



Vol 1/ Issue 12, April-May-June 2009

Initiative Towards Promoting Democracy



Participants at UDD District- level Training in Birgunj and Dhading

Freedom Forum has successfully accomplished its pioneering programme **"Come Together Now! Focusing Youths on Democratic Norms."** based on Universal Declaration on Democracy (UDD). The programme was brought into operation from January last week to end of April, 2009 focusing on serving the broader objective of promoting UDD in Nepal.

The major outcome of the programme is reflected on the commitments expressed by student leaders in districts to work together for the promotion of democracy thereby for expediting ahead peace process keeping in mind the gravity of framing democratic constitution. It has improved the chances of long-term sustainability of peace and democracy in Nepal. Involving politically youths in a dialogue

on democratic norms facilitated a culture of showing respect and acknowledging and tolerating divergent views, opinion and expression.

The broader objective of the programme was to promote Inter-parliamentary Union (IPU)-adopted Universal Declaration on Democracy by involving youths and students of political parties in dialogue on democratic norms so that it will foster chances to improve the sustainability of peace and democracy in Nepal. Likewise, the high premium was given to enable an environment to build clear and common understanding on universally accepted dimensions and principles of democracy among youth/student leaders and general public, increase positive participation of youths in Nepal's transition to peace to improve the prospects of sustainable peace and democracy in Nepal and create discourse and debate among political parties, Constituent Assembly (CA) members, civil society representatives, intelligentsia and rights activists on the principles and practices of democracy.

In order to fulfill these goals, Freedom Forum carried out different innovative activities in various parts of the country in collaboration with USAID/OTI. Among the activities undertaken during the period were translating and preparing a well-designed UDD booklet, workshop on the theme of UDD, district level discussion and training on UDD and preparation and broadcasting of 30-minute radio programme through 40 radios.

At a time when the political consensus and collaboration among political parties was grappling with crisis followed by mistrust and misunderstanding, this programme remained a substantial initiative to bring the divergent voices together to build common and uniformed understanding on democracy in the programme districts.

The programme has done a great deal in propelling the discussion and creating discourse on UDD amidst participants including civil society representatives, rights activists and forefront leaders of different sectors. At least 35 participants in centre were trained and 10 lead resource persons on democracy workshop/training developed. the UDD was translated into Nepali version; 2000 copies of pocket-size UDD booklet published and disseminated, more than 300 student/youth leaders (248 male and 52 female) of various student unions associated to major political parties involved in democracy dialogue in key eight districts.

The wide dissemination of UDD booklet and airing of radio programme throughout the country have made people aware on universal declaration of democracy and its important aspects.

The training programme was implemented in eight politically volatile districts of Nepal, including Palpa, Sindhupalchowk, Kavre, Dhading, Kaski, Parsa, Dhanusha and Dhankuta.

Inside

- ▼ Message from the chairperson/ 2
- ▼ World Press Freedom .../ 2
- ▼ Aanti press Incidents/ 3
- ▼ Attack and Intimidation behind... / 4
- ▼ AFC Activities/ 6
- ▼ International Watch/ 8



Message from the Chairperson

The Constituent Assembly (CA) which was elected by people's ballot to frame the constitution seems to be digressed from its way to discharge the historic responsibility. Of the allotted time of two years for constitution-drafting, there is only 10 months to go. But even the thematic concept papers of the constitution have yet to be formulated which clearly demonstrates lack of farsightedness and vigor among the influential political parties and leadership to steer ahead the nation to a positive direction. Among the 13 thematic committees of the Constitution, two have only submitted concept papers to the CA. Moreover, no understanding in principle has been so far reached in the rest 11 committees. Likewise, adequate discussions are not being made on the concept papers handed over to the CA.

Political parties are focusing their attention on power-grabbing deal and are spending the precious time whether to join the government or not. Prevalence of mistrust and mudslinging among the political parties has created a serious stagnation in facilitating the constitution-drafting process and crushed people's aspiration to realize good governance in the country. There is growing confusion that such situation may lead the country to anarchy and instability. Rule of law has been weakened; insecurity is on the rise and people's livelihood is getting tougher day by day. In this situation, people are not lending their massive support in the national efforts of restoring peace and stability and strengthening the foundation of democratic republic Nepal.

