

Nepal One Year On

**Censorship, Crackdown
and Courage**

February 2006

**An IFJ Report on the situation in Nepal one
year after the February 1, 2005 royal coup**



International Federation of Journalists

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INTRODUCTION

This month marks one year since the February 1, 2005 royal coup in Nepal, and despite the tireless efforts of the international community and Nepalese journalists, the fundamental freedoms and human rights of the Nepalese people are still being abused.

Despite assurances that the period of censorship, subjugation and violence would be temporary, as recently as last month the government increased its controls during an aggressive and deplorable crackdown on the Nepalese media and civil rights and opposition groups.

In the wake of the crackdown, accompanied by the increased tension surrounding the anniversary of the coup and the upcoming controversial municipal elections, it seems the situation for journalists and the Nepalese people is only worsening as the government continues to firmly and brutally exert its control on the country.

The International Federation of Journalists (IFJ), the global organisation representing over 500,000 journalists in more than 110 countries, strongly condemns the appalling actions of the Nepalese Government as unacceptable and expresses our unwavering support for the courageous Nepalese journalists who continue to fight for freedom and democracy against an oppressive and tyrannical government.

BACKGROUND

In November 2001, the King Gyanendra declared a state of emergency, effectively suspending all fundamental human rights and instigating more than three years of pressure on journalists and the media, which included detentions, kidnapping and killings. On October 4, 2002, King Gyanendra launched his first coup, dismissing the parliamentary government over its failure to stop the Maoist insurgency. Although he later reappointed the sacked prime minister Sher Bahadur Deuba, the king and the army retained control over significant areas, including security and combating the insurgency. Nepal has seen a steady deterioration of human rights, including press freedom and freedom of expression which culminated in the February 2005 royal coup.

During King Gyanendra's coup in February 2005, another state of emergency was declared and the king assumed executive powers, dismissing the parliament, arresting political opponents, censoring the media and suspending almost all fundamental human rights. As the king was delivering his televised address announcing the state of emergency, in a pre-planned military operation, armed personnel entered media organisations to prevent all radio and television news broadcasts and to censor newspapers. During this period, all phone, email and air communications were suspended and the country was virtually locked down.

King Gyanendra justified the measures with fear of insurgents. Editors and senior journalists of the country's largest circulating Nepali daily were summoned and told in no uncertain terms that if they did not follow the official directives, "no one could guarantee their safety". The king announced a six-month prohibition on any "interview, article, news, notice, view or personal opinion that goes against the letter and spirit of the Royal Proclamation on February 1, 2005 and that directly or indirectly supports destruction and terrorism".

Emergency lifted - April 2005

On April 29, 2005, the state of emergency was lifted, two days before it was due to expire. However fundamental rights were not restored. The Nepalese media is still prevented from operating with the same freedoms that existed before King Gyanendra's Royal Proclamation, and in some cases the curbs imposed on press and political activity have been strengthened. Additionally, freedom of expression has been severely limited due to intimidation and harassment.

International mission – July 2005

From July 10 to 16, 2005, twelve international organisations undertook a mission to Nepal in response to the deteriorating press freedom and freedom of expression situation. These twelve organisations, which included UN agencies, global media associations (such as the IFJ) and freedom of expression advocates, stressed the crucial importance of press freedom, freedom of expression, freedom of association, and the right to be free of persecution in any situation as fundamental components of democratic society and a driver of development and poverty eradication. The International Mission released a joint statement on January 31, 2006, expressing deep concern about the continued suppression of media rights and freedom of expression in Nepal.

UPDATE OF EVENTS

Civil rights crackdown – January 2006

On January 19, 2006, in moves reminiscent of last year's royal coup, the government shutdown major cities, arrested opposition leaders, arbitrarily cut off phone lines, and enforced a curfew to immobilise a pro-democracy rally scheduled for January 20. With the anniversary of the coup approaching, and the municipal elections scheduled for February 8, 2006, the government's crackdown was in reaction to the strengthening of anti-government sentiment and demonstration plans by opposition groups.

