



Free Expression

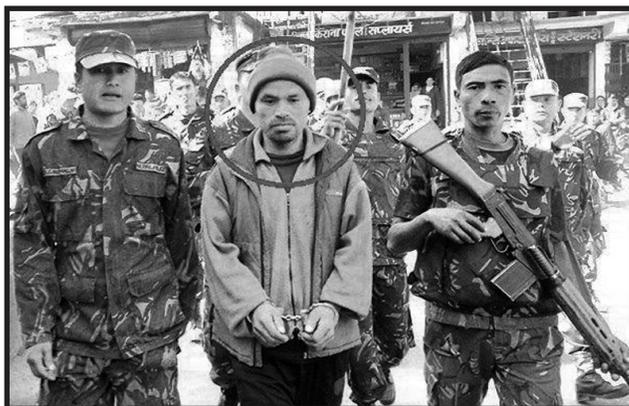
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A NEWSLETTER OF FREEDOM FORUM

Justice Done

None is above the law

The changes in multifarious fronts spearheaded by the political development especially after the People's Movement II of 2006 undoubtedly advocated for effective functionalities of the democracy. Media, as an efficacious tool to bring about change and foster democratic principle and practice witnessed a surge in number opening up avenues for many to join this sector. The snowball in media outlets obviously widened its strength to expose the foibles of the public figures and parties, and the malfeasance of public agencies. However, the political parties especially the Unified Communist Party of Nepal (Maoist) could not tolerate this. This point can be buttressed with the unhealthy and unethical pressures the CPN-Maoist and its breakaway faction CPN-Maoist made to protest the arrest of the alleged murderers of



Lachhiram Gharti, one of the murderers of Journalist Dekendra Thapa held by police

a journalist Dekendra Thapa, and suppress the investigation.

With trail and tribulations, running from pillar to posts, unfazed Laxmi Thapa, wife of the slain journalist had just hoped for justice after eight years of the killing of her husband, the UCPN-Maoist and its breakaway faction CPN-

Maoist made utmost efforts to protect the killers for they were their leaders and cadres.

How insane it was on the big political party- UCPN-Maoist- which joined the peace process and dominated mainstream politics when its Vice-Chairman and then prime minister Baburam Bhattarai and his legal advisor Attorney General Mukti Pradhan made several attempts to hold back the investigation and to protect the party cadres who however had confessed to burying alive journalist Thapa in 2004 after abduction.

In Nepali media, the New Year 2013 therefore began with mixed hope of justice and despair. Nevertheless, the activism of the working journalists, civil society, right defenders and other stakeholders prodded the judiciary for justice. Despite political pressures to hold back the murder case, the Supreme Courts' repeated orders finally helped to send the murderers behind the bars. With this, the tactic of the UCPN-Maoist and CPN-Maoist to breach the rule of law with the misuse of political power was denuded.



Slain Journalist Dekendra Thapa

Background: Dekendra Thapa, reporter with the state-owned Radio Nepal from Baitadi, a far western hilly district of Nepal was abducted on 26 June 2004 and killed on 11 August same year. He was abducted by CPN-Maoist cadres from Chhanna Bazar of Bhawani VDC in the district. The horrendous murder was subdued because the country was riddled with armed insurgency. Following the People's Movement II in 2006, the agitated family and the journalists took initiative for justice and continued struggle which led to tracing and confirming the burial spot of murder, filing first information report to filing writ petition by seeking action from the Appellate Court to the Supreme Court.

After four year in 2008, a joint team of the Federation of Nepali Journalists (FNJ) Dailekh Chapter and INSEC traced the burial spot of journalist Dekendra Thapa. It was on June 4, and the murder was confirmed on June 25.

Life Imprisonment to Murderers of Journo Poudel

A welcome deed, Jhapa District Court on February 25, 2013 delivered a verdict awarding life imprisonment with confiscation of all properties to Yuvraj Giri, the main accused behind the murder of journalist Yadav Poudel, reporter with the Rajdhani daily and the Avenues Television.