The culture of consensus and collaboration among the political parties has not lasted for long owing to the weak government, growing crisis of confidence among parties, lack of commitment among parties towards democratic norms and failure of Unified CPN (Maoist)-the largest party in the CA-to show commitment towards liberal democratic competitive political practices. It has resulted in the escalation of conflicts and problems in new manifestations in the society compounded by increasing ethnic, religious and communal demands and slogans. But the political leadership has not been able to bring people into confidence and inspire them to engage in nation-state building process. Therefore, people are also not seen in a situation to put constructive pressure on the concerned authority in a bid to bring the peace process to a logical conclusion.

There is no alternative among the stakeholders to carry forward the peace process to a concrete direction. It is very indeed strenuous to pave the way for sustainable peace and its alternative may be much detrimental. Keeping this situation in mind, the civil society organizations like us should realize it our prime duty to support the on-going peace process. Freedom Forum deems that engaging its all-round efforts in the national initiatives to make the hard-earned peace process a success is its prime responsibility. Our democratic future dwells on the well-accomplishment of the peace process expedited ahead as per the commitment expressed by people's movement-2006. At the moment, Freedom Forum has been centralizing its efforts to wake up all people and institutions to march ahead on democratic path by embracing the gravity of good governance to serve the greater goal of charting out open, transparent and responsible civilized society.

Tara Nath Dahal
Chairperson

World Press Freedom Day marked

Amid a programme organized jointly by Freedom Forum and International Press Institute (IPI), Nepal Chapter on May 2, Saturday to mark the World Press Freedom Day, Kabita Sharma, chairperson of Radio Mukti 95.5—a FM radio being operated by women journalist—was felicitated with the 'Courageous Media Worker Award-2009'. This year the award was presented to her for her substantial contribution to promote journalism in Mofasal despite several threats and intimidations and inspire women to involve in journalism sector.

Freedom Forum and IPI, Nepal Chapter have been jointly providing this award to a courageous journalist every year.

Madhav Kumar Nepal, chairperson of Constitutional Committee (CC), handed over a copper plaque along with a letter of appreciation to Sharma in the capital.

Kabita Sharma is a journalist of Butwal-based Radio Mukti which has been operated solely on the initiatives of women journalists. She had received several threats while working as a media worker and executive of the radio FM. On the occasion, while recounting own experience, Sharma said she was happy to continue with her journalism profession even despite various hassles and hurdles on her way.



Sharma Receiving Award

Speaking at the programme, CC Chairperson Nepal called on press to stand against any form of threat and pressure and accused Maoist-led government of suppressing free press. "How can journalist and press be secured in such as situation of the country where CA Members get threat for delivering own views and opinion", he added.

He emphasized the need of collaboration, coordination and consensus among all journalists for their professional rights.

On the occasion participating speakers noted the incidents of self censorship, threat, assault, harassment,

(Contd. on page 7...)



Rising Trend of Attacks on Press Freedom

Nepali press did not cease to see an upsurge in the incidents of attack and atrocities and hurdles and hassles despite commitments expressed from various stakeholders and political parties to curb anti-press incidents. The rise on the trends of burning newspapers and media house to show resentment and vengeance has caused serious problem since it does not only harass media house and workers but also pose challenge to people's constitutional right of receiving information. On the other, the government has not come up with concrete and dashing measures to foil such ill-efforts and bring about substantial reforms in the media to get it flourished and inspired it to make its role more vibrant and wide. Thus, journalists and media sector are suffering from two-fold problems resulting from series of assaults and government's indifference.

Freedom Forum condemns the all-pervasive practices of attacking and harassing journalists and media houses due to the effect of news coverage. The Forum calls on all sides to exercise restraint and stop making the press a subject of attack and atrocity and pay respect to press freedom by knowing the importance of media's role in promoting free flow of information strengthening democracy. At the same time, the Forum asks the government to take immediate action against guilty and put an end to growing impunity.

Journalists Facing Tough Time

An unidentified group physically assaulted and injured Kantipur daily's Janakpur correspondent Manika Jha on April 7, Tuesday. She was attacked by a group of four-five persons at Mujeliya in Janakpur-Dhalkebar road section in the southern plain of Nepal when she was returning home from an election campaign meet of the Nepali Congress at Sapahi.

Jha said the assailants also tore her clothes and bag. She had returned home after treatment at Janakpur Zonal Hospital.

Similarly, a group of miscreants including Nirmal Rai of Lafyang attacked the station of Haleshi radio in Khotang district, lies in the eastern region of Nepal on April 9, Thursday.

