Trespassed on Press

Binod Dhungel

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World Press Freedom Day
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Foreword

Press freedom is an important element of democracy; and of a vibrant society. The fundamental human right of freedom of opinion and expression and the right to information, constitutionally guaranteed in all democratic countries including Nepal, are the foundation of the press freedom.

The press is a medium where the ordinary citizen can exercise their rights to freedom of expression and the state can ensure that the right of information of citizens are implemented. The press serves the public and the state. However, the press has its own principles and limitations. It is not always in favorable position as it may dissatisfy many for many reasons.

During the 177 days of the Madhesh protests in Nepal, the opinions in the society were deeply divided and in such time, the press acts neutral within it’s conscience giving space to all the opinions and voices as it deems important. But in doing so, the press also draws dissatisfaction of some groups, which is not abnormal. What was abnormal and undesirable during the protests was that the dissatisfied groups attacked the press for their coverage and contents.

As evident in this important study by Binod Dhungel, the press became a target of state and non-state parties for not serving their interests. This is a concerning trend and all the stakeholders of Nepali media and society should sit together to discuss the trend and find out ways to ensure such trend does not continue to happen in future.

This study is being released on the World Press Freedom Day with a hope that the records of such incidents are important to hold all responsible parties accountable whereas the media and journalists also need to introspect their acts and contents to ensure that they maintain the professional standard of journalism and stick to the principles and ethics of the profession.

The Center for Media Research – Nepal (CMR-Nepal) thank senior media research fellow Binod Dhungel for making available this study to publish and thanks everyone who provided important facts and information to the study.

Ujjwal Acharya,
Executive Director,
Center for Media Research – Nepal,
Kathmandu, Nepal.
Introduction

On September 24, 2015, the United Democratic Madheshi Front (UDMF), an alliance of four political parties based on the south plains – or Terai – decided to close down roads on the border points halting imports and exports with India. The decision was a part of the agitation that the UDMF had launched on August 16 after the promulgation of the Constitution of Nepal. The agitation was a protest against some of the provisions of the Constitution that the Nepalis of Madhesi origin and Tharu minorities claimed discriminates against them. Three days prior to that decision, India – unhappy with the promulgation of the Constitution against their advice - had restricted the supplies to Nepal imposing an ‘unofficial blockade’.

The UDMF called off the protest on February 8, 2016, a day after the lifting of the 135-day blockade by India. During the agitation, 50 Nepalis of Madhesi origin and 8 security personnel were killed in several incidents.

In 177 days of the agitation in the Terai, from August 16, 2015 to February 12, 2016, was a difficult time for journalists and media. Media and journalists became victims of violence by both sides – the protesters and the police. Despite media persons wearing press jacket and identifying themselves as journalists, both parties continued harassments and attacks on journalists. The political unrest impacted free media in several ways: attacks on media offices and media persons, threat, intimidation, silencing, obstruction on newspapers circulations, vandalizing of press vehicles and more.

According to Federation of Nepali Journalists (FNJ), the umbrella organization of Nepali journalists, a lot of journalists were threatened, publication, distribution and broadcasting of hundreds of print and radio were obstructed because of the transportation strike; and shortage of petroleum products and raw materials like newsprint.

Media faced pressure to censor the content and threats to physical security. Some media also published and/or broadcasted questionable contents going against journalistic principles and ethics. The situation was against the balanced content in the media. In general, Madhesh-based media and journalists had to self-censor and felt physical insecurity, which created a panic among the journalists.

Out of 97 incidents of violation of press freedom recorded during the unrest, 80 occurred in Terai. Dr Mahendra Bista, the FNJ chairman, noted that there were incidents of press freedom violation every day in the first 100 days of the agitation.

General Background

The trouble started just before the proclamation of the Constitution of Nepal on September 20, 2015 and continued for nearly six months. During this period, India imposed undeclared blockade against Nepal, indirectly supporting the Madhesh Movement, on the very next day. The blockade was finally lifted by opening the Birgunj entry point at the Nepal-India border, after more than 135 days.
In the evening of September 20, the Constituent Assembly (CA) of Nepal approved the new constitution with 308 Articles spread over 39 Parts and 9 Schedules with an overwhelming two-thirds majority (507 out of 598 CA members). But, the Constitution did not satisfy all. As a result, some Madheshi groups started agitation in Terai region protesting proposed delineation of the federal provinces and ‘discriminating’ provisions on rights. Some of their demands were addressed when the legislative-parliament amended the constitution; yet the UDMF agitation continued.

The agitating leaders publicly expressed their respect to press freedom, but their cadres did not follow the suit. Media persons covering the incidents faced troubles while newspapers were burnt, and press vehicles vandalized. In a nutshell, the free flow of information was prevented.

"It was very difficult for journalists in the entire region for field reporting due to strikes, curfews and agitation”, Dashrath Bhandari, a senior journalist in Mahottari district, recalled. “There was no safe atmosphere at all. Journalists were afraid of attacks from both sides."

Shyam Sundar Yadav, editor of Saptari-based News Today daily, evaluated, the agitators targeted local scribes of Kathmandu-based media alleging that they did not give good coverage of the protest; the desk editors in Kathmandu distorted the news dispatched by the local scribes which led to Madheshi leaders’ embarrassments and threats, open and in person.

