org.np
freedomforum@enet.com.np

Website :
www.nepalpressfreedom.org
www.freedomforum.org.np

Editor
Krishna Sapkota

Graphics
Kiran Kandel

Mail To :