



Impunity Continues Unabated

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A Study Report on legal status of journalists/media persons murdered and disappeared since 1996 in Nepal

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April, 2019

ABBREVIATION

CIEDP: Commission of Investigation on Enforced
Disappeared Persons

DPO: District Police Office

NHRC: National Human Rights Commission

OAG: Office of Attorney General

TRC: Truth and Reconciliation Commission

BACKGROUND

Journalism is one of the significant pillars of democracy. It helps make democracy functional. It is undoubtedly an effective medium to inform the people. The country able to ensure free and independent press can ensure free flow of information to its citizens and help in protecting democratic values.

Therefore, an atmosphere conducive to press freedom is essential. Press cannot become professional in the unsafe environment. As the frontline human rights campaigners, media persons are affected most with jeopardized press, which ultimately weakens democracy in the country..

When analyzed the facts on press freedom violations, recent decades in Nepal remained unsafe for press. The unsafe press has obviously failed to play the watchdog role as it was expected to. Hundreds of press freedom violations were recorded in the recent years. Journalists/media persons were killed, while many were injured. Such incidents, however, have not been studied thoroughly and legal actions taken. It is what the impunity is. Impunity is the state where the culprits and perpetrators walk scot free. The impunity prevailing even in the post-conflict period proves that public trust on State bodies has eroded. It is always relevant and essential indeed to study and investigate the incidents of murder and enforced disappearance occurred during the conflict period. The investigation of the conflict-era cases would help deter the repetition of such crimes and ensure justice to the victims. However, the apathy shown from the State side to this regard is worrying. The urgent need at present is of political willpower to bring to book the criminals involved in the killing of journalists in Nepal. Until the political will is generated, the justice to the families of the journalists victimized during the conflict period is impossible. Therefore, Freedom Forum has continued the activities to advocate for the justice to the victim families and create pressure on stakeholders to take initiative to address the impunity. In this regard, FF prepared this report earlier in 2016 and has made updates again. It is updated to continue informed advocacy and press the concerned stakeholders including political leaders and lawmakers for the political will to heed the long pending impunity related to crimes perpetrated against journalists/media persons. Those involved in such crimes but walking scot free must be brought to book, so that it would help create fear-free environment for journalists and foster free and independent media.

Former Deputy Director General for Information and Communications at UNESCO, Frank La Rue, observes, "When there is no action against the attack and threat on and murder of journalists, it becomes the invitation of other violence. When the justice is not delivered to the victim journalists/media person, it encourages for other incidents."

Although press freedom is constitutionally guaranteed rights in Nepal, there are challenges galore before the press. Nepal is often listed as the country with sorry state of press freedom. It is worrying indeed. This is the updated study FF conducted on the legal status of media persons who were murdered and disappeared from 1996 till now. The study revealed that 23 journalists were murdered while five went disappeared during this period.

OBJECTIVES

The objectives of the study are,

1. To exert pressure on government bodies to take initiatives to ensure safe atmosphere for journalists,
2. To help create favourable atmosphere for reducing impunity,
- 3) To contribute to promoting professional journalism,
- 4) To contribute to ensuring justice to the families of the victim media persons.
- 5) To contribute to create political will to address impunity

STUDY PERIOD

The study period ranges from 1996 to March 2019 which also covers the period of the armed insurgency. The study is therefore an account of the crimes against media persons since the year 1996 till now.

BASES AND METHODOLOGY OF STUDY

Prior literature on the subject matter, reports, records and archives maintained by Freedom Forum and other institutes (like Federation of Nepali Journalists, and UNESCO) have been studied. Other materials related to the study are also the bases for the report. In addition to this, the investigation reports have been consulted, and onsite visits held. Families of some of the victims have also been interviewed in person. Information is collected from the courts, security officials and attorney's office in the district and concerned journalists. Similarly, the Truth and Reconciliation Commission (TRC), the Commission on Investigation of Enforced Disappeared Persons (CIEDP) and the National Human Rights Commission (NHRC) were other places from where the necessary information/data were garnered and made update accordingly.

LIMITATION

The study has some limitations.

- a) The study has not included all names that came into surface from different sides as media persons. However, FF does not claim that names omitted by the study are not journalists/media persons. But FF points out the need of further investigation and evidences about them.
- b) The onsite visit to all places having the crimes against journalists mentioned in the report was not possible.
- c) Although the TRC, the CIEDP and the NHRC have provided some information, their information on the related matter was not sufficient.
- d) Some of the offices denied responding on the cases on crimes against journalist reasoning privacy, while some showed inability to furnish response citing that the incidents were very

old and the management of files was not systematic. Similarly, some other agencies evaded responsibility, saying that the cases would be investigated by the TRC, and the CIEDP.

- e) The TRC and CIEDP have not carried out any study specifically on the journalists disappeared and murdered.