Similarly, other accomplices as Phul Maya Karki (Manju) were slapped three-year imprisonment while her husband Somnath Dhakal one year and Madan Rai six months.

A single bench of District Judge Giriraj Mani Gautam delivered the verdict.

Journalist Poudel who was also the Executive Editor of the Mechi Times daily published from Jhapa district was murdered near the Birtamod-based bus park in the night of April 3, 2012.

A permanent resident of Sijuwa, Morang, a district in the southern plain in the east of the country, had a decade long journalism career in the neighboring Jhapa district.

The court verdict is believed to help deter further crimes, provide relief and justice to the agonized family

and the moral boost to the fellow journalists who are working for professional journalism in different parts of the country. Also, it is a step forward on checking growing impunity in the country.

Background Story: Main accused Giri, following a minor dispute had pushed journalist Poudel down from the rooftop of a three-story hotel and left to death near the Birtamod bus park of Jhapa district. The hotel was owned by Manju and Somnath Dhakal.

Murderer Giri and journalist Poudel had dinner together in the night and were said to be together to discuss about the newspaper they were planning to publish, the probe team of the Freedom Forum said, adding Giri's plan to discuss about the publication of newspaper-Ujjyalo Purva- from the Nepali New Year (April 13, 2012) turned into a maneuver to finish off journalist Poudel.

The probe team had concluded that the news journalist Poudel used to write against the social malpractices and evils in his area might be to the root cause of his murder.

Impunity Watch

Message from Chairperson

In a bid to end the protracted political impasse emerged after the unceremonious dissolution of the Constituent Assembly (CA), the four big political powers forged an agreement taking almost 10 months. It paved a way for the formation a government of former bureaucrats under the chairmanship of sitting Chief Justice (CJ), thereby putting an end to the arbitrary government mired in misuse of political powers in absence of the parliament and understaffed constitutional bodies. The government chaired by the CJ is mandated to hold the CA elections in June. The agreement among the big parties to elevate CJ to the helm of executive head of the government to free the country from crisis seems unexpected, albeit was unavoidable at the same time. The political agreement would be taken a great success once it became able to hold elections in a free and fair atmosphere and revitalized the democratic functionaries. However, such practice of constituting apolitical government is equally likely to face risks to materialize its mandate. Its success hinges on the interest and will power to serve the democratic aspirations of all Nepalis. With this change in the political scenario, the citizens' rights and freedom are likely to be jeopardized. One the one hand, the CJ-led present government would be politically responsible for citizens' rights, rule of law and freedom as compared to the past one, while on the other, it, without non-political foundation, would not stand strong against the attacks and challenges on people's rights.

Nearly one year has elapsed with the political and constitutional vacuity stemming from the dissolution of the CA with its failure to deliver a constitution. However, the atmosphere for elections has not been conducive enough to better navigate the protracted transition. Major political parties, though, agreed verbally to hold election in June, seem staggering behind for want of adequate preparations in the legal and constitutional fronts. Similarly, a lot of other fringe political parties are in need of their demands met to participate in the coming elections. So, with slim chance of holding CA elections in June, the November would be the month to conduct polls. And the time till November will be a sensitive and significant period of new transition where the essence of civil society organizations like us would grow alarmingly.

The civil society organization like Freedom Forum would be shouldering up the responsibility to emerge active for ensuring the democratic future at a time the political disputes and uncertainties may foment transition in future. We realize that it would be our duty to be active to create atmosphere for free and fair elections, to protect the press freedom for professionalism, and to conduct constructive activities that enable information culture. At such instable condition, the protection and promotion of the environment to ensure citizens' right to information would be another duty, so that the informed citizenry can be able to take right decision on their discretion. The right decision of the citizen will ultimately contribute to their secured future.



FF SARTIAN Country Convenor

Freedom Forum is pleased to inform that it has been nominated as the Country Convenor for the SARTIAN. The SARTIAN is the South Asia Right to Information Advocates Network. It is a Community of Right to Information Practitioners anchored by CHRI and supported by ANSA-SAR. The purpose of the network is to promote regular interaction with each other across the region. SARTIAN develops relationships and solidarity among advocates, media, and civil society through discussions, experience sharing, and collective action.