**Methodology**

This report covers all incidents of press freedom violation in a descriptive manner in inverted chronological order under sub-headings.

The report covers 177 days from August 16, 2015 to February 8, 2016. This is the time span of Madhesh Movement 2015. The UDMF claimed the Movement has not concluded and only the form of agitation has changed, the public life has returned to normalcy.

Information gathered are primary and secondary data based on various sources, mainstream mass media, FNJ statements, social media and interpersonal communication of local journalists. All information was verified against a second source – either local authority or local journalists. For some incidents, local political activists, National Human Rights Commission (NHRC) and Members of Parliament were consulted.

The researcher also visited Bhairahawa, Butwal, Birgunj, Biratngar, Damal and Kakarvitta from January 14 to 20 and obtained additional information on incidents and trends from interactions with local journalists. The incidents in the report are categorized in two timeframes - before and after the announcement of the new constitution.

Under the 'Attacks in General' sub-heading, the report also covers the incidents of press freedom violation in the same time period but outside the Madhesh Movement region.
Mounted Aggression Against Press

1. After the Promulgation of the Constitution

Terming the widely cherished new constitution as a ‘black constitution’, protests broke out in southern part of the country over the proposed federal structure. The protests paralyzed regular life putting the free press at the receiving end of aggression.

Attacks on media houses

During the protests, several offices of media houses and journalist organizations were attacked. A group of 15 local youths vandalized the office of Radio Madhesh in the district headquarter of Sarlahi on January 28, 2016. The group stormed the premises breaking the gate and vandalized windows, doors and furniture forcing the station to stop broadcast due to insecurity.

On November 25, 2015, an unidentified group hurled an Improvised Explosive Device (IED) at the office of Radio Parasi in Parasi bazaar of Nawalparasi. The explosion caused no injuries but badly damaged the office premises and, as a result, Radio Parasi suspended broadcasting indefinitely. The attackers also torched a motorbike parked in the premises.

In the third week of November, Sanskar FM of Bara district stopped airing news bulletins due to pressure from the agitating political forces. The FM management said they received many letters from the UDMF.

Likewise, the agitators vandalized Birgunj office of Avenues Television on October 9. Other agitators vandalized Parsa district office of the Federation of Nepali Journalists (FNJ) in Brahmachok of Birgunj-15 on September 21.

Journalists under bomb and bullet

A journalist was injured in a Molotov attack on November 3 at the dry port in Birgunj. The agitators threw a Molotov cocktail targeting to police, which injured journalist Vidhyarthi Giri of Nepalvani Radio Network.

In another incident, Police Inspector Surendra Shrestha, who was commanding a squad, ordered photojournalist Shyam Sunder Sutihar to stop photographing at gun-point in Biratnagar, east Nepal on September 21. Police had asked the journalists not to take photographs of the clash between agitators and police which the reporting journalists didn’t give a heed to and the infuriated Police Inspector Shrestha aimed gun at the photojournalist and deleted the photographs from his camera.
Media persons manhandled/misbehaved

Police arrested and beat journalists **Ram Hridaya Sah** of Abhilap Daily, **Aastik Sah** of Appan TV and cameraman **Rakesh Mishra** of Appan TV while they were reporting a clash between police and protesters in Janakpur on December 28. The police only released them after deleting the images from their cameras.

On December 27, Madhesi cadres misbehaved with journalist **Ajay Chaurasiya**, reporter of Bhojpuri Times, in Birgunj.

Police, in Lahan of Siraha district, beat journalists on December 10 including **Sameer Acharya** who was filming police atrocity on local people in the queue to collect cooking gas cylinders. Journalist **Dilip Kumar Singh** was attacked by Police Inspector Panchu Chaudhary for taking pictures of injured Acharya. **Ramananda Gupta**, former FNJ district chairman, tried to stop the police but was knocked down. The journalists say they were reporting as they suspected the gas was being black marketed under police protection.

On November 23, police vandalized a motorcycle of **Parish Karna** of Chandra FM in Saptari district and misbehaved with him.

Earlier in the day, police had manhandled Karna and other three journalists. **Om Prakash Sah** with Bilochan weekly, **Shatish Datt** with Mithila weekly, and **Ashutosh Prasad Singh** with C FM were reporting the demonstration organized by various political parties while policemen abused them verbally and barred from reporting on the death of a protester in police firing.

On November 18, UDMF cadres manhandled **Irfan Ali**, Birgunj-based reporter for the News24 Television while he was filming a rally. Some participants of the rally started blaming him of not reporting fair about them and one of them threw a burning torch at him.

On October 9, the agitators attacked Avenues TV’s Birgunj Bureau Chief **Raju Shrestha** and reporter **Jayalal Sah** while they were on duty.

On October 8, police manhandled **Pratik Shrestha** with Avenues TV, **Himal Khadka** of Himalaya TV and **Brahmadev Yadav** of Nepalipatra weekly, in Biratnagar while they were on duty to cover the protests. Police indiscriminately baton-charged them ignoring their press cards.