Note:

- a) Some organizations have listed more number of people as the murdered and disappeared media persons.
- b) The FNJ jointly filed applications at the Truth and Reconciliation Commission (Registration No 2644) and Commission of Investigation on Enforced Disappeared Persons (Registration No 1910, 1912 and 1913) seeking investigation on the murdered and disappeared media persons.
- c) Some of the cases were directly filed in Truth and Reconciliation Commission and Commission for Investigation of Enforced Disappeared Person from the victim family.
- d) Two of the cases here have been investigated under Madhesh Commission that was formed to investigate into the atrocities faced by citizen's during the Madhesh Movement. Although the Commission's term expired and it formally submitted its report to the government, the report has not been made the public the report yet. Lately, there is growing pressure from the lawmakers hailing from Tarai/Madhes for the release of the report.
- e) Sheer reluctance of Government on search for the journalists who were disappeared during reporting is continuous

CONCLUSION

Among 23 journalists/media persons listed as murdered from 1996 (2052BS) till date (March 2019) by this study, Dekendra Thapa, Gopal Giri, Krishna Sen, Ishwor Budhathoki, Kumar Ghimire, D Koudinnya, Raj Kumar KC, Kamal AC, Maheshwor Pahari, Khagendra Srestha, Ambika Timsina, Nabaraj Sharma Basant, Gyanendra Khadka and Ganesh Chaudhary totaling 14 were killed before the Comprehensive Peace Accord (November 21, 2006) or during the armed insurgency waged by then Maoist party. Similarly, Uma Singh, Birendra Saha, Jamim Shah, Arun Singhaniya, JP Joshi, Rohan Chaudhary, Ganesh Chaudhary, Devi Prasad Dhital and Pushkar Bahadur Shrestha totaling 10 were murdered after the CPA- the post-insurgency period. It clearly suggests that journalists are killed even in the post-conflict period and hence perpetuates the impunity.

Analyses of legal status of the journalists/media persons killed during the study period

1)Lawsuit filed:

It was found that out of the total 23 murdered and three disappeared journalists/media persons, lawsuit was filed on seven murders and one disappearance. The local (district) courts have even given verdict on seven cases, while two are still under consideration in the court. Similarly, the government withdrew a case. The government also withdrew a case relating to disappearance while one is still under consideration in the court. All these cases are separately analysed in this report.

A.Court delivering verdict

JOURNALISTS/MEDIA PERSONS MURDERED

A. I) DEKENDRA RAJ THAPA

A journalist with the Radio Nepal from remote Dailekh district, was killed on August 11, 2004. Two months before the murder, he was abducted by then Maoist party cadres. Thapa had joined the locals to talk to the Maoists so as to resume the water supply that was cut off at district headquarters, Dullu. He was abducted, tortured and buried alive. Four years after the killing, his body was exhumed and the final rites observed.

On August 28, 2008, Dekendra's spouse, Laxmi Thapa, filed first information report (FIR) at the District Police Office, Dailekh. As the police did not initiate investigation, she filed a writ petition at then Appellate Court, Surkhet, against the District Police Office, Dailekh and Office of District Attorney, Dailekh, on December 13, 2011, thereby prodding the district police to initiate the investigation. On January 4, 2012, Lachhi Ram was arrested. Based on this statement, four others were held by the police. After the investigation, a case was filed at a local court through the office of district attorney on December 29, 2012. A bench of judge Ram Krishna Bhatta issued order on February 1, 2013 to remand the arrested ones into custody. After the hearing, on December 7, 2014, Judge Dilli Ratna Shrestha issued a verdict sending the perpetrators to jail.



As per the court verdict, five perpetrators- Lachhi Ram Gharti Magar (1 year and six months) from Dwari, Hari Lal Pun (2 years) from Dwari, Birak Ghartimagar (2 years) from Baluwatar, Bir Bahadur KC (1 year) from Baluwatar, Jay Bahadur Sahi (2 years) from Raniban completed their jail term. However, others found guilty by the court on the murder- Bam Bahadur Khadka 'Mukti' from Karti, Bam Bahadur Khadka Arun from Chhiudipusakot, Arun Khadka from Chhiudipusakot and Bhaktiram Lamichhane from Dwari but currently living at Kohalpur municipality 3 of Banke district have been absconding to evade the punishment.

On February 18, 2015, Lachhiram Gharti, Nirak Gharti and Bir Bahadur KC filed a case at the Appellate Court, Surkhet, while after a week, Jaya Bahadur Sahi and Hari Lal Pun followed suit. But the Appellate Court upheld the decision of the district court.

Defendants filed the appeal at Supreme Court on April 13, 2008 as the last resort. The Supreme Court upheld the decision of the Appellate court in case of arrested perpetrators. The case is suspended until the other offenders are arrested and booked under the law.

WHAT NEXT?

- All four absconding after the investigation must be brought to book. The State must be active to bring them to book.
- The case suspended in the court should be finalized soon to cater justice to the victims' family.

A.II) UMA SINGH

The reporter with the Janakpur Today daily and the Radio Today FM of Janakpur, Uma Singh, is originally from neighbouring Siraha district. On January 11, 2009, a group of armed persons entered her rented room at Pradi (Thapa) Chowk of Janakpur, attacked with sharp weapons and killed her.