According to the technician of the station Aruna Dahal, as many as 8-10 people beat up Mahendra Kumar Katuwal, Khem Khadka, Tiwan Rai, Deependra Adhikari and radio trainee Santosh Bhattarai, who were in the duty at that time.

Among them Khadka got injuries in his eye and neck. Injured journalists were taken to Diktel Hospital for treatment.

Newspapers Burnt

A group of unruly mob attacked Sama Printers, the press that prints The Himalayan Times and Annapurna Post dailies at Bhaisipatti on June 22, Monday morning in Lalitpur. They also forcibly took out newspapers from the press and burnt them on the road. The miscreants who were more than 500 in numbers vandalized the printing press and broke window panes resulting in extensive damage to the building.

Rampant assault on journalists

In the eastern part of Nepal, just following nine days of the protest against attack on media persons, another journalist was assaulted in Morong district in the eastern plain of Nepal along the border side.

Narendra Basnet, Editor of Samyantra Weekly brought out from Morong, was beaten up by Amit Neupane, local of Dangihat VDC-5 on May 23, Saturday afternoon following the news coverage on "sexual activities among Sadhus" in the weekly.

Basnet seriously injured in the incident is being treated in Neuro Hospital at Biratnagar. He had got injury in head and chest.

In yet another incident, Jhalak Gaire, Chairperson of Federation of Nepali Journalists (FNJ), Nepalganj chapter was beaten up by Krishna Khanal, Manager of Avenues TV Nepalganj contact office on May 29, Saturday.

Gaire was attacked while returning to home after completing his assignment in local Kalprishtha Daily being published from Nepalganj. According to Gaire, inebriated Khanal stopped him on the way and started beating him without any explicit reason.

After the incident, police arrested Khanal for his indecent actions against the journalist.

Maoist Cadres Torch Newspapers

Young Communist League (YCL) burned copies of Nagarik national daily at Gatthagar, Bhaktapur on June 16 Tuesday morning over a news report published in its Tuesday edition.

The paper reported that YCL cadre Rajendra Phuyal, whose death led the Maoist youth wing to call a banda on Monday, committed suicide by taking poison. YCL had maintained that members of CPN-UML-affiliated Youth Force caused Phuyal to drink poison. But, a postmortem report said that there was no sign of Phuyal taking poison out of force.

In a similar vain, UCPN (Maoist) activists burnt Thursday's (18 June) edition of thousands of copies of The Kathmandu Post and Kantipur in Bhairahawa of Rupandehi district, lies in the western part of Nepal.

Maoist cadre intercepted Kantipur Publication's delivery van (Na 1 Cha 9234) at Buddha Chowk and burnt the papers at around 7 a.m. for defying their general strike. This is the second such incident in one week. A delivery van carrying several

thousand copies of TKP and Kantipur in eastern Nepal was burnt last week.

Maoist ethnic wing Madhesi National Liberation Front had called Rupandehi banda on Thursday to protest President Dr. Ram Baran Yadav's "unconstitutional move" reinstating Chief of Army Staff Rookmangud Katawal. "Two motorcyclists forced us to stop the vehicle and seized its key" said Bahadur Sitang, an employee of the publications. He said that 10 to 12 protesters immediately took out the papers and burnt them. Police personnel, who were near the incident site, did nothing to prevent the newspapers from being burnt. Unified CPN (Maoist) activists set on fire a Kantipur Publications pick-up van carrying several thousand copies of The Kathmandu Post and Kantipur on June 6, Saturday.

As the van with number plate Ba 6 Cha 8666 arrived at Lalbhitti of Morang along the East-West Highway, some 10-12 Maoist workers took control of the vehicle on the charge of defying banda, called by Maoist ethnic front calling itself the federation of indigenous peoples, and torched it.



Attack and Intimidation behind Our Displacement

Lavdev Dhungana who has served with journalism profession for more than 12 years is now the reporter for the Kantipur National Daily in Panchthar district. He has been in service of Knatipur daily for the last three years and has already demonstrated his journalistic craftsmanship being involved in five national media houses.

At a time when Nepali press is passing through a difficult mode of time due to the rising incidents of murder, harassment and obstructions, Dhungana has become the prey of press freedom predator due to the effect of his news writing and its coverage in the newspaper he is working with. It is the representative anti-press incident of Nepal which explicitly demonstrates the intensity of the violation of constitutionally guaranteed rights of journalists.