On September 21, the protesters misbehaved with **Ram Sarraf**, a reporter for The Himalayan Times daily, **Naresh Sarraf** of Nepal 1 Television, Birgunj Sandesh’s **Nehal Khan**, Birgunj Samarcharpatra’s **Amit Sah** and News24 Television’s **Irfan Ali**. They also manhandled **Parsa**
Post’s Sujit Bhujel and Rakesh Patel while vandalizing Bhujel’s motorcycle. They were attacked at the Narayan Regional Hospital where they were reporting on the condition of the injured protestors.

On the same day, in the neighboring district of Parsa, Madheshi agitators manhandled and misbehaved Ujyalo 90 Network’s Jay Narayan Yadav, Gorkhapatra daily’s Shiva Shankar Mishra and Avenues TV’s Bhaiya Ram Sah while they were reporting the incidents of arson and vandalism in Birgunj. Mishra’s camera was damaged in the attack. In Biratnagar, police manhandled Abadhes Kumar Jha of Kantipur daily, photojournalist Shiva Shankar Sutihar, and Prateek Shrestha of Avenues TV while they were covering the clash between agitators and security persons. Police also misbehaved with journalist Avinash Nidhi.

**Journalists threatened**

During the entire period of the protests, the agitators targeted journalists claiming that they didn’t prioritize the issues they were agitating on. The security forces targeted the journalists for allegedly instigating the violence or in the name of maintaining law and order.

On December 21, police threatened journalists Bishwanath Thakur and Om Prakash Thakur in Malangawa, the district headquarter of Sarlahi while reporting.

In the mid-west, Kamal Panthi, Bardiya correspondent for Kantipur daily, was threatened to death on Facebook by a cadre of agitating Tharuhat Party over a news story on October 2. Tharuhat cadre Mukesh Chaudhari commented on Panthi’s post on Facebook: “This Kamal Panthi should be burnt to death in an open square.” The comment panicked journalists in the district and Panthi lodged a complaint at the District Police Office (DPO) seeking security and action against Chaudhari. The police arrested Chaudhari and released him after two days after he committed not to repeat the act. Later, the district coordinator of the party, Govinda Tharu, admitted it was a grave mistake and apologized.

**Newspapers circulation obstructed**

During the prolonged agitation, the circulation of newspapers was badly hampered. Protesters set fire on vehicles carrying newspapers, burnt newspapers, and threatened vehicle drivers. The agitators burnt Sanskar Khabar daily in Birgunj on November 18, and pressured the newspaper to black out activities of other political parties and the Constituent Assembly members.

On September 30, the agitators torched hundreds of copies of Kathmandu-based dailies Kantipur, Annapurna Post, Nagarik, Gorkhapatra, Rajdhani, The Himalayan Times and Naya Patrika in Birgunj.

The agitators burnt hundreds of copies of The Himalayan Times, the Annapurna Post and the Arthik Abhiyan dailies on September 21 just because they had the promulgation of constitution as the main news. The agitators said they had to resist newspapers, as the publications were not covering the news in the support of norms and spirit of their movement. They stopped the
vehicles, looted and burnt the newspapers on the highway at Chainpur cross section on Birgunj – Kalaiya road. Likewise, they blocked the vehicles carrying Nagarik and Kantipur dailies from entering the Birgunj city. Some agitators in Janakpur also set fire on hundreds of copies of daily newspapers.

On September 26, agitating youths broke dozens of television sets in Janakpur as a symbol of protest against Kathmandu-based television channels. According to Shailendra Mahato with Ujyalo FM, they blamed national TV channels of distorting facts and covering news of the protests in biased manner. A banner they were carrying read: “Madheshi youth boycott national media as they have been racist”.

Press vehicle vandalized

A group of 20-25 agitators set fire on a vehicle of Kantipur Publications at Parwanipur, Bara on December 27 for allegedly publishing news against the protests. The vehicle was returning to Chitwan Regional Office after transporting newspapers to Birgunj.

Printing newspapers halted

The obstruction in the supply of essentials including the petroleum products to Nepal from Indian border by the agitators forced media houses to stop printing. In various parts of the country, many media houses stopped printing newspapers due to lack of the raw materials (paper and ink) and fuel. In Biratnagar, five local dailies - Ujyalopatra, Udghosh, New Shristi, Jana Bidroha Darshan and Biratpath – suspended printing for a few days issuing a joint statement.

A meeting of the publishers and editors of all daily newspapers on September 29 decided to temporarily cease publication citing the lack of raw materials and fuel. They also said that distribution of the newspapers outside the city was impossible. Obstruction on circulation, physical and psychological pressure to journalists, and lack of advertisement were some of the other reasons behind the closure of the newspapers,
according to the joint press statement. Similarly, Kathmandu-based national daily Nagarik also stopped its Purveli (eastern) edition. Moreover, newspapers in the capital reduced the number of pages owning to the possible shortage of raw materials due to the blockade.

Public intimidations of media

The agitating political parties intimidated media in different forms. They dictated media not to disseminate news of other political parties and banned television channels. Likewise, Indian television channels were also banned as protest against Indian blockade.

Madhesh-based political parties made attempts to dictate media contents. The agitating parties affiliated to the UDMF organized a press conference on October 27 in Bara to formally declare their ban on media and ordered all media not to disseminate any news or messages or advertisements of other political parties.

In a separate incident, television cable operators closed all the Indian channels throughout the country on September 29, in response to the undeclared Indian blockade. Operators, organized under two associations, jointly took the decision citing that India has interfered on Nepal’s national sovereignty. Before that, local cable operators in Chitwan, Pokhara and Mahendranagar had stopped Indian channels.

The Ministry of Information and Communications (MoIC) directed the cable operators to lift the ban, and sought justification. Agitating Madheshi parties opposed the cable operators’ decision claiming that the closure was ‘cultural encroachment against Madheshi community’. As a revenge, the agitators compelled local cable operators to stop broadcasting Kathmandu-based national television channels in some southern parts. On September 30, Pradeep Yadav, Convener of the People Mobilization Committee of UDMF, issued an order to close Nepali television channels in Birgunj. In some parts, the agitators also ordered local FM radio stations not to play Nepali music.

"Condition in the entire Terai region was extremely harsh for free press," Shatrughan Nepal, Birgunj-based journalist shared the experience. "Both the agitators and the security forces were intimidating free media."

2. Before the Constitution: Media’s Apathy

As the Constituent Assembly was making efforts to promulgate new constitution, the antipathies were spreading across the country putting the press in distress. Nepal witnessed strikes in different parts. With the strikes, the media and journalists faced several incidents of violation of press freedom.
The Kailali carnage and aftermath

On August 24, Tikapur of Kailali, a district in the far western Nepal, witnessed an unfortunate violent incident. During a protest by the indigenous Tharu population demanding an autonomous Tharu province in new constitution, the protesters turned violent and singled out policemen to murder them. Eight policemen including a Senior Superintendent of Police (SSP) and a two-and-half-year-old toddler was killed by the protesters. The killed boy was a family member of a slain policeman.

On the act of the retaliation, on August 25, the Phoolbari FM, a local radio station owned by Tharu leader Resham Chaudhari, was set on fire by including the relatives of slain toddler Takendra Saud. The attack forced the radio station to remain closed indefinitely as the equipment were damaged.

### Incident of Press Freedom Violations Around the Kailali Carnage

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<th>By Security Forces</th>
<th>By Non-State Parties</th>
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<tr>
<td>Due to round-the-clock curfew order, five dailies remained</td>
<td>Phoolbari FM station set on fire</td>
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<td>closed for several days in Tikapur</td>
<td>4 TV stations, a FM station and a daily</td>
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<td>Policemen misbehaved with four journalists</td>
<td>newspaper publicly threatened</td>
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<td>7 media managers attacked; 6 journalists</td>
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<td>3 motorcycles of media managers vandalized</td>
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<td>Series of threats against presses &amp;</td>
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<td>obstruction in circulation</td>
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On August 26, Ang Kaji Sherpa, a Janajati (ethnic community) leader, publicly threatened media fraternity by provoking ethnic communities to attack some leading media based in Kathmandu. He also blamed FNJ chairman Dr. Mahendra Bista for not opposing the incident. In a Facebook post, he accused four television channels of being biased to ethnic groups and threatened to set them on fire. He wrote: “If journalist’s federation does not oppose the attack against Tharu’s FM (Phoolbari FM); ethnic, Madheshi and Muslim groups may convey message (to the respective communities) by setting fire on Kantipur, Image, Avenues and Mountain TV’. FNJ had issued a press statement on the same day of incident.
opposing the attack. Sherpa also also posted a provocative fake photo.

Likewise, Tharu protesters attacked station managers of Ghodaghodi FM, Dhangadi FM, Pashchim Today FM and Kailali FM during the last two weeks of August.

Due to round-the-clock curfew order imposed in Tikapur, five dailies remained closed for several days. Previously, Tharu leaders openly threatened to ‘take action’ against Dhangadhi-based Dinesh FM and Dhangadhi Post daily; verbally abused Mahendra Bhandari of Nepal Television, Nrip Rawal, the News Chief of Dhangadhi FM and Pasang Thakulla of Pashchim Today FM; manhandled the Station Manager Harendra Chaudhary and Neelam Kumar Chaudhary of Ghodaghodi FM and vandalized their motorcycles; and attacked Nawaraj Khanal, the Managing Director of Radio Kailali FM and vandalized his motorcycle.

Protesters also threatened Thakur Singh Tharu and Ganesh Chaudhary, reporters of Kantipur. Likewise, police misbehaved Ashish Gupta, Dinesh Thakur, Mohammad Arif Ansari and Subhash Gupta and protesters misbehaved Bhagatram Tharu in Nepalgunj in the mid-western city in Terai. According to FNJ Chairman Dr. Mahendra Bista, several incidents of obstruction in newspaper circulation and series of threats against media and journalists have been recorded in other districts in Terai during the period.

**Bombs and bullets**

Madheshi militants hurled a Molotov cocktail at the home of Ram Sarraf, a reporter of Himalayan Times daily in Birgunj on September 13. Three days earlier, on September 10, Vikash Mishra of Mirchi FM got injured when police opened fire against agitators near the District Police Office of Mahottari in Jaleshwor, a neighbouring city of Janakpur.

Dissident groups also demonstrated in Birendranagar of Surkhet, a hilly district in the mid-western region, where Singh Rokaya Magar of Bulbule FM got injured in a police firing on August 10. Magar was assigned to report the protests in the market area where he was hit by a gunshot on left leg. Injured Magar was rushed to Nepalgunj for further treatment after primary aid in Surkhet.

**Journalists arrested**

On September 18, police arrested nine journalists in Rautahat while they were expressing solidarity with the agitators and opposing police action against Madheshi people. The arrested journalists were Prabit Tebrewal, Kishori Yadav, Prabhat Jha, Vishwanath Ram, Raj Kishor Yadav, Rakesh Yadav (ABC Television), Rakesh Yadav (Rajdevi FM), Prem Chandra Jha and Dharmendra Sah. They were released in the evening.

Similar incident had happened in Birgunj two days earlier. On September 16, police detained some two dozen journalists from Maisthan of Birgunj for a few hours. Police arrested them while they were protesting to oppose ‘police suppression against Madhesh Movement and

Media persons manhandled/misbehaved

On September 20, police misbehaved and beat journalists Awadhesh Kumar Jha of Kantipur daily and Shyam Sundar Sutihar of Crime Operation weekly at Road Shesh, Biratnagar. Police was aggressive against them despite knowing that they were journalists.

On the same day, protesters misbehaved Yaman Danuwar of Himalaya Television in Lahan of Siraha district, while he was taking pictures of the strike. Aggressive protesters confiscated his press-jacket, press card, diary and pen, and set them on fire. He fled the scene on his motorbike. Editor and publisher of Sanghiya Rajya weekly, published from Udayapur, Danuwar is member of FNJ district chapter of Udayapur, central committee member of Federation of Nepalese Indigenous Nationalities Journalists (FONIJ) and Revolutionary Journalists Federation.
Similarly, two photojournalists were injured and cameras of two others were damaged while taking pictures of a scuffle between police and protesters in Kathmandu on September 14. Ashok Maharjan was hit by stones pelted by protesters whereas cameras of Prakash Mathema of AFP and Namesh Chitrakar of Thomson Reuters were damaged by the water canon used by police. Photojournalist of Gorkhapatra daily Bikas Dware was also injured in the incident.

On September 9, protestors manhandled Naveen Karna of Makalu Television, Khilanath Dhakal of Setopati and Jitendra NarayanThakur of the Ujyalopatra and Gorkhapatra daily in Biratnagar. The agitators also broke their camera and set fire on Karna’s motorcycle.

On September 7, security persons mercilessly beat on Bikram Rauniyar, reporter for the Mountain TV, while he was reporting on agitation in Janakpur. They damaged his camera although he was displaying his press card.

Similarly, on September 2, the activists of Tharuhat Joint Struggle Committee (TJSC) in Banke district in the mid-western region manhandled Binod Paudel, the chief editor and publisher of Kohalpur-based Mission Today daily, in his office.

On September 1, strike enforcers of Sanghiya Limbuwan Party Nepal attacked Krishna Humagain, editor at Arjundhara daily of Jhapa, a far eastern district, injuring him and his spouse seriously. The strike was called against the proposed delineations of federal provinces.
On August 31, police manhandled journalist Jagat Rai in Birgunj while he was returning home from work. They apparently attacked Rai for disobeying curfew despite him holding out a curfew pass issued by the local authority.

On July 21, police beat and misbehaved journalist Sher Bahadur KC in mid-western hilly district of Rukum while he was reporting the public hearing of the draft constitution. Later, police detained him for an hour and released deleting all photographs from his camera. On the same day, police beat photojournalist Manoj Sayami in Basantpur of Kathmandu while he was taking picture of the similar program.

On July 20, in the similar program, protesters clashed with police in Mohan High School in Siraha where police misbehaved some half a dozen journalists. Police damaged Nepal Television reporter Hiralal Chaudhary’s motorcycle. On the same day, police beat Shailendra Mahato of Ujyalo FM and Shree Narayan Sah of Nepal Television in Janakpur while they were reporting the the public hearing.

Journalists threatened

On September 14, a leader of Madhesh Socialists Forum and former lawmaker Baban Singh publicly threatened to take lives of three working journalists - Shiva Puri of Kantipur Daily, Madan Thakur of Nagarik Daily and Gautam Shrestha of Avenues Television while being interviewed live on local radio. Singh threatened to burn the journalists alive in the interview in Kohinoor FM in Gaur. He alleged that the news reported by them had motive to dwindle the agitation.

In September 15, Tharu activists warned Pujan Biswokarma of Radio Pratibodh, in Kohalpur of Banke of arson for not airing favorable coverage to their agitations.

Newspapers circulation obstructed

Madheshi protestors on August 26 torched copies of Nagarik daily in Birgunj claiming it published a news story disfavoring Madheshi issues.

Some incidents of press freedom violation occurred in different parts of the country during a nationwide general strike on August 16. The protestors mobilized by the Joint Tharuhat Madhesh Struggle Committee in Banke district burnt national dailies- Kantipur, Nagarik and Annapurna Post- claiming they did not prioritize the news of their dissents. One of the district-level leaders of Terai Madhesh Loktantrik Party (TMLP), Lalit Rauniyar, provoked the cadres to burn newspapers, saying these were conspiring against agitation.
Press vehicles vandalized

In eastern hilly Nepal, Limbuwan cadres vandalized Jhapa-based journalist Krishna Humagain’s motorcycle on September 1. They kicked him and vandalized his motorcycle despite displaying the press card. They were pointing at him as someone ‘who wrote the news’.

On August 31, protestors of Joint Madheshi Front (JMF) vandalized a vehicle belonging to local Makalu Television in Biratnagar. The News Chief of Makalu Television Kamal Paudel said that a reporter was heading for Road Shesh for reporting in the van when the protestors suddenly pelted stones and smashed the windows. Luckily, the reporter was safe. A few days earlier, protestors had vandalized a motorcycle used by Nirmal Dhungana of Himalaya Times and misbehaved with him.

On August 23, the cadres of the Tharuhat vandalized a vehicle belonging to Annapurna Post daily and also burnt the newspapers at Duhabi Bazaar of Sunsari in front of the police. The protestors forcefully took the driver out of the vehicle and vandalized it, took out newspapers and burnt them on the street.

On August 16, around three dozen cadres of Joint Tharuhat Madhesh Struggle Committee vandalized a vehicle belonging to the Nagarik daily. On the same day, protestors vandalized a vehicle used by journalist Rishi Dhamala in Kathmandu.

Directives and orders against media

On September 19, authority ordered to close down Radio Baadal, a local FM station in Simraungadh, Bara in the accusation of instigating violence and inciting communal enmity through the news and programs. Chief District Officer (CDO) also summoned the radio owner Noor Alam Badshah to his office for questioning.

According to a report by the Federation of Nepali Journalists (FNJ), journalists in the mid-western region of Terai encountered attack from both protesters and police in the month of September. FNJ General Secretary Ujit Magar, who led a field visit team, also said that five local dailies Mission Today, Pipalbot, Margarekha, Kohalpur Times and News Namaste; and two radio stations Radio Pratirodh and Kohalpur FM remained closed for indefinite time due to threats of arson attack.

Following the order from Ministry of Home Affairs, police blocked news portal hulakinews.com operated from Kathmandu for ten days from August 19 over the news published. Editor BP Sah and Sanjeev Vikram Sah had jointly written the story on the death of a local in a police firing during demonstration at Bhardaha of Saptari. The order was issued after the portal ignored Saptari Police’s order to delete the story that they said ‘will foment discord among different community’. Additionally, police summoned Sajeev Vikram Sah in the office and grilled him threatening him of arrest.
3. Other Incidents of Press Freedom Violations During the Period

There were several other incidents of press freedom violation during the period covered. The following incidents occurred during the 177 days of the Madhesh protests but not related to the protests or the activities surrounding the promulgation of the Constitution. This is for the comparative analysis of the number of press freedom violations between the Madhesh and the rest of the country in the same span of time.

Media office attacked

An unidentified gang vandalized the office of Annapurna Post daily in Kathmandu on August 19. Deputy Editor Chudamani Bhattarai said that window glasses were smashed as stones were pelted on the office building.

Journalists arrested

On November 3, the Central Investigation Bureau of Nepal Police detained two journalists of yeskathmandu.com for three hours over the news reporting about the misuse of fuel provided to VIPs. A group led by Deputy Superintendent of Police reached the news portal’s office at Thapagaon, Kathmandu, and took journalists Manoj Khatiwada and Parbati Thapa under control. Khatiwada claimed that they were detained over the news titled ‘black-marketing of fuel provided to VIP’, and released without any reason.

The police raided the residence of Gopal Budhathoki, the editor of the Sanghu weekly, in Kathmandu on August 17. He was later informed that the raid was conducted as per the provisions of the Electronic Transactions Act over the news published in the weekly.

Media persons attacked

In a fatal attack, an unidentified group injured Hiralal Bishwakarma of Himalaya Times daily on January 27, 2016 in the capital. Some half-a-dozen people beat him and looted his belongings while he was returning home from his office.

An unidentified group, on January 6, 2016, attacked Krishna Khanal, regional chief of Avenues Television in Nepalgunj of Banke. The attacker hit his left abdomen with a glass bottle while he was returning home from office.

On January 3, 2016, Nepal Army personnel misbehaved and manhandled four journalists in Surkhet while they were in reporting. Sudeep Puri, Susheel Khadka, Ishwor Adhikari and Krishna Acharya were threatened by colonel Shiva Pratap Karki while they visited an army-run college to report on incident of students beating teachers.
Unidentified gang attacked **Raj Kumar Gole** of **Naya Patrika** daily in Banepa, Kabhrepalanchok on December 15, 2015. Gole was attacked with Khukuri, a Nepali knife, at 8:00 pm while he was returning home from office. Gole sustained seriously injury on his right hand.

On November 10, Chief District Officer (CDO) of Bhaktapur misbehaved a team of journalists who visited him to request him to ease supply of fuel to the journalists during the time of fuel crisis. CDO Toyam Ram humiliated the delegation led by FNJ district chairman Amar Bhuju.

On November 2, a police inspector misbehaved with a journalist in Banke. Police Inspector Bharat Rathaur and local construction contractor Ganesh Shahi verbally abused **Damodar Bhandari** of **The Himalayan Times** daily, over telephone and attempted to attack him in the newspaper office. Bandari had published news about Rathour who was arrested gambling.

On the same day, staffs of Nepali Embassy in Malaysia misbehaved journalist **Ganesh Acharya** in Kuala Lumpur. Acharya, a FNJ member of Dang district chapter, is now in Malaysia for foreign employment. According a complaint that he lodged at FNJ, embassy staffs seized his passport over the news he dispatched from Malaysia.

Likewise, some non-residential Nepalis misbehaved two Nepali journalists in Japan on September 13. **Tilak Malla**, FNJ Japan Chapter Chaiperson, and **Ravindra Shrestha** of nepalsandesh.com were misbehaved while they reporting news about the voting of Non-Residential Nepali Association, Japan.

**Journalists threatened**

On November 21, two journalists received threat to death in Nepalgunj over a news. Construction contractor Ganesh Shahi attacked **Damodar Bhandari**, editor of local Sadbhav daily and **Arjun Oli**, reporter of Kathmandu-based Nagarik daily over the news they wrote about irregularity on construction of a bridge. Contractor Shahi verbally abused them and manhandled Oli, inside regional office of Nagarik daily.

In another incident, on November 16, News Chief of Radio Marsyangdi, **Yuvraj Shrestha** was issued death threat over a news story on black marketing of petrol in Lamjung. His apartment was also vandalized. "The radio aired a news story about black marketing of petrol from an oil store owned by Shree Kant Ghimire in the morning. In the evening, Ghimire came to my room and threatened asking why I aired the news," Shrestha said.

On September 18, **Dhruva Rawal**, the editor of Trishuli Khabar weekly, and news coordinator **Bholaraj Paudel** were threatened of physical action for publishing news. On September 1, journalist **Manisha Shrestha** of Naya Patriaika daily received a threat for her news reporting in Rolpa, a mid-western hilly district. According to local Sunstar weekly, Ganesh Dahal, accountant of Reugha Hospital issued threat to her over telephone. On August 29, **Baikuntha Giri**, owner of parbatsuchanakendra.com, was threatened for publishing a news.
**Actions to Improve Situation during the Madhesh Protests**

During the protests across the country and constant attacks on media and journalists, the concerning authorities stepped up to improve the situation.

**Government directives to civil servants**

Government of Nepal (GoN) issued a directive to all civil servants on September 7 not to post or share any provocative comment or pictures against social harmony in social media sites like Facebook, Twitter and blogs. The government came up with it after some government employees were found involved in writing provocative statements and taking sides for or against the ongoing protests. All civil servants were urged to maintain neutrality over any political discourse.

Issuing a press statement, the Office of the Prime Minister and Council of Ministers (OPMCM) warned that such provocative remarks or illustrations against social harmony or against certain cultures, ethnic groups, and religions had created security challenges. Stating that civil servants were sharing, tagging, tweeting or re-tweeting, the OPMCM reminded all government bureaucrats that their act might hurt the sentiments of the aforementioned cultural, ethnic or religious groups in the country.

**NHRC directives to protesters**

On the same day, the National Human Rights Commission (NHRC) issued a press statement urging the protesters not to issue statements inciting communal enmity. The NHRC said its attention had been drawn to a release issued by UDMF and Muslim Struggle Committee on September 3 wherein they had urged the public to socially boycott police personnel and not to rent out rooms to them.

The NHRC objected the release from the human rights point of view, as it would deny citizens their right to housing. The human rights body urged the political parties and all parties concerned not to deliver any hate speech or do something that could have adverse impact on communal harmony.

**Parliamentary Panel to investigate hate speech**

Two weeks earlier, the State Affairs Committee (SAC) of the Parliament had set up a seven-member committee to investigate the alleged hate speech by three Madhesi leaders - Upendra Yadav, Rajendra Mahato and Amresh Kumar Singh. On August 22, the SAC mandated the panel to recommend possible action against a recent decision taken by agitating Madhesi parties, which had made a public an offer of NPR 5 million for the kin of those who might be killed during protests.
Federal Socialist Forum- Nepal Chairman and former Deputy Prime Minister Upendra Yadav, Sadbhawana Party leader and former minister Rajendra Mahato and Nepali Congress lawmaker Amresh Kumar Singh reportedly spoke against communal harmony while addressing a mass meeting in Kailali district.

Press Council cautions local radios

Press Council Nepal (PCN), the statutory ombudsman body of Nepali press with rights to monitor the code of conduct, on November 3, wrote to six local FM radio stations of Birgunj cautioning them not to broadcast ‘fabricated and sponsored news'.

The PCN found Radio Terai, Radio Bindas, Radio Birgunj, Narayani FM, Bhojpuriya FM and Aakash FM airing ‘fabricated and sponsored news breaching the journalistic principles and values thereby inciting violence and terror, and destabilizing Nepal's sovereignty, integrity, national unity, social harmony and good relations among communities and the relations with neighboring country’.

PCN cautioned them not to repeat such act citing that was against Journalistic Code of Conduct of Nepal. According to PCN Chairman Borna Bahadur Karki, they had to make aware the radio stations as they received complaints from radio audience. However, the PCN did not demand any broadcast content, nor had indicated any aired content to submit. For this alert action, PCN also got very negative feedback from the Madhesi community.

Some local FM radios were found to have airing the contents by glorifying the Madhesh agitation thereby jeopardizing the communal hatred. In Birjung, complaints were lodged at the District Police Office (DPO) against some FM radios immediate after the promulgation of new constitution for they were airing the content that would instigate negation in the society.

Findings and Conclusions

During the Madhesh protests, the attacks on media and journalists occurred in high number however the incidents were of the general natures of attack against media in any other given time. Comparative quantitative data shows that out of seven incidents of attack against media offices, six incidents happened only in Terai. Attack on Phoolbari FM and Radio Parasi are the most alarming incidents of this nature.

Five journalists also faced bomb and bullet in Terai. This was another frightening trend recorded. Unfortunately, security agencies were involved in some such fatal incidents, firing bullets at the journalists.

Widespread in number of attacks is manhandling and misbehaving against media persons. Victimizing 85 media persons in 39 incidents, 30 such incidents occurred in Terai. In the entire situation, state looks competing with non-state parties to manhandle the journalists. More than those government security personnel arrested 36 media persons in four cases.
The obstruction in the supply of essentials including the petroleum products to Nepal from India border made the media face tough time to get its newspapers in the market. There were two trends of the obstructions; problem in production and obstruction in distribution. Various media houses stopped printing newspapers for lack of the printing materials as paper and ink. There are 20 cases of obstruction in circulation all by protesters in Terai.

Among 13 cases of vandalization of press vehicles, 12 were recorded in Terai. Those vehicles were on duty. Coincidently, at least 177 media persons have been victimized in these 177 days through the country. Out of them, 160 media persons were victimized in Terai - 98 before the promulgation of the constitution and 55 afterwards.

In the entire period, basically Madhesh-based media and journalists widely maintained self-censorship and worryingly faced physical insecurity. It had become a regular way of practicing profession. It was a social psychology built for media. The FNJ clearly reported that threats compelled journalists to exercise high level of self-censorship in the region. Censorship was impossible to measure quantitatively. Widely escalating pressure on press to write or to reject any content produced big stress to them. It hindered people's right to know and infringed the freedom of the media to consciously select contents.

The political parties, the agitators and the security agencies didn’t respect press freedom during the protests. Equally, they were not mindful on media's misuse which invites riot rather than harmony. In the name of upholding law and order, security persons also lost their tolerance.

Finally, it is recommended that the political forces, and security agencies respect freedom of press and educate their activists and ranks to follow the suit. Environment of free media practice must be ensured for free access to and uninterrupted flow of information, which supports guarantee people's right to information.
### Annex - I

**Details of Comparative Data**

<table>
<thead>
<tr>
<th>Nature of the cases of press freedom violation</th>
<th>Before Constitution</th>
<th>After Constitution</th>
<th>Attacks in General</th>
<th>Grand Total number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. of cases</td>
<td>Total number of cases</td>
<td>No. of cases</td>
<td>Total number of cases</td>
</tr>
<tr>
<td>Media offices attacked</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Journalist under bomb and bullet</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Media persons attacked manhandled/misbehaved</td>
<td>9</td>
<td>10</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Journalists arrested</td>
<td>3</td>
<td>-</td>
<td>34</td>
<td>-</td>
</tr>
<tr>
<td>Journalists threatened</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>Newspapers circulation obstructed</td>
<td>-</td>
<td>3</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>Press vehicles vandalized</td>
<td>1</td>
<td>10</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Total number of cases</td>
<td>15</td>
<td>27</td>
<td>57</td>
<td>41</td>
</tr>
</tbody>
</table>
**About the Researcher**

**Binod Dhungel** is the senior research fellow at the Center for Media Research – Nepal for 2015-16 studying the media rights situation and violation of press freedom in democratic Nepal. A post-graduate in political science; and mass communication and journalism; and an M.Phil degree in English, Dhungel had a decade-long journalism career having served Radio Nepal, Nepal Samacharpatra daily, Nepal Television and Nepal FM. Since 2004, Dhungel is the Nepal correspondent for Reporters Without Borders (RSF). He has authored and edited various research-based books including “Independent Radio under Royal Regime: Stories of Suppression and Resistance” (2007, Nepali) and “Press Council in Nepal: A research-based Contemporary History” (2012, Nepali). He can be reached at bdhungel@gmail.com

**About CMR-Nepal**

**Center for Media Research - Nepal** is a media research institute. Formed in 2010, the group has conducted researches on social, digital and mainstream media. The group also aims to specialize on media monitoring, media content analysis, and capacity building of journalists. Based in Kathmandu, Nepal, CMR-Nepal can be reached at cmrnepal@butmedia.org or http://research.butmedia.org

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