Following the murder, her mother Sushila Singh filed a complaint at District Police Office, Dhanusha, on January 25, 2009. She filed the complaint against Lalita Singh (Uma Singh's sister in-law) from Pipara Tole of Maheshpur Ward No 4, of Siraha district; Shrawan Kumar Yadav from Rampur Birta Ward No 2 of Siraha; Nem Lal Paswan, from Lakkada Ward No 7 of Dhanusha; Umesh Yadav (also known as Swamiji Yadav) from Balsaghara Ward No 1 of Dhanusha; Chandreshwor Saha from Maheshpur Ward No 1 of Siraha; Dhaneshwor Saha Teli from Thalaha Gottari Ward No 9; Bimalesh Jha from Khutta Piparadi Ward No 1 of Mahottari; Bhumeswor Yadav from Rajpur Ward No 2 of Siraha; Bindu Yadav from Sitapur Ward No 6; and Baijyanath Singh, Dhananjay Singh and Ajay Singh from Pathariya of Sitamadhi district of India.

The District Court, Dhanusha, awarded life imprisonment to Umesh Yadav in 2015 who was arrested four years back after Singh's murder. A bench of Judge Krishna Bahadur Thapa delivered the verdict. After the arrest, the Office of the District Attorney, Dhanusha, had filed a case

at the District Court demanding life imprisonment to Umesh Yadav, aka Swamiji. Judge Thapa delivered verdict, arguing the Swamiji as the mastermind of the murder. Uma's sister in-law Lalita Singh and Nem Lal Paswan were immediately handed down life imprisonment after the investigation. Both of them are serving the jail term. After Shravan Yadav, Bimallesh Jha and Abhishekh Singh were released on general date; the office of District Attorney appealed at the Appellate Court, Janakpur, against them. However, Baijanath Singh, Dhananjay Singh and Ajay Singh involved in murder and from Patahariya of Sitamadhi district of neighbouring country, India, are still absconding. On May 15, 2017 Janakpur High Court upheld earlier verdict of Janakpur District court.



Meanwhile, Uma Singh's mother Sushila was provided Rs 1 million as relief amount.

WHAT NEXT?

- **The absconding convicts must be brought to book.**
- **As the absconding convicts are Indians, Nepal Government must take help from Indian government to arrest them.**

A.III) BIRENDRA SAHA

Birendra Saha, a reporter with Avenues TV, Dristi weekly and Nepal FM, was abducted by the cadres of the Maoist party on October 5, 2007 from Pipara of Bara district. He was found dead at Dumarwana VDC Ward No 7 of the same district after a month- on November 8, 2007.

As per the concerned family and relatives and the police involved in the investigation, he was killed by the cadres of then Communist Party of Nepal-Maoist. After the arrest, Ram Ekwal Sahani and Myanejar Giri were handed down life imprisonment by the District Court Bara. They are now serving the jail term. But other involved in the murder- Hareram Patel, Lal Bahadur Chaudhary and Kundan Phaujdar are still absconding. The court had issued order for their arrest. Although, the district court's verdict was challenged by filing case at then Appellate Court, Hetaunda, but in vain. The Appellate Court upheld the verdict delivered by the district court. Now the case is under consideration in the Supreme Court.



What Next?

- **The absconded convicts must be brought to book.**
- **The case under consideration at Supreme Court should be heard soon.**

A.IV) YADAV POUDEL

Yadav Poudel, a reporter with Avenues TV and the Rajdhani daily from Jhapa district was also an editor at a local Mechi Times. He was killed on April 3, 2012. He died on the spot when he was pushed from third storey of a local hotel to fall to death.

After the police investigation, the District Court, Jhapa, slapped convict Yuvraj Puri with life imprisonment while Manju Dhakal (Karki) was awarded three years' imprisonment, Somnath Dhakal one year's imprisonment and Madan Rai six month's jail term.

Against the District Court's verdict, a case was filed at the Appellate Court, Ilam, which, however, upheld the District Court decision in case of Yuvraj and Madan. But, then Appellate Court emerged stringent against Manju and Somnath, by delivering the verdict that both had to face life imprisonment with confiscation of all properties. Currently, Madan and Somnath are absconding but Manju and Yuvraj are serving the jail term. All four have knocked the door of Supreme Court, now the case is under consideration.



What Next

- The absconding convicts must be brought to book. For this, State should be active.
- The case at Supreme Court should be finalized soon.

B.Cases under consideration in local court

B. 1) JAMIM SHAH

Chairperson of Channel Nepal Television and Space Time Network, Jamim Shah, was killed on a broad daylight by an unknown gang on February 9, 2010. The masked gang followed his car and shot him dead in the capital city, Kathmandu. Shah breathed his last during treatment.

As per the police investigation, Deputy Superintendent of Police, Jagdish Chand, and Indian gangster Bablu Shrivastavam were involved in the murder. But, neither the police nor the Office of District Attorney, Kathmandu, has filed murder case, though both had informed the District Court Kathmandu about the incident. Even a probe committee was formed by the government on Shah's murder, but the committee has not made public its report so far. Nepal Police arrested DSP Jagdish Chand on June 28, 2015 after 5 years of the incident. Currently the case is still in consideration at Kathmandu District Court.



What Next?



- **Other absconded perpetrators must be brought to book.**
- **The investigation must be intensified and the case must be finalized at the court.**
- **The report must be made public.**

B. ii) ARUN SINGHANIYA

Chairperson of Janakpur Today Media Group, Arun Singhaniya, was shot dead at a local Shiva Chowk of Janakpur while he was returning from a religious program organized at a local traders' home on March 1, 2010. It was the day of the celebration of Holi festival.



After nearly five years of the murder, Arun's son Rahul on April 29, 2014 filed a complaint at the District Police Office, Dhanusha. In the complaint, he accused Chandra Dip Yadav from Bharatpur Ward No 8 of Dhanusha, Bijay Kushiyat and Dipendra Kushiyat from Ward No 1 of same place, Ram Binod Yadav from Kakanpatti Ward No 1, Pavan Lama from Bharatpur Ward No 8, Manak Lama from Uma Prempur Ward No 2, Yogendra Sahani from Yagyabhumi Ward No 5, Anshi Rai from Bharatpur Ward No 9 and four others with names unidentified of involving in his father's murder.

Following the police investigation, a murder case was filed at District Court, Dhanusha, through the Office of the District Attorney, Dhanusha. The Court delivered the verdict that three accused including suspended lawmaker and former Minister of State Sanjay Kumar Saha be remanded to custody, while three others were released on general date. Judge Dr Rajendra Kumar Acharya had issued the order to that effect. The suspended lawmaker Saha has been serving another jail term in connection with his involvement on the bomb explosion perpetrated at Ramanand Chowk of Janakpur, in which five persons, including a theatre artist, was also killed.

The court also issued order to keep in prison the chairperson of Janatantrik Janashakti Party, Chandra Dip, also known as Dharti Singh, who was accused of shooting Arun Singhaniya and providing weapons, and Eklal Sahani, who also involved in the same crime.

The court however issued order to release on bail Mukesh Chaudhary, who was also accused of involving in the murder of media entrepreneur Singhaniya. Chaudhary had been serving the jail term as the main convict of the bomb explosion at Ramanand Chowk of Janakpur on April 30, 2012.

Police had intensified the investigation after Chandra Dip Yadav, who was absconding after Singhaniya's murder and joined armed groups, was arrested from Wakil Mahalla of Janakpur on March 30, 2016. He is in Jaleswor prison. Based on his statement, the police filed a murder

case against suspended lawmaker Sanjay Saha, who was already in prison, on April 6, 2016, accusing him of being the mastermind behind Singhaniya's murder. Sanjay Saha was also the Vice-Chairperson of Sadbhavana Party.

Meanwhile, one of the accused behind Singhaniya's murder, Ram Binod Yadav, appeared before the District Court, Dhanusha. However, he denied that he knew other accomplices except suspended lawmaker Saha. Police have concluded that Ram Binod arranged money and shooter for the crime.

Legal practitioner advocate Hem Karki said after Ram Binod appeared before the court, the police formally ended recording statement of the accused on Singhaniya's murder.

Similarly, Arun Singhaniya's son Rahul said after Ram Binod gave his statement to the court, his family was further dismayed, as hope of further investigation was dampened- Ram Binod did not reveal about other accomplices.

On the other hand, remand to Sanjay Saha was extended for further investigation. After the completion of hearing whether further investigation was needed on involvement of Sanjay Saha, on November 30, 2016, district judge Dipak Kumar Dahal, issued order next day that Saha's remand be extended for further investigation.

What Next?

- The absconding ones must be brought to book,
- Further thorough investigation is essential,
- The case under consideration at court must be settled soon to cater justice to the victims.

C. Government withdrew the cases under consideration at court

C. 1) GOPAL GIRI

Central member of FNJ, also FNJ Chair for twice in Parsa district and the Mayor of Birgunj Sub- Metropolitan City, Gopal Giri, was a journalist associated with the Nepali Patra newspaper published from the capital city, Kathmandu. He was also the editor of local Sarthak weekly. He was shot dead on January 15, 2004 in Birgunj city.

Then Maoist party had demanded half million rupees as donation. And, the investigation revealed that he was killed for not providing donation to the Maoist party. At the District Court, Parsa, a murder case was filed against Ram Prasad Tiwari from Chorni VDC-9, Pashupati Acharya from Thori VDC-8 of Parsa, Durga Bahadur Saha from Bahrakot VDC-1 of Syangja district, Dhruva Raj Tharu from Makar VDC-4 of Nawalparasi district as the defendants. The case was filed by Tribhuvan Giri originally



from Chandranigahar VDC-5 of Rautahat district, who was living temporarily at Ward No 12 of Birgunj Sub-Metropolis.

Although a person was kept in prison for three years in suspicion of his involvement in the murder, the government formed under the leadership of Girija Prasad Koirala, under the pressure of the Maoist party, after the people's movement of 2006 withdrew the case, reasoning that the would-be-formed truth and reconciliation commission would investigate into this case. It paved way for the police to release those kept in detention in suspicion of their involvement in the murder.

On July 17, 2015, slain journalist Giri's spouse Sashi and son Girish filed a complaint with the registration number 1484 at the TRC but in vain.

What Next?

- **TRC must conduct fair probe and bring to book the culprit and cater justice to the victim's family.**

D. Commission/Committee Responsible for fair probe:

The government from time to time formed various commissions and committees to investigate the murder of the journalists/media persons. However, such commissions/committees did not make public the report. When analysed, the intention behind the formation of such probe commissions/committees was just to alleviate the uproar created after the crime, that is to say, it was not the intention to deliver justice to the victims' family.

D. 1.) JAGAT PRASAD JOSHI

Jagat Prasad Joshi was also called JP Joshi and Pandit. He was associated with the Janadesh weekly and Janadisha daily. It is guessed that he was killed for he used to write news about the internal conflict of the Maoist party. Disappeared since October 8, 2008, Joshi was found dead in a forest near Attariya on November 28, 2008.

It is yet to be ascertained who the murderers were. The police have not concluded the investigation yet. The government had formed a probe committee under the coordination of advocate Umesh Gautam about the murder. The committee, though said that JP Joshi was killed, has not revealed anything more. The probe committee submitted its report to the government in 2009/10. The report is not formally made public till date. However, the government provided the relief amount of Rs 1 million to the family of journalist Joshi after a year. As per the latest decision by Attorney General Office, the case has been closed until the new evidences emerge.



What Next?

- **Police must proceed with the investigation.**
- **Case should be filed at court.**
- **The report of the probe committee must be made public**

D.2) KRISHNA SEN ICHCHHUK

Ichchhuk, hailing from Bhalubhang of Dang district, was the editor at Janadesh weekly and the Janadisha daily published from the capital city, Kathmandu. He was equally active in literature. It has been claimed that he was tortured to death in police detention. Police had arrested him from Old Baneshwor of Kathmandu on May 20, 2002 after the country witnessed state of emergency. Earlier, he was released from Jaleshwor jail in 2000. It is not sure when he was killed.



Although it is widely blamed that Krishna Sen was tortured to death, the State side has never shown interest in its investigation. Owing to the pressure from stakeholders, a probe committee was formed under the coordination of joint secretary at Home Ministry, but its report has not been formally made public till date. No case has been filed on it. Krishna Sen's spouse, Takma, has filed a complaint at the TRC.

What Next?

- **The report of the probe committee formed by the Home Ministry must be made public,**
- **TRC must probe into the complaint and ensure justice to the victim's family**

E) No Investigation No Lawsuit

Among the total cases of murder (23) and disappearance (5) this study has incorporated, more than two third incidents have not be brought to police investigation and if brought to police attention, the investigation is not over. As per the legal procedure, all these incidents are the cases dealt on behalf of government. Unless the police investigation does not forward process through the office of the attorney, the hearing on the case is eluded and the chance the victims get justice is slim.

E) 1. INVOLVEMENT OF STATE (POLICE, ARMY)

E .1. a) Ishwor Budhathoki (Kanchan Priyadarshi)

Ishwor Budhathoki also known as Kanchan Priyadarshi was a resident of Pipaldanda in Sindhupalchowk district. He was associated with the National News Agency (RSS) and Sagarmatha daily as a reporter from his district. He also used to contribute to various other print media as Bi-

plav monthly, Surya monthly, Sindhu Express, Sindhu Sandesh and Dristi weekly. However, he had left journalism a month before he was killed. It is claimed that Budhathoki was chased and shot dead by Nepal Army persons on April 29, 2002 at Jalbire of the district while he was returning home from his wife's maternal home. But, no investigation has been initiated so far. Even the family has not filed complaints at police office, nor has reached the door of the TRC.



What Next? 💡

- **The concerned stakeholders should file complaint at police office and prod for effective investigation.**
- **Effective investigation should be launched on the complaint lodged at the TRC to cater justice to the victim's family.**

E.1. b) Kumar Ghimire

Kumar Ghimire, a resident of Murgibesi, Bhubaneswori of Sindhuli district, was a reporter with the local Janasmar and Janprabhat weeklies. Documents said during the state of emergency in the country, a group of security persons shot him dead on November 2, 2002. However, the Ministry of Defense maintained the stand that he was killed during counterattack. The victim family has not been handed Kumar's body.

No complaint has been lodged at police office neither have the police begun investigation over the murder. There is no lawsuit on it.

What Next? 💡

- **The police must initiate investigation,**
- **The complaint filed at the TRC must be investigated to deliver justice to the victim's family.**

E.1. C) Dev Kumar Acharya (D Kaudinya)

A resident of Khudunabari in Jhapa district, D Kaudinya, was associated with the Janadisha daily and Arko Bikalpa weekly. He was also a teacher at a local campus. Army persons had taken him under control on July 23, 2002 and killed within 24 hours. The family source said when they received him dead, his body was drenched in blood. There has been neither investigation on it- neither from police nor any process at court.



What Next? 💡

- **The police must investigate the murder.**
- **The complaint lodged at the TRC needs to be investigated effectively to ensure justice to the victim family.**

E.1. d) Raj Kumar KC

A resident of Deurali in Ramechhap district, Raj Kumar KC, was the reporter for the National News Agency (RSS) from his district. He was arrested by security force on October 24, 2002 from his residence and shot dead in the pretext that he was being taken to district headquarters.

Although the District Police Office Ramechhap registered a complaint after vehement pressure, it did not show interest to forward investigation on the murder. Due to the lack of proper investigation, the legal process was not initiated. The government did not implement the recommendation of the NHRC which had conducted investigation and demanded action on the guilty ones. The family of the slain journalist KC has filed complaint at the TRC through a local peace committee.

What Next?