In less than 48 hours, at least six journalists were physically attacked, two arrested and the foreign media were clamped down on. In the first wave of arrests security forces arrested two journalists, editor of *Mulyankan* monthly magazine, Shyam Shrestha and publisher of *Roadmap Vernacular*, Dwarika Upreti, at their residences on January 19, 2006. Human rights' activists and senior leaders of the seven-party alliance were also arrested in an attempt to foil the alliance's protest demonstration. In the six days following at least six journalists were injured in police charges, where more than 500 protesters were arrested and assaulted. Journalists continue to be picked up, and detained from time periods ranging from a few hours to several days. Relatives, local human rights organisations and other members of the media have been denied access to detention centres.

In such a harsh environment field reporting has become almost impossible, with information channels limited due to restrictions on telephone lines and the insecurity of local email accounts and websites. Although the privately owned United Telecom Ltd resumed its wireless telephone service on January 25 the pre-paid cell phone service is still restricted. Additionally, the lack of news and advertising has meant that many

newspapers are only able to print partial editions, and the enforcement of the curfew has caused logistical problems for their distribution.

The second wave of arrests was from January 25 to 26 in reaction to smaller protests against the curfew throughout the country. Curfew (Red Alert) was declared for the whole of January 26 from 8am to 6pm, while the regular curfew was ongoing nightly from 9pm to 4am.

In what is seen as an indication of the growing intolerance of the royal regime towards independent Nepali and foreign media, these incidents accompanied reports of Indian dailies being censored, specifically articles about the arrest of Nepal's top opposition leaders on the eve of the rally. Indian news channels Star News and Aajtak were taken off the air on January 26 for two days. Additionally, teams from *Star News* and CNN-IBN reportedly had their tapes confiscated and deleted by security forces when they recorded the house arrest of Madhav Kumar Nepal, leader of the largest communist party in the kingdom, the Communist Party of Nepal-Unified (Marxist-Leninist).

There has been an almost unanimous condemnation of the king's recent actions by the international community, with the United States, United Kingdom, European Union and India publicly condemning the crackdown. The United Nations secretary-general Kofi Annan has also expressed his concern with recent events, and international press freedom organisations including the IFJ have slammed the government for its blatant disregard for civil liberties.

Conflict: The current context

In September 2005 the CPN-Maoists announced a three-month unilateral ceasefire, which was extended for another month due to popular pressure. In November 2005, the Maoists then formed a loose alliance with seven political parties to jointly press for democracy, in the aftermath of King Gyanendra's refusal to match the ceasefire. On January 2, 2006 the Maoists ended the four-month ceasefire, despite pleas from political parties and the United Nations, claiming the attacks from the Royal Nepalese Army (RNA) had forced them back into the offensive.

IMMEDIATE CHALLENGES AHEAD

Maoists and opposition boycott polls

Maoists have threatened to boycott the long-delayed municipal elections set for February 8, 2006, claiming they are aimed at legitimising the anti-democratic regime of King Gyanendra. The Maoists have warned they will take "special action" against election officials and candidates. In the past the insurgents have kidnapped, beaten or killed those who disobeyed them. Nepal's seven major political parties have also pledged to boycott the polls calling them a "farce" to justify the royal takeover. They want the king to delay the polls, hand power back to an all-party government and begin peace talks with the Maoists.

KILLING, HARASSMENT, INTIMIDATION OF JOURNALISTS

In the year since the February 1 coup, the IFJ has been committed to the documentation of the systematic arrests, intimidation and harassment of Nepalese journalists, by both the RNA and the Maoist insurgents. Media practitioners and freedom of expression advocates across the country continue to be subject to killings, violent attacks, intimidation, harassment and displacement by both the government and the Maoists. Moreover, media practitioners and others continue to “disappear” or be detained and imprisoned for the free expression of their opinions. Media practitioners are protected under national and international law and agreements and those who violate these must be held accountable and prosecuted

Journalists killed

At least three journalists are known to have paid the ultimate price for their profession since the February 1 coup. Editor and publisher of *Dharan Today*, Khagendra Shrestha, 45, was shot in the head by armed men in his office on March 15, 2005 and died on March 31. A month earlier, during routine security operations editor-in-chief of *Bhurichula*, Padma Raj Devkota was killed. Finally, Maheshwor Pahari, former journalist for the *Rastriya Weekly*, died on October 4, 2005 from tuberculosis after being maltreated in detention for a year and a half and receiving no medical treatment for his illness. Pahari was held under an anti-terrorism law that has been used to jail journalists since it was introduced in November 2001.