Victim journalist Dhungana spoke to our colleague *Shiromani Dhungana* about attack and harassment meted out to him and another journalist Kumar ojha.

What was the main cause behind attack on you?

A news on the involvement of Maoist allied Young Communist League (YCL) in embezzling Rs. 200,000 regarding contract bidding in District Development Committee (DDC) on rural electrification was published in Kantipur Daily on June 27, 2009. Firstly, three contractors firms had taken bidding form from DDC for this and later a firm pulled out its hand from the bidding by taking Rs. 50,000 from another firm. Rest two firms had filled forms for contract bidding by reportedly giving Rs. 200,000 to YCL. That is just what was published.

What was their primary response to the news?

Immediately after the Kantipur covering the news of corruption arrived in Fidim Bazar, YCL district chairperson Balkrishna Kafle had called me denying the receipt of Rs. 200,000 as stated in the news and pressured me to reveal the source. He threatened me either to make public the source or to give 200,000 to them otherwise action would be taken against me. He again called me second time and warned 'we will finalize the issue in a face-to-face with you'. It developed me a sense of fear within me. I was trapped in difficulty and dilemma. If I



Lavdev Dhungana

made public the source of my news, they would attack on him/her, otherwise they demanded the amount which they did not receive should be provided by the news reporter to them I could neither reveal the source to drag him/her into risk nor a reporter like me could provide this huge chunk of money.

What types of behavior they meted out against you?

The same day at around 4.30 PM, I was in Fidim Bazaar for covering the news of local DipJyoti Club. My friends informed me that YCL cadres were searching me throughout the Bazar area. I informed Deputy Superintendent of Police (DSP) Homjung Chauhan and CDO Dulluraj Basnet about the incident. In the meantime, two Maoist cadres Dilipkumar Nembang aka Thewa and Kafle reached there and forced me to move with them. They misbehaved and attacked Kumar Ojha, Editor of Bartaman Samaya while he was trying to stop them and asking to discuss on the matters concerned. They did not heed his plea and took me to the Maoist district office on kidnapping way. They accused me of not showing the gesture of change despite their frequent intimidations. Indra Aangbo and Milan Lamgande aka Milan warned us to face every sort of action. We were beaten up and compelled to bear mental harassment. YCL cadre changed their tone after journalist friends arrived there and released us on condition of holding discussion later.

How are you experiencing the effect of the incident? What may be its impact on other journalist?

It is not a simple incident. We are not in a situation to continue our professional work as a journalist owing to the incidents of attack and threat of

Maoist. The existing situation here is very tough to discharge own responsibility as we couldn't even move for seven consecutive days after the incident. Maoist cadres are reportedly issuing threats to other journalists after covering the new of attack on us.

We are in the state of psychological fear that Maoist cadres may trigger any bad consequence for us at anytime. As we concluded that we can not work in such environment, we were compelled to flee from the district to other place just to save our life.

In your opinion, what will be the long-term consequences and impact of the incident on entire Nepali journalism?

Incidents of Intimidation, harassment and attack are the common phenomena among Nepali journalist. Displacement of journalists from the working area due to the effect of news is not indeed a simple incident. It heralds a bleak future of journalism since it promotes self-censorship and culture of impunity. It discourages journalists to exercise objective and true journalism. It does not encourage new comers in journalism profession and causes scarcity of capable human resource in this sector in a long-run.

Do you have any recommendation to bring about improvement in press freedom situation in country?

The agenda of security of journalist should be the prime concern among all stake holders. The pressure and voice should be raised from all walks of society for the workable environment to journalists. Solution could be explored through dialogue, consensus and collaboration among all segments of society. At the same time, state of impunity should be ended and perpetrators should be brought to book.

You have accused local authority of not taking initiatives to resolve the problem. Could you make it further clear?

Just after the incident, we had gone to the police office for security. Firstly, DSP Chauhan assured us to provide security in our home. Secondly, CDO Basnet told us that the Maoist could impose banda, strike and ghera if the guilty were arrested. It is quite ridiculous that the same CDO Basnet later informed to the OHCHR,



Ill-Attempt to Gag Press

Puran Prasad Bista, senior correspondent for Republica Daily was looted and attacked with sharp weapon by an unidentified group. The group looted Rs. 11,000 along with his mobile-set. In the attack, he sustained serious injury in his neck.