- **The police must launch effective investigation into the complaint,**
- **Lawsuit must be filed,**
- **Government must implement the recommendation of the NHRC.**
- **The TRC must investigate into the complaints to ensure justice to the victim's family.**

E.1. e) Kamal AC

Originally from Tanahu district, Kamal AC, was a reporter from the capital city to the Janadisha weekly. When the state of emergency was declared, he went to nearby Nuwakot district for journalism. It is said the house he was staying in was picketed by the security force, and they shot him dead on October 1, 2002.

As there was no investigation of this incident, legal process has not been initiated.



What Next?

- **With the filing of complaint, the police must investigate the incident,**
- **Effective investigation must be forwarded based on the complaint lodged at the TRC so that the victim's family could be ensured justice.**

E. 1. f) Maheshwor Pahari

Maheshwor Pahari, a resident of Pokhara city, was associated with the Rastriya Swabhimani weekly. He was taken under control by the police on January 2, 2004 and kept in detention. As there is a provision that a person can't be taken in detention for more than six months, the police adopted series of detention and release torturing journalist Pahari. Pahari became very sick during detention. He breathed his last during treatment at a hospital in Pokhara on October 4, 2005.

The family of Pahari has been arguing that he died due to the torture he was meted out during

the detention. No investigation has been launched from any sector on his death, nor has the case been filed at the court.

What Next? 💡

- A complaint should be lodged and the police must proceed with investigation,
- Lawsuit should be filed,
- As Pahari died owing to torture, his family must be provided relief and compensation.
- Investigation should be conducted effectively based on the complaint lodged at the TRC

E. 1. g) Rohan Chaudhary

A young journalist working at local Jaleshwornath FM of Mahotari district, Rohan



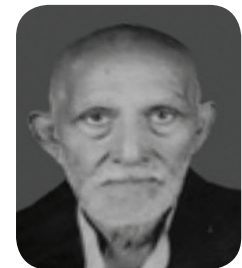
Chaudhary, was killed on a police firing during the Madhes agitation. He received bullet on chest while covering the protest live to the FM radio from a local Mahendra Chowk of the district on September 9, 2015. He died on the spot. An identity card mentioning his affiliation to the FM radio, recorder and mobile set were recovered from the incident site. The case was registered under Madhesh Commission formed to investigate the human right violations occurred during the time of Madhesh movement.

What Next? 💡

- The judicial commission formed under the chairmanship of former justice at Supreme Court Girish Chandra Lal to investigate the incidents of Madhes movement has already submitted the report to Nepal Government. The report must be made public immediately.
- The suggestion made by the report must be followed to file lawsuit against the offender.

E. 1. h) Ganesh Chaudhary

Ganesh Chaudhary was a journalist and also a grandfather of Rohan Chaudhary who was killed during the Madhesh movement. Ganesh Chaudhary was killed on September 11, 2015- two days after his grandson was killed. He was killed as he threatened to complain against the murderers of his grandson. He was a reporter to Janbani daily and also a retired reporter at the National News Agency (RSS). The case of Ganesh Chaudhary was also registered at the Madhesh commission formed to investigate the human right violation cases during the time of Madhesh movement. Commission submitted its report on 15th December, 2017. The commission was formed on September of 2016. Although



the commission submitted its report to the Nepal Government, the government has not made the report public till this date. However, voices have been raised in the federal parliament in March 2019, demanding the government to make public the report. Even the Speaker directed the government for it, but government has not made public the report.

What Next? 💡

- **The judicial commission formed under the chairmanship of former justice at Supreme Court Girish Chandra Lal to investigate the incidents of Madhes movement has already submitted the report to Nepal Government. So, the report must be made public.**
- **The suggestion made by the report must be followed to file lawsuit against the offender.**

F. 2. Incidents with the involvement of then Communist Party of Nepal (Maoist)

F. 2. A) KHAGENDERA SHRESTHA

Publisher and editor of a local Dharan Today, Khagendra Shrestha, was shot by then Maoist combatants. Attacked by the Maoist combatants on March 15, 2005, then he breathed his last after two weeks while undergoing treatment at a hospital in Silgudi of India.

After the incident, Khagendra's spouse Renu lodged a complaint at a local Area Police Office, Dharan, but the police have not initiated investigation yet.

What Next? 💡

- **Based on the complaint, the Area Police Office, Dharan, must forward the investigation process,**
- **The State should be exerted pressure to file lawsuit over the murder,**
- **The complaint lodged at the TRC must be investigated to ensure justice to the victim's family.**

F. 2. B) AMBIKA TIMALSINA

A resident of Pathari in Morang district, Ambika Timalsina, was the reporter for various newspapers as- Mahima and Janadesh weeklies and Janadisha daily published from the capital city, Kathmandu and the Bijaypur weekly published from Dharan. Then Communist Party of Nepal (Maoist) had abducted him accusing of acting as an informant to the security persons on December 10, 2002. He was found murdered next day.



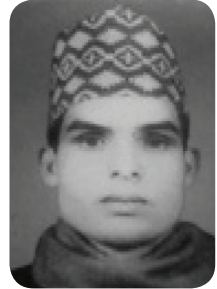
There has not been any investigation to this, and no lawsuit filed yet.

What Next? 💡

- A complaint should be lodged, and the police must initiate investigation,
- The State should be exerted pressure to file lawsuit against the murderers,
- The victim's family must be catered justice with effective investigation into the complaint filed at the TRC.

F. 2. C) NABARAJ SHARMA BASANTA

Publisher of the Kadam weekly, and chief editor of Karnali Sandesh, Basant, was also a teacher at a local Badimalika Secondary School of Kalikot district. He was from Rajkot of the district. He was abducted by then rebellion Communist Party of Nepal (Maoist). The record shows that he was killed by the Maoist party on May 2, 2002 accusing him of writing against the interest of Maoist party.



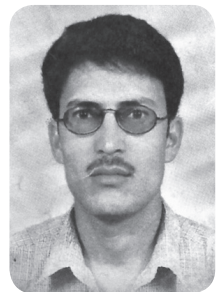
To this murder too, none of the agencies have initiated investigation and nor has any complaint lodged. The journalists from the district argue that the police did not initiate investigation reasoning it would derail peace process. But police have not shown interest to investigate this incident. As a result, no lawsuit has been filed.

What Next? 💡

- Complaint should be filed seeking action against the accused ones, while the police need to intensify the investigation effectively.
- The State should be exerted pressure to file a case against the accused ones.
- The case must be filed in the TRC.

F 2. D) GYANENDRA KHADKA

Gyanendra Khadka was the reporter for National News Agency (RSS) from Sindhupalchowk district. He was also a teacher at a local Janata Secondary School. Then rebellion Communist Party of Nepal (Maoist) abducted him from his school and killed him gruesomely by tying him on tree and slitting throat on August 6, 2003. According to the locals, he was killed because of his reporting.



The police have not investigated the murder. It has been easy for police to evade investigation as the concerned family has not lodged complaint.

What Next? 💡

- A complaint should be lodged so as to prod police to begin investigation into the murder.
- State can be exerted pressure to initiate lawsuit,
- The victim family must be delivered justice with effective investigation into the complaint lodged at the TRC.

G. 3. Other Murders

G. 3. i) DEVI PRASAD DHITAL

Chairperson of Radio Tulsipur, Devi Prasad Dhital, was killed on July 22, 2010. With his involvement in other business in addition to media, Dhital was killed by an unknown gang.



Police have guessed that the unknown gang took Dhital's life in a coordinated manner. Although the family did not file complaint, the Area Police Office, Tulsipur, itself lodged an FIR and began investigation. But, the investigation was not accelerated. The file on Dhital is now under Central Bureau of Investigation (CIB) jurisdiction. According to the Area Police Office, Tulsipur, the District Police Office, Regional Police Office and the Central Bureau of Nepal Police at Nepalgunj returned the file on his murder without doing any further investigation. The victim family is desperately waiting for justice. "We want to know who killed my father and why" questions Dhital's daughter Manisha Dhital during talk with Freedom Forum.

What Next?

- The police must form a special taskforce and carry out thorough investigation,
- The culprits must be brought to book,
- The State should be exerted pressure to file lawsuit

G. 3. ii) PUSKAR BAHADUR SHRESTHA

A resident of Birgunj city, Pushkar Bahadur Shrestha, was the publisher of the New Highway and New Season newspapers. He was killed on January 2, 2008. Police have guessed that the underground armed group of Janatantrik Tarai Mukti Morcha led by Jwala Singh killed him.

A complaint has been filed at the police office. Although the police have been investigating into the case, it has not entered the court yet.

What Next?

- Police must proceed with effective investigation into the murder,
- The State should be exerted pressure to initiate lawsuit,

Legal status of the disappeared journalists/media persons

The (CIEDP) has initiated preliminary investigation on three journalists who were gone disappeared- Prakash Singh Thakuri, Milan Nepali and Madan Poudel. Although it is not informed that the concerned families filed complaint at the CIEDP, the Federation of Nepali Journalists, on July 17, 2016, registered a joint application seeking their whereabouts.

Following the registration of the complaint, discussion was held whether these cases fell under the jurisdiction of the CIEDP and whether the complaint mentioned real incident. With the preliminary investigation, the complaint was on real incident and it fell under CIEDP's jurisdiction.

Among five journalists this study report included as the disappeared ones, Prakash Singh Thakuri and Madan Poudel were disappeared after 2006 while Milan Nepali and Dhan Bahadur Rokaya Magar were disappeared during the armed insurgency launched by then Maoist party.

1. DHAN BAHADUR ROKAYA MAGAR

Dhan Bahadur Rokaya originally from remote Rolpa district was associated with Radio Nepal, and used to read news in Magar language from Surkhet district. On July 11, 2002, he had left for home on leave. While he was returning Surkhet from home, he was abducted by then rebellion Communist Party of Nepal (Maoist) on August 4, 2002. It is claimed that he was killed on January 30, 2003.



Investigation into the incident has not been initiated. Even the concerned government bodies did not show concern over this incident. Currently the case has been filed under CIEDP carrying the registration number 2280. Although the CIEDP is investigating the case, it is yet to be finalized and made public. The victim family has received Rs 1 million as relief amount from the government. "My family wants to know when, how, where and why my father was disappeared or killed," said Pabitra Rokaya, daughter of Dhan Bahadur, bursting into tears during a talk with Freedom Forum.

What Next?

- **The CIEDP must carry out thorough investigation to find facts and recommend the concerned bodies for action so as to ensure justice to the related family**
- **The body of the missing one must be discovered and handed over to the concerned family for last rights (cultural rights)**

2. PRAKASH SINGH THAKURI

Publisher and Editor of the Ajako Samachar daily published from Mahendranagar, the far-west city of Nepal, was last seen at Mahendranagar and disappeared since July 5, 2007. Thakuri's family has claimed that six cadres of then Young Communist League affiliated to then Communist Party of Nepal (Maoist) had abducted him from the rented house on July 5, 2007.

Based on the complaint lodged at Police Office, the police had arrested three cadres of the YCL during the preliminary investigation. In 2009, the case was filed at the district court. Then government had listed this as the case to be withdrawn. The investigating bodies then stopped

proceeding, reasoning that they could not investigate the cases of political nature as per the Comprehensive Peace Accord the government had signed with the Communist Party of Nepal (Maoist).

Three days after the abduction, a group calling itself National Republican Army Nepal took responsibility of murder through email accusing Thakuri of 'working in favour of monarchy'. Although a complaint (No 1912) was filed at the (CIEDP), the CIEDP rejected to accept registering reasoning that it was not occurred during the armed insurgency.

What Next?

- **The government must immediately make public his whereabouts, and proceed with investigation to ensure justice to the family,**
- **The District Police Office, Kanchanpur, should resume the investigation and pave way for filing lawsuit at the court.**

3. MILAN NEPALI

Managing editor and editor at Disabodh monthly, Milan Nepali, 31, was last seen in Kathmandu. He was taken under control by the police in plain clothes from near Central Post Office of Sundhara at about 2:00pm on May 21, 1999. Four police in plain clothes had arrested and taken him in a police van.

When inquired about his status at the District Police Office, Hanumandhoka, and Police Headquarters, Naxal, by his family, the police said that he was not arrested. However, when the family reached Police Headquarters with clothes and medicine for him next day, a police officer returned his old clothes to his family.

His spouse has claimed that she saw him at Police Headquarters, Naxal, on June 10, 1999. On June 15, 1999, Nepali's relatives filed an application at then House of Representatives, appealing to make public the status of 15 other disappeared persons including Madan Nepali. They also knocked the door of Supreme Court filing a writ of habeas corpus, demanding his whereabouts. On this petition, a witness had showed evidence of Nepali's arrest. However, on July 12, 1999, the Supreme Court scrapped the writ petition, reasoning insufficient evidence of arrest. On August 17, 1999, another writ of habeas corpus was filed. Then the court issued order urging the State to make public the arrested persons. Since then, the Nepal Police, however, has been refusing that it arrested Milan Nepali.

Moreover, Milan Nepali was not included in list of 300 persons arrested in connection with the activities of then Maoist party which was made public by the Home ministry in February/March 2001. Now, a complaint has been registered at CIEDP with the registration no 2430.

What Next?

- The CIEDP must carry out thorough investigation to find facts and recommend the concerned bodies for action so as to ensure justice to the related family
- The body of the missing/killed one must be discovered and handed over to the concerned family for last rights (cultural rights)

4. MADAN POUDEL

A resident from Phulbari of Taplejung, Madan Poudel, 25, was affiliated to a local FM Radio Tamor. He was last seen on September 16, 2012. He had gone disappeared after he participated as a reporter and coorganiser at a program- Taplejung Dance Star. After eight days, his mobile and purse were found on the bank of the Tamor River. Although the Eastern Regional Police Office and the Central Investigation Bureau formed a joint taskforce for his search, no progress was made on it. Similarly, Tapljang Police arrested two persons in this connection, but released later.



What Next?

- Police must intensify the investigation related to disappeared journalist seriously.
- Security officials must conclude the position of journalist whether he is dead or alive and search for the offenders and reason for his disappearance.
- Family of the victim must be provided with compensation.

5. TEJU KHADKA

Teju Khadka a reporter associated to radio Budhinanda had gone disappeared while reporting from Bajura district. He was disappeared while returning home from the remote place Budhinanda of Bajura district. He went there to report on a religious event. He disappeared since August 25, 2018. State party is not showing adequate attention to ascertain the whereabouts of the journalist. Also the rescue team formed to investigate the journalist disappearance has not done their work effectively. His family has already lodged complaint at the local police station, yet no inquiry has been made in this matter.



What Next?

- Police and administration should search for the whereabouts of the disappeared journalist.
- Victim's family must be provided with relief from the concerned authority.

FF takes the following names which are claimed to be journalists, for further investigation whether they were killed for becoming the journalist-

1. Bhim Bahadur Gharti
2. Anand Kumar Thapa
3. Badri Khadka
4. Subash Mainali
5. Chin Bahadur Budha
6. Babur Kharel
7. Santosh Kumar Gupta
8. Chandan Nepali
9. Binod Sajan Chaudhary
10. Nagendra Pokhrel
11. Mohan Khanal
12. Padma Raj Devkota

Name of the a person which has been 'claimed as a disappeared journalist' but warranting additional investigation and research by this study is
Chitra Narayan Shrestha





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