Journalists harassed/threatened

In the months immediately following the coup there were countless incidents of journalists being threatened and harassed by government security forces (the RNA and Nepalese Police Force) as well as by civil authorities (such as zonal administrators and the chief district officers). The Maoists also exerted pressure on journalists, giving similar threats for anti-Maoist stories or for allegedly being pro-monarchy.

Unfortunately, the situation has not improved one year later, with recent reports of journalists receiving death threats, enduring unjustified lengthy interrogations, and having their equipment, such as cameras and tape recorders confiscated and erased.

Journalists tortured, arrested, detained, and abducted

The pattern of daily arrests and short detentions appears to be one of the strategies used by the army to intimidate journalists and crush peaceful dissent by the media community. Many shocking stories have emerged from Nepal about the treatment of media workers by security personnel.

Nepal has the largest reported number of enforced "disappearances" in the world, according to the Human Rights Watch's (HRW) World Report released on January 18, 2006.

The most recent spate of arrests in January 2006 has done nothing to offer hope for change with many arrested with no charges laid, and at least four journalists are still being detained. Many more were beaten and abused in the process (please see Appendix A. for a full list of those arrested and assaulted in the January 2006

crackdown). Unfortunately these latest actions suggest that arbitrary arrests, detentions, interrogations and other forms of harassment have become a continuing feature of King Gyanendra's government, despite promises for change and the impending "democratic" municipal elections.

CENSORSHIP

Half of the cases of censorship in the world in 2005 were in Nepal, where at least 425 journalists were arrested, attacked or threatened. This censorship takes many forms, some more direct than others.

Direct censorship

The draconian censorship, which the authorities imposed on the Nepalese news media after King Gyanendra assumed full powers, has had no precedent since the restoration of democracy in 1990. One year later, the situation has only deteriorated, as FM and community radio stations, dozens of local media, websites, and government media are either being censored or blocked. The RNA and local administration have continued to directly control news reporting (particularly outside of the capital), and often in remote regions news media are banned from carrying news about the Maoists or opposition parties. In Maoist controlled areas, insurgents have continued attacks on state media installations, such the bombing of a Nepal Television repeater tower on January 18, 2006, and terrorised journalists for their reporting. All this constitutes serious violations of press freedoms and encourages journalists to censor themselves. The international community has condemned the direct censorship exercised by both the government and the Maoists, which is denying millions of Nepalese access to news and information.

Indirect censorship

Indirect censorship of the media in the form of advertising bans, pressure on private advertisers and end-to-end disruptions in the chain of distribution of newspapers, comprise a less obvious, yet equally insidious form of pressure on the media. Indirect censorship plays a key part in what appears to be a highly orchestrated campaign to erode and eventually extinguish independent media in Nepal. Self-censorship has also become more and more common, with journalists fearful of endangering themselves by angering government officials or Maoists.

FM and Community Radio

Soon after King Gyanendra declared the state of emergency, the new Minister of Information and Communication banned broadcast news and current affairs in FM and community radio for six months from February 4, 2005. Despite the lifting of the state of emergency in April 2005 the ban remains in effect in February 2006, despite claims that all fundamental rights have been re-instated. This has had disastrous consequences for the Nepalese people's access to information, as many depended on the accessibility and affordability of radio. The banning of radio news and related programmes continues to be one of the most significant violations of freedom of expression, and is also contributing to deep national uncertainty even one year on from the coup.

Attack on Kantipur FM

One of the most significant and shocking censorship attempts occurred when government forces shut down radio station Kantipur FM. Just before midnight on October 21, 2005, dozens of armed police stormed into the Kantipur FM Station and seized vital equipment, including an encoder, satellite modem and digital audio recorder.

The attack came on the eve of the station's seventh anniversary, and just hours after nationwide protests condemned the new media ordinance. The ordinance, put in place on October 9, banned news programs on FM stations, restricted media licences, forbid any news damaging to the king or members of the royal family, and increased penalties for defamation ten-fold. The government gave the station only 24 hours to provide a written explanation as to why it had not stopped its news broadcasts, threatening to shut them down if the explanation was not satisfactory.