Journalist Bista was attacked while he was returning to his home in the evening at around 9.15 in Bhadrakali, Kathmandu.

In addition, Damodar Guragain, Journalist and Itahari Branch Chief of Aauzar daily, was severely beaten up by police personnel in Itahari chowk—lies in the eastern part of Nepal—at 9 PM at night on June 10.

Journalist Guragain was severely beaten by a police team led by Head Constable Narayan Koirala while he was waiting for his brother in Itahari chowk.

The police even seized his cell phone and did not allow him to contact anyone.

Death Threat to Media Person

Sub-Inspector of District Police Office, Parsa, Radhemohan Kushabaha threatened a local journalist Sanjay Shah to take his life following a publication of news of police personnel taking bribe on May 16, Saturday.

Sub-editor of Janapratibimba Daily, a local vernacular, Shah had published news about police personnel taking Rs 350 thousands as bribe from businessman Sandrika Shah Teli of Sedhawa VDC-8 of Parsa.

At the same time, Chandra Bhushan Saha, publisher/editor of Sahara Daily being published from Birgunj in the southern plane of Nepal received death threat from an Indian criminal.

According to Journalist Sah, the threat was given by an unidentified person demanding Rs. one million on May 21. However, criminal identified himself as a notorious Indian-national Pappu Sharma while issuing threat.

Army Officer Obstructs Journalist

On-duty Army Officer obstructed two journalists, Krishna Thapa and Bishwamitra Khanal while they were going through Nepal-China border Timure to collect information through audio-visual aids on April 9.

Journalists Thapa and Khanal are associated respectively to the Kantipur National Daily and Rooprekha Weekly. Rebanta KC, Captain of Indrabaks battalion of Timure Post had prevented them from entering into the area with video camera and still photo camera saying it was the order

from high command.

In yet another instance of obstruction, the security personnel misbehaved with Krishnamani Baral, photo journalist of Annapurna Post and The Himalayan Times national daily in Pokhara for taking photos of ex-princess Himani Shah on May 24.

The security personnel pounced on Baral after he clicked Himani in mid-flight. They took him to Lakeside from Khaapaundi and deleted the photos.

Casino Staffers Thrash Reporters

Dilliraj pokharel, a correspondent for Avenues TV and Niranraj Bana, a camera person for the same station, were beaten up by the employees of Casino Venus in Kathmandu on June 12 at around 9 AM in the morning.

The Avenues staffers were there to cover the news on the police raid on Casino Venus yesterday. Casio Venus is located in the premises of Hotel Malla in Lazimpat.

Correspondent Pokhrel and camera person Bana were called by the casino employees to report another incident of scuffle between the police and the casino employees in Hotel Malla. Pokhrel and Bana were attacked by a group of some 50-60 people all of a sudden as both reached the casino premises.

Journalists Put under Bar

Journalist duo Dayanidhi Bhatta, reporter of Janadisha Daily and Arun Baral, reporter of Janaastha weekly were held by Indian security personnel along the Nepal-India southern border at Miteripul near by Birganj on May 30.

The security personnel misbehaved with them after taking photos of Nepal-India border line and deleted all photos.

Similarly, in Rautahat, southern plain of Nepal, police arrested journalist duo Shaileendra Jha and Dinesh Sah on the charge of collecting donation in the name of under ground group. Journalist Jha is affiliated to Rastriya Samachar Samiti (RSS) while Sah is working with Nepal Television.

Media House and Press Vehicles Vandalized

A group of people vandalized the publication house of 'Ganarajya Weekly' in Itahari of Sunsari district in the eastern part of Nepal on April 14, Tuesday.

The attack was made by the persons whose names were published in one of the news report dealing with the theme of increasing market of land brokers and sex in Itahari.

Similarly, agitating cadres of Joint Action Committee of Newa Autonomous State (JACNAS) vandalized press vehicles and misbehaved with journalists in course of enforcing their banda in Kathmandu Valley on Monday, June 01.

According to Metropolitan Traffic Police Division, Ramshahpath, Kathmandu, a vehicle belonging to Image Channel was vandalized in Pulchowk. Agitators also attacked on Image Channel's camera person Nabin Sthapit.

Likewise, the JACNAS cadres misbehaved with Republica's photo journalist Bikas Karki at Lazimpat. They seized the key of his motorbike accusing him of defying the banda, but had later returned the key.