FF was awarded the country convenorship in recognition to its works in the sector of human rights, right to information, and freedom of expression.

As a country convenor, FF will serve a renewable term of one year after which online elections will be held within each country group.

The responsibilities of this position include facilitating discussion and encouraging resource-sharing on the SARTIAN platform by members of our country group, representing our country in the SARTIAN steering group and promoting SARTIAN within the network.

The Commonwealth Human Rights Initiative (CHRI), based in New Delhi, India, facilitates the network. CHRI's assists other organisations to develop effective Right to Information mechanisms in their own countries. CHRI catalyses the development of networks of concerned civil society organisations and seeks out the specific information needs of the people and communicates them to policy makers in various ways.

Similarly, the Affiliated Network for Social Accountability (ANSA) is an initiative to promote, strengthen and sustain the concepts and practices of social accountability globally. ANSA is supported by the World Bank Institute (WBI).

The SARTIAN launched a new web platform- www.sartian.org in August 2012. The idea behind SARTIAN is the creation of a vibrant community of practice and this is at the heart of its plan for the future.

Press Freedom Violation Continues

1. Editor Harassed with his independence Violated

An editor at an FM radio was harassed after he was demoted and the editorial independence violated by the management.

It occurred at a community radio Damauli FM 94.2 of Tanahu, a hilly district in the western region of Nepal, which came to light in February, a month after the incident.

The Board of Directors of the FM demoted Pradip Kafle, New Chief of the FM since its establishment four years back, to a news reader by clipping his responsibilities merely because he aired an interview of a person elected as chairperson of the teacher's association from out of the faction disloyal to the Board of Directors.

Mr Kafle after demotion needs permission from director for selecting news for airing as he can not edit the news as he did in the past.

It has not only violated the editorial independence but also devalued the morale of journalist Kafle.

The violation of editorial independence is the violation of freedom of expression.

The shrinking in editorial independence by airing the views and news of the people or incidents in favour of the Board of Directors would obviously curtail the freedom of expression and make the radio authoritative. It is against the democratic norms.

2. Maoists' Intimidation on Media On

The Maoist parties- both then ruling UCPN-Maoist and its breakaway faction CPN-Maoist have time and again emerged hostile towards press freedom and media persons. This time too, we have recorded some press freedom violation where the Maoist cadres involved.

A. Assault

Leela Ghimire, reporter with the Karobar daily, was assaulted by the cadres of the Communist Party of Nepal-Maoist in the capital city on March 14, 2013.

Reporter Ghimire said, "While I was going to office on a scooter, the CPN-Maoist cadres attacked me from behind at Thapathali Chowk although I had carried and shown my press card."

The cadres of the CPN-Maoist were demonstrating in the streets of the capital city against

Talking to Freedom Forum from Surkhet, reporter with the Annapurna Post daily, Pushkar Thapa and reporter with the Nagarik daily, Govinda KC, univocally said, "Flurry of death threats by the Maoist party cadres in Dailekh made us leave the district for the life's safety and security. The transfer of chiefs in district offices who were investigating into the Dekendra's case has further feared us of action by the Maoists."

making new prime minister to the Chief Justice.

Due to the attack, journalist Ghimire had his little finger (left hand) broken and underwent operation.

B. Threat of Action

Similarly, a cadre of the Communist Party of Nepal (Maoist), Pratap Jaishee, threatened of action on Harihar Singh Rathaur, reporter with the Kantipur daily from Jajarkot, a mountainous district in the mid-western region of Nepal, on January 1, 2013 over a news story he wrote about forest encroachment in the district.

Talking to Freedom Forum's media monitoring desk, reporter Rathaur said, "CPN-Maoist cadre Jaishee threatened me of attack, reasoning I wrote news about their illegal activities."

According to him, he had reported the news about encroachment of forest by the party cadres and building huts there.

