

NEPAL A RIGHT ROYAL MESS

On April 24, 2006, King Gyanendra, forced by the rising tide of popular opposition to his autocratic regime, announced the reinstatement of Parliament which stood dissolved since the king's takeover of the government on February 1, last year. This historic breakthrough that lays the ground for the restoration of press freedom in Nepal was achieved by the consistent struggle by pro-democracy activists, with journalists at the helm.

The press freedom situation in Nepal saw a significant deterioration since the royal coup of February 1, 2005. Intimidation, harassment, attacks and detention of media professionals, particularly in the districts, have continued unabated. Journalists have been facing continuous threats from Chief District Officers (CDO) and security personnel for writing news regarding conflict and government policies and actions. Hundreds of journalists have been arrested and detained for varying lengths of time in the past year. Journalists have also been subject to threat and harassment by Maoists. However, threats from the Maoists have reduced, especially after the understanding between Maoists and the Seven Party Alliance (SPA) in November 2005.

The crackdown by the Government on peaceful demonstrations, which intensified after April 6, 2006, has revealed the brutal face of the administration. Armed police and the Royal Nepal Army (RNA) have used excessive force, tear gas and batons and fired indiscriminately at protestors in an attempt to control the mass protests across Nepal, which began on April 6. Journalists both reporting and participating in the popular protest demonstrations have been particularly targeted.

There has been continuous psychological pressure on journalists and media professionals, especially in the districts. Local administrators and army personnel routinely summon journalists in order to intimidate them. Editors, publishers and correspondents outside the Kathmandu valley are so intimidated that their capacity to write fair news regarding the activities of local security and administrative affairs is severely hampered. Media professionals across the country have been hesitant to disseminate news fairly against the security, administrators and governance.

In its latest attempt to restrict access on information of independent media in April 2006, the Government, refused to issue curfew passes to those independent media houses, which are critical of the Government, thus hampering the access to information of the Nepalese people.

Apart from psychological fear, harassment, intimidation and arrest, the Government has been trying to destabilise the media sector with various legal and administrative measures such as the restrictive Media Ordinance of October 9, 2005, renewed on April 3, 2006; interference in the media market; attacks on FM radio stations; creating division among media organisations; 'one door' advertising policy; control of media by district and zonal administrations; and the proposed media council.

Legislative controls on the media

The state of emergency imposed immediately after the royal coup was lifted on April 29, 2005 due to mounting national and international pressure. Even after the end of emergency, the Government did not allow the media to print and broadcast as freely as before the royal take over. Restrictions on FM radio remained in practice. On May 2, 2005, just three days after the revocation of emergency, the mid-regional administrator, Rabindra Chakrabarti, issued a directive to FM stations to broadcast only "pure entertainment programs" as directed by the notice of Ministry of Information and Communication of February 2, 2005. It was illegal because the administrator had no authority to issue such a directive, which was also in



In a country where journalists face immense repression, pro-democracy rallies against Nepalese King Gyanendra were common, such as the one in Kathmandu, Nepal on Monday April 10, 2006. Photo courtesy of INS photo service.

Armed police and the Royal Nepal Army (RNA) used excessive force, teargas and batons and fired indiscriminately at protestors in an attempt to control the mass protest campaign across Nepal, from April 6-24, 2006. Journalists both reporting and participating in the popular demonstrations were particularly targeted.

violation of the Supreme Court order.

Under pressure from the RNA, the Government also issued a notice to Communication Corner (Pvt.) Ltd. on May 27, 2005 without giving it an opportunity to justify its continuation. This decision was challenged and the Supreme Court has stayed the notice. Similarly, the Government served a notice to Rainbow FM (Pvt.) Ltd., which runs Nepal FM, on the ground of broadcasting news called *Rajdhaani Khabar* on August 3, 2005. The Supreme Court has stayed the Government action in this case well.

On April 11, 2005, the Terrorist and Disruptive Activities Ordinance (TADO) extended now includes new provisions that consider actions, such as disseminating information to or from Maoists, to be 'crimes related to terrorism and disruption' and if found guilty, individuals face fines of between Rs 10,000 to 50,000 (150-700 USD) and one to three years in jail. The amendment defines actions by Maoist accomplices as: those who remain in contact with, give assistance to, supply information to or disseminate information from the Maoists as being an accomplice. The legislation gives authorities a free hand to continue with arbitrary detentions, torture, disappearances, and extra judicial and summary executions. Government officials say the TADO is needed to fight the Maoists, but human rights groups say it has led to widespread human rights abuses. Several journalists are facing charges under TADO.

In addition, the *Public Security Act* continues to be used to arbitrarily detain journalists who dare to express pro-democracy views.

New media ordinance: increased controls

On October 9, 2005, the king promulgated an "Ordinance Amending some of the Nepal Act Related to Media" (the "Ordinance"), which has the effect of amending six of Nepal's key pieces of media related legislation: The *Radio Act, 1958*; *National Broadcasting Act, 1993*; *Press Council Act 1991*; *Press and Publication Act, 1991*; *National News Agency Act, 1962*; and *Libel and Defamation Act, 1959*. By amending the existing laws, the