These actions were condemned by the international community and organisations such as the IFJ, who petitioned the king to revoke the ordinance and reinstate democracy. Despite the station (and nine other media groups) fighting both the attack and the legality of the media ordinance in the Supreme Court, on November 11, 2005, the Nepalese Supreme Court voted against the petition. Within hours of the judgement Kantipur FM announced they would be halting news bulletins indefinitely to be in compliance with the verdict, and the ban is still in place today.

GOVERNMENT POLICY, MEDIA AND THE LAW

The Nepalese Government has introduced a number of laws used to monitor and control the media. The government's latest plans, revealed in early January 2006, to introduce a Broadcasting Authority Ordinance to 'regulate' the radio stations, cable TV and online media, could have disastrous consequences for the development of independent radio broadcasting in Nepal. The proposed ordinance aims to create a body under its control with the power to suppress the right to broadcast news and information, and to charge exorbitant licence fees, placing an impossible economic burden on the already struggling FM stations. In June 2005, the government imposed a de-facto ban on all public advertising for newspapers, radio or television, that were critical of the government, when it introduced the "One Door Advertisement Policy," which limited public expenditure on advertising to media that demonstrate "respect for the nation, nationality and the monarchy".

Additionally, King Gyanendra uses two major pieces of legislation to extend the powers of the government and security forces to control the media and opposition. Nepal's *Public Security Act*, which was used for the mass arrests in the January 2006 crackdown, permits detention without trial, initially for up to 90 days, to prevent persons from committing actions that "undermine the sovereignty, integrity or public tranquillity and order of the Kingdom." Additionally, the *Terrorist and Disruptive Acts (Control and Punishment) Ordinance* (TADO) allows preventive detention for up to one year and has been widely misused for arbitrary detentions, torture, disappearances, and extra judicial and summary executions.

RESISTANCE AND PROTESTS: The media fights back

Despite the crackdowns and increased power of the government, rallies, demonstrations and continued solidarity amongst the media and human rights groups have persevered ensuring the courageous campaign against repression and tyranny and for press freedom is sustained.

The Federation of Nepalese Journalists (FNJ)

The FNJ has been very vocal in its immediate opposition to the coup and the restrictions and abuses placed on media practitioners since then. For their vocal protests, the FNJ general secretary, Bishnu Nisthuri was detained for two weeks and then president Tara Nath Dahal was forced to go into hiding for over a month.

However, the FNJ has refused to give in despite threats and targeting by both security forces and the Maoists, and it continues to organise protest actions, provided support for media personnel affected by the bans, and maintain a steady flow of information within Nepal and to the global media community.

Like their print counterpart, the FM and community radio broadcasters have also reacted as a group. On May 19, 2005, an umbrella organisation, the *Save the Independent Radio Movement* (SIRM), was created, which incorporated *The Broadcast Association of Nepal*, *Broadcasters Association of the Kathmandu Valley* and *Community Radio Broadcasters Association*. An alliance of weekly and fortnightly newspapers was also recently launched.

A strategic campaign has been launched by SIRM to create public awareness in connection with the general movement for press freedom and freedom of expression in Nepal. The SIRM has also been lobbying and negotiating with the authorities as part of the overall freedom of expression movement in Nepal.

However, in such a daunting and distressing period it is inspiring to continually see such strong solidarity among journalists in Nepal, aided by the courageous work of the FNJ who continue to fight the oppressive moves of the totalitarian government.

The IFJ pledges its continued support and solidarity with the Nepalese journalists and congratulates the FNJ for all its heroic efforts in the struggle to restore complete media freedoms and democracy in Nepal.

WHERE TO FROM HERE?

One year on from the February 1, 2005 royal coup, despite the valiant efforts of Nepalese journalists, international bodies and human rights organisations, the situation in Nepal has not improved, with events in recent weeks bearing witness to a further deterioration of basic freedoms and civil rights in the country.

The IFJ stands united with journalists in Nepal in their courageous campaign against repression and tyranny, and their ongoing fight for press freedom.

It is vital that the international community continues to work to address press freedom and freedom of expression in Nepal and to persist in monitoring, documenting and internationally publicising all violations of civil liberties that occur.

In the coming weeks with the increased tension arriving with the anniversary of the coup, and the impending municipal elections the international community must closely monitor the events that transpire and condemn any further incidents of human rights abuses.

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Additionally, international actors, especially those in a position to influence the king through economic and trade sanctions, must send a clear message that the current situation is unacceptable and that fundamental freedoms and rights must be restored to the Nepalese people immediately.

We urge all affiliates to participate in the campaign to restore press freedom and freedom of expression to Nepal. We particularly urge affiliates to lobby their governments, protest to their Nepalese Embassy and petition the Nepalese Government to demand the restoration of democracy in Nepal.

The IFJ will continue to work with the FNJ to develop ongoing project support to build and develop and strengthen the FNJ as an independent voice for journalists' rights in Nepal, both in Kathmandu and in regional Nepal.

We urge the brave journalists in Nepal to continue their fight, and we assure them that the world is watching and supporting them in their battle.

APPENDIX A

List of journalists arrested and assaulted since January 19, 2006. This list is not exhaustive.

Beating and harassment of journalists

- January 21, 2006: Mr. Tanka Pant of *Samacharpatra* and Prakash Silwal of *Himalayan Times* were attacked at Baneshwor, while covering news on the program of littérateurs. They were taken into the van, threatened, manhandled and released after a while.
- January 23, 2006: Butwal reporter of *Annapurna Post*, Mr. Mahendra Thapa received injuries to the head by baton charging of security personnel while reporting a students' protest program at Butwal.
- January 24, 2006: Security forces manhandled Mr. Chandramani Wagle, editor of *Nawaparicharcha Weekly* at Sarlahi, mid-Terai region of Nepal while reporting a protest program.
- Some journalists were injured when police beat them up when reporting news of the agitation by the political parties in Tanahu, western Nepal.

Journalists detained:

- January 19, 2006: Shyam Shreshta, editor of *Mulyankan* magazine. Shreshta remains in detention at 2 No. Post of Armed Police Force at Maharajgunj.
- January 19, 2006: Dwarika Upreti- publisher of *Roadmap* weekly, remains in detention at 2 No. Post of Armed Police Force at Maharajgunj.
- January 20, 2006: Mr. Keshab Neupane, reporter of *Darshan Daily*, Biratnagar, (Eastern Nepal) was arrested by security forces while reporting in Kathmandu. He was given a letter for three months custody.
- January 22, 2006: Khem Bhandari, editor of *Abhiyan* Daily from Mahendranagar, Kanchanpur was arrested and issued a seven-day notice, for allegedly attacking policemen. He was released on Jan. 25 following a high level FNJ Mission that negotiated his release.
- January 22, 2006: Mr Damodar of *Bikalpa Weekly* was arrested from a protest rally at Hanumandhoka, while he was reporting. He was released on the same day.
- January 25, 2006: Early in the morning Shiva Patel, publisher and editor of *Madhesh Darpan* weekly was arrested from his house, along with Brijlal Paswan, sub editor of *Madhesh Darpan Weekly*. They were both released on the same day at 6pm.
- January 25, 2006: Dil Bahadur Eair from Dadeldhura was also arrested. He has now been released.

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- January 26, 2006: In Nuwakot, the bordering district to Kathmandu. Shiva Devkota, chairperson of Nepal Press Union (NPU) district committee Nuwakot and Raju Thapa former chairperson of FNJ in Nuwakot were arrested on January 26, 2006, at 2pm while they were reporting news at a mass rally organised by seven agitating political parties against the nomination attending for the municipal poll call for February 8. They have now been released.
- January 27, 2006: Three journalists Mr. Janak Neupane, Mr. Chandra B.C. and Mr. Sitaram Jaisi and one human right defender of INSEC were arrested by security forces at Dailekh. The reasons for the arrest are not yet clear.
- January 29, 2006: Ms. Chamina Bhattarai, reporter of *Pratik Daily*, Birgunj (Central Nepal) was arrested from Simara. She has been arrested under the Public Security Act for threemonths.
- January 29, 2006: Mr Narayan Timilsana, newsreader with Shrinagar FM, Palpa, was arrested and released after a few hours.
- January 30, 2006: Mr. Jagadish Bhattarai, station manager of Shrinagar FM, Palpa was arrested by security forces at 12pm.
- January 31, 2006: Mr Ambika Timilsana, branch president of the FNJ was arrested from his home in Sankhuwa Sabha.
- Tej Narayan Sapkota continues to be detained in Nakku jail.

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