In separate instances of vandalism, the banda enforcers vandalized scooter of Krishna Paudel, a reporter for Kantipur FM and misbehaved her. They also torched the motorbike of Hem Subedi, a reporter for the same station.

AFC Activities for Strengthening Freedom of Expression



Participants at a discussion on AFC in Jaleshwor

In order to put pressure to incorporate the issues concerning press freedom, freedom of expression and right to information under Agenda for Change (AFC) in the to-be-framed constitution of Nepal, a meeting with Constituent Assembly (CA) Committee on Fundamental Rights and State's Directive Principles was held in Kathmandu on May 24.

In the meeting, chairperson of the committee Binda Pandey, members Uma Adhikari, Dharma Niraula, Bishnu Chaudhary, Sarbajeet Shah and Dina Upadhyaya along with Dharma Paudel and Durga Dhungel—who were involved in preparing proposed draft on fundamental rights to be enshrined in the constitution—were present.

Freedom Forum Chairperson Taranath Dahal and FNJ Chairperson Dharmendra Jha presented the issues to be addressed in the next constitution in line with the recommendation put forth by AFC.

Matters related to the concept paper on fundamental rights, which the committee is going to prepare, and the arrangements to be specified in the new constitution on Fundamental Rights and Directive Principles were widely discussed.

On the occasion, members of the committee pledged to enshrine provisions to guarantee press freedom, create workable environment for journalists without any obstructions and barriers and ensure access to information to every citizens. Dahal answered queries of CA members

regarding theoretical and legal aspects of above-mentioned issues.

Meanwhile, Freedom Forum organized another workshop with the CA committee on May 28, Friday in a bid to provide inputs on how press freedom, freedom of expression and opinion and right to information could be incorporated under the fundamental rights in the new constitution.

The workshop witnessed an intensive discussion amidst the members of CA committee and members of expert panel who were actively involved in drawing up the Agenda for Change on Freedom of Expression. It was the significant outcome of the initiative taken on the policy reform on the issue of freedom of expression in Nepal in consistent with its international standards.

AFC expert-panel members Taranath Dahal, Dharmendra Jha, Suresh Acharya, Hem Bahadur Bistha, Gokul Pokharel, Padam Singh Karki and Bishnu Sharma made presentation about the major issues to be discussed under the clause of fundamental rights while framing the constitution.

Committee Members Gagan Thapa summed up and presented the issues raised by the participants on the above-mentioned topics. Committee Chairperson Binda Pandey presided over the workshop and committed to reflect the reform initiatives on freedom of expression in the new constitution.

AFC: Local Discussions

With a view to disseminating the Agenda for Change on freedom of expression through FM radios across the country, a focused group discussion with chiefs and station managers of community-based radio held on May 27, Wednesday.

Under the component of "Local Discussion on Agenda for Change", Freedom Forum took the initiative to bring together the high-officials of community radios being operated in various parts of the country to discuss the agenda for change and put pressure through radio program to enshrine the provisions of freedom of expression in the new constitution.

During the discussion, participating radio managers committed to produce radio program on the agendas of freedom of expression as specified by the AFC so as to inform people about its importance and implications.

Some 35 radio chairpersons and managers enthusiastically took part in the meeting and sought their role and responsibilities to implement the theme provided by AFC in the nation-state.

In the similar vein, two separate events of local discussion on "Agenda for Change on Freedom of Expression," were held in Jaleshwor, Mahottari and Pokhara, Kaski.

Altogether 56 participants representing media, NGOs, Constituent Assembly, political parties, legal sector, and academic institutions discussed the press freedom, freedom of expression, right to information, democracy and challenges of free press.

While facilitating the discussion, Taranath Dahal presented different issues regarding AFC. Some 16 participants expressed their views on the issues. Likewise, 100 copies of AFC booklet in Maithali (one of the ethnic language in Nepal) script were distributed at the programme.

Similarly, in Pokhara event, Tankaraj Aryal presented the content and process of AFC. National Human Right Commission (NHRC), western regional in-charge Achyut Aryal, Federation of Nepali Journalists (FNJ) Pokhara chapter Chairperson and BBC Correspondent Narayan Karki and FNJ central member Punya Paudel delivered their views and opinions regarding AFC including civil defamation, impunity and situation of fear and intimidation on free flow of expression.

World Press Freedom Day

mental torture and even murder of journalist was not stopped. They also accused the government of trying to operate press on the authoritarian concept.

Freedom Forum Chairperson Taranath Dahal, Chairperson of Federation of Nepali Journalist (FNJ) Dharmandra Jha, former chairperson Harihar Birahi, IPI-Nepal chapter Padamsingh Karki, CA Member radheshyam Adhikari, human rights activist Subodh Pyakurel, Sudeep Pathak, Chairperson of Sancharika Samuha Babita Basnet and Bishnu Sharma Gyawali highlighted the importance of press freedom for creating discourse and building understanding in any society.

The theme of this year's world press freedom day was "Media, Dialogue and Mutual Understanding".

Press Freedom Monitoring Report

Freedom Forum prepared and launched a press freedom monitoring report incorporating the anti-press incidents occurred during April 31, 2008 to May, 2009.

Print Ad- Published in
broadsheet National
Dailies of Nepal on May 3.

Attack and Intimidation...

Biratnagar office, that there was no demand of security from journalists. We are being shocked when local administration turned the deaf ear to the unrelenting security situation in the area.

YCL Threat Journalists with Life

Young Communist League (YCL) carders in Lamjung district threatened journalists of chopping down their bodies into pieces.

Journalists, Milan Sharma, Ash Gurung, Krishna Prasad Adhikari and Anjankumar Himali, Editor of Lamjung based newspaper Lamjung Mirror received death threats for allegedly covering a news on clash between YCL and local youths during Tamuban bandha called by Maoist allied organization Tamuban Mukti Morcha.

According to news from Arghakhanchi, district committee member of Unified Communist Party of Nepal (UCPN-Maoist) had threatened Birendra KC, correspondent for Kantipur National Daily in Arghakhanchi in the western part of Nepal, to break down his hands and legs on May 12.

Taking up the issue of news coverage entitled 'Maoist's directives to chase away NC and UML cadres from Village', KC had been receiving indirect threats from Maoist cadres while he was given direct threat with life following 10 days of the earlier warnings by local Maoist leader Baburam BK.

Journalists Subjected To Atrocity during Banda

During the banda called by Unified CPN (Maoist)'s youth wing Young Communist League (YCL) on June 15, journalists became main target in Nepal.

Maoist activists vandalized a staff van of Kantipur Publication. (Ba Cha 2435) in Kathmandu. The vehicle was heading for Dhumbarahi from the Kantipur Complex at Subidha Nagar.

About 20 Maoist cadres took control of the vehicle and attempted to set it on fire, but police intervened. The driver managed to escape, but the staff on board were roughed up on the charge that Kantipur daily had carried an anti-Maoist news on the front page in its Monday edition.

Also, Maoist workers tried to intimidate

MJF CC Members Beat Correspondents

Journalists, who were covering the news of the central committee meeting of Madhesi Janadikar Forum's (MJF) —fourth largest party in the Constituent Assembly in Nepal--on May 16 at Kathmandu, were assaulted by its cadres.

An MJF lawmaker and three party cadre manhandled journalists Prabin Gyawali and Deependra Poudel. They also seized a camera

landlords in different locations of Kathmandu Valley and ordered them to remove bill boards of the Publications within 24 hours. Maoist cadre also attacked a vehicle belonging to Image Channel at Kupondole. Protesters manhandled journalist Krishna Neupane of Avenues Television and also vandalized a motorcycle belonging to him while he was on the way to his office at Tripureshwor from Swoyambhu.

In another incident of atrocity against journalists, Maoist cadre did not allow Badri Tiwari, editor of Nepal Samacharpatra daily, to drive his car at Sinamangal and misbehaved with him. According to Rajdhani Daily, several reporters of Rajdhani were also misbehaved by bandha enforcers.

that belonged to Channel Nepal.

At least three reporters were injured in the melee. Police arrested the two MJF cadres on the charge of assaulting journalists.

After the incident, parliamentary leader Bijay Kumar Gachhadar apologized to the journalists. However party chairperson Upendra Yadav and another leader Jay Prakash Prasad Gupta left the venue without facing Journalists.

Government must safeguard freedom of expression

ARTICLE 19, along with the Federation of Nepali Journalists (FNJ) and Freedom Forum (FF), congratulate Madhav Kumar Nepal on his election as Prime Minister of Nepal. Furthermore, we note that freedom of expression remains under serious threat in Nepal and call on the new government to take decisive steps to stop attacks on journalists and to establish a legal framework which fosters a free flow of information and ideas.

"ARTICLE 19, FNJ and Freedom Forum strongly urge the new government of Nepal to protect media workers and to bring to an end the climate of impunity for the perpetrators of attacks. There is also an urgent need for structural and legal change to protect freedom of expression. This is necessary for the government to demonstrate in practice its stated commitment to democracy," says Taranath Dahal, Chairperson, Freedom Forum.

We specifically call on the new government to implement the Agenda for Change, a publication launched by ARTICLE 19, FNJ and Freedom Forum in February 2009 that contains a comprehensive set of recommendations for freedom of

expression reform in Nepal. Key priorities, in addition to protection of media workers, include:

- Taking steps to implement properly the Right to Information Act 2064, including establishing appropriate procedures within all public bodies for processing requests.
- Implementing the Working Journalist Act 2051, including putting in place an effective monitoring system.
- Adopting a new broadcasting law which puts oversight of broadcast regulation in the hands of an independent body and putting in place a fair system for licensing, including for community broadcasters.
- Transforming the existing public broadcasters into public service broadcasters.
- Abolishing criminal defamation and adopting new civil defamation rules which are consistent with international standards in this area.

ARTICLE 19, FNJ and FF also urge the government do all that it can to ensure that the new constitution provides strong protection for freedom of expression, in line with international standards.

Internet Defamation: The Problematic Publication Rule

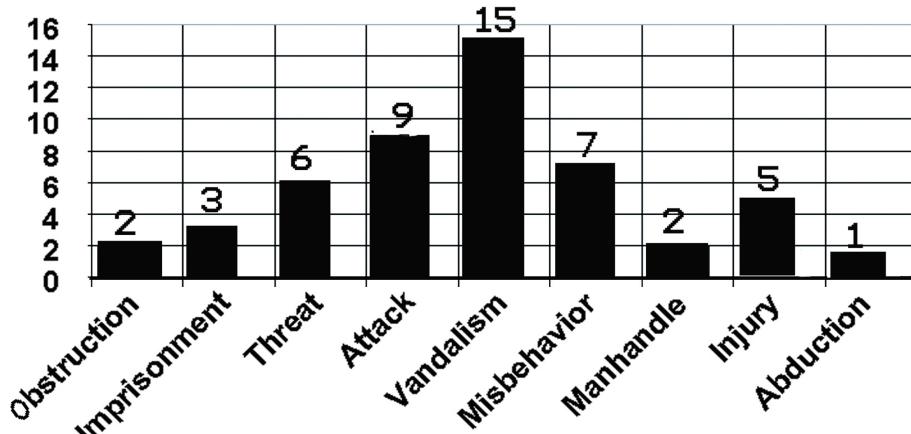
This spring 2009, *the*in favour of the 'multiple publication rule' for alleged libellous articles published by the online version of UK newspaper, *The Times*. Two allegedly defamatory articles published in newspaper format and online by the *Times* in 1999 contained the following headlines: 'Second Russian Linked to Mafia' and 'Trader linked to mafia boss, wife claims.' This , a decade after the facts took place, sets a harsh precedent in the UK with implications especially in other common law jurisdictions such as the US, Canada and Australia.

The US 'single publication rule' for the internet was established in the case of *whereby a limitation period begins on the date the defamatory material appears online to the public. As with traditional forms (books, magazines, newspapers), a republication occurs only if it takes on a new form. 'Hits' that refresh the offending webpage by clicking online users is thus not considered a republication, because the form remains essentially the same.*

These internet defamation cases reveal a need to catch up to the pace of technological advancements and its uses, while maintaining high standards of online freedom of expression and journalistic ethics to stick to the truth even online. Simply applying traditional defamation laws set hundreds of years ago before the internet was a consideration does not appear to do justice to online freedom of expression.

The Times case tell us that indefinite liability is a risk that online publishers assume, leading to further questions about freedom of expression.

Incidents of Press Freedom Violation in Nepal During April-May-June, 2009



Obstruction	2
Imprisonment	3
Threat	6
Attack	9
Vandalism	15
Misbehavior	7
Manhandle	2
Injury	5
Abduction	1

Total Incidents	50
<i>Number of Journalists affected from incidents</i>	53

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 Sankota

Graphics DB Rijal

© Wiley



Mail To :