C. Press Vehicles Vandalized

During the banda (general shutdown) organized by the Communist Party of Nepal-Maoist, its cadres vandalized the vehicles belonging to the Kantipur publication and the Sagarmatha Television while carrying media persons and distributing the newspapers on February 9, 2013.

The vandalism affected the distribution of the newspapers which obviously obstructed timely information to the public.

D. Mass Displacement

As many as 22 journalists left Dailekh, a far western district of the country on January 24, 2013 and came to Surkhet, mid-western district, reasoning they were facing constant threats to life after they reported on the ongoing investigation over the murder of journalist Dekendra Thapa in the district. The threat of life came from the leaders and cadres of both then ruling UCPN-Maoist and the CPN-Maoist.

Talking to Freedom Forum from Surkhet, reporter with the Annapurna Post daily, Pushkar Thapa and reporter with the Nagarik daily, Govinda KC, univocally said, "Flurry of death threats by the Maoist party cadres in Dailekh made us leave the district for the life's safety and security. The transfer of chiefs in district offices who were investigating into the Dekendra's case has further feared us of action by the Maoists."

It is worth mentioning here that all journalists across the country were agitated against the Maoists' terror and threats mounting double by day and so forth by night after the district police arrested the murderers of journalist Dekendra Thapa in Dailekh.

In this connection, reports were received from different districts that the Maoist parties had banned the journalists from entering its programs for news reporting.

Such incidents with the involvement of the Maoist parties prove how harsh they are towards press freedom and freedom of expression.

It also shows Maoist parties' difficulty to adjust in the democratic culture.

E. Editor Budhathoki issued Death Threat

Editor at the Sanghu weekly, Gopal Budhathoki, was issued death threat over a news report on corruption on February 5, 2013.

Editor Budhathoki said, "An unknown person phoned me over a mobile number from abroad (601121154932) and threatened me of killing within a week asking why I published news about general secretary of Nepal Federation of Indigenous Nationalities (NEFIN), Ang Kaji Sherpa."

The weekly had recently published the news about the corruption rife in the NEFIN with the involvement of Ang Kaji Sherpa.

The weekly is published from the capital city, Kathmandu.

Meanwhile, during the banda (general shutdown) called by the Communist Party of Nepal-Maoist, on March 7, the banda supporters vandalized the vehicles belonging to the Mountain Television at Bijulibazar in the capital while another of the Republic Media at Mirchaiya of Siraha, a district in the southern plain of Nepal.

3. Police persons against free reporting

Whether it is because they are unaware of the journalists' free and fair reporting and citizen's right to information, or because of the highhandedness, the police persons are frequently involved in the anti-press incidents.

During a banda (general shutdown), a policeperson seized cameras from the journalists while taking photographs in Hetauda, a city in the southern plain of the central region on March 6, 2013.

Policeperson Dharmendra Prasad Yadav seized the cameras from reporters to a local Team Television, Anil Parajuli and Arati Dhakal, when they were taking photographs during the banda.

PM's Cadres Thrash Journalists

On January 29, 2013, the ruling Unified Communist Party of Nepal (Maoist) had its district convention in Kavre, a neighbouring district to the capital city. It was attended by the party chairman Pushpa Kamal Dahal and vice-chairman and then prime minister Baburam Bhattarai.

But the cadres of the ruling Maoist party and its sister organization Young Communist League, in a dramatic way, assaulted journalists mercilessly leaving one seriously injured.

There was no fault on the part of the journalists. The attack was coordinated one,

according to the victim journalists.

Interestingly, the police persons were mute spectators to such indiscriminate attack.

As soon as the journalists began taking photographs and visualizing the program, they

YCL cadres began attacking them indiscriminately.

Manoj Basnet, reporter to the Kantipur daily, Bhola Thapa to the Nepal

Television, Moti Timalina to the Sourya daily, Ram Krishna Chapagain to the Nepal Samacharpatra daily, Keshav Raj Poudel to the Rajdhani daily, Rajan Luitel,

Krishna Chandra Banjara who was one of the victims said "After I was attacked during the reporting, my family urged me to quit journalism, reasoning it was a risky job. But I feel I'm not defeated, I've a lot to do in journalism. Therefore, I'm continuing it."

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Refugees' Freedom of Expression Restricted

The police, on February 27, 2013 apprehended four Tibetan refugees from the Teaching Hospital area of Kathmandu, violating their rights to freedom of mobility and peaceful gathering.

The police said the arrested ones were Sonam Lama, Jimi Lama (men), Yangli Lama and Chhiring Lama (women). Also a case on public offence was filed against the arrested ones.

It is said the Tibetan refugees had reached

the Hospital area for peaceful protest and gathering for a Tibetan monk Doman Dukche who committed self-immolation had died at the Hospital while receiving treatment.

Dukche had committed self-immolation at Bouddha, Kathmandu on February 13, 2013.

Moreover, the police had arrested 47 Tibetans from Patan, Lalitpur, and released in the evening same day.

The Tibetan refugees have been expressing their voices time and again in Nepal demanding free Tibet.

The self-immolation, though a worst form of freedom of expression, may have been caused because of the suppression to the exercise of his human rights which are not bound any frontiers.

The Universal Declaration of Human Rights states- Everyone has the right to

freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The FF concludes as the rights of peaceful protest were subdued, it resulted in violent form of expression- self-immolation. The freedom of expression, a boundless issue, therefore needs to be respected.

Radio Nepal Officials grilled for airing opposition party leader's views

The government led by the Unified Communist Party of Nepal-Maoist made several attempts to control the state-run media misusing the political power, thereby violating the freedom of expression and press freedom. Suppression of opposition parties' views was one of this to this regard.

To a sheer mockery of press freedom, then prime minister Baburam Bhattarai who is also the Vice-Chairman of the ruling UCPN (Maoist) himself questioned the Ministry of Information and Communication why the Radio Nepal aired the views of an opposition party leader in a program of December 31, 2012.

Moreover, Executive Director at the Radio Nepal Suresh Karki and program presenter Pramod Dahal were subsequently grilled by the Government Secretary.

Government's act of seeking clarification with media over the free expression of an individual is a gross violation of freedom of speech and freedom of expression which the constitution has fully guaranteed.

A leader of the Nepali Congress, Manmohan Bhattarai, had expressed his views on a program of the Radio Nepal.

Govt. Bans Screening of Badhshala film

To a sheer mockery of freedom of expression, a Nepali film Badhshala was banned by the government.

The Ministry of Information and Communications on January 18, 2013 wrote to the Film Development Board, asking it not to provide screening license to the Badhshala film merely on the ground that a uniform of Nepal army was used in the film.

The use of army uniform is an art which does not affect the security. But in the name of security, Ministry's directive to ban the screening of film breaches the international norms of freedom of expression and human rights.

The film has depicted the human rights violation perpetrated by

security during insurgency period in the country. Lately, Nepali film industry has witnessed the production of fact-based films depicting national political problems and human rights violation. But the government's attempt to ban the screening of such film has grossly violated the freedom of expression thereby running the democratic norms and values.

Meanwhile, against the citizens' right to peaceful protest, the government suppressed a hunger strike being waged by the anti-corruption activists in the capital city Kathmandu on February 23.

The fast-on-to-death strike staged by anti-corruption activists was led by Sharada Bhushal Jha.

None is ...

Although a FIR was filed by Laxmi Thapa in the District Police office against the Maoist cadres, no action was taken. Rather, the UCPN-Maoist after coming to power made ill-efforts to withdraw the murder case of journalist Dekendra Thapa in December 2011. Unfazed Laxmi Thapa sought mandamus from the Sukhet Appellate Court to the police for prompt investigation into and prosecution of the case of Dekendra Raj Thapa's murder next year.

Ultimately, on 4 January 2013, five persons were held for their alleged involvement in the abduction and murder of journalist Dekendra Thapa eight years back. The District Police Office, Dailekh arrested Laxmi Ram Gharti Magar of Dwari VDC-1, Bir Bahadur KC of Baluwatar VDC-7, Nirak Bahadur Gharti Magar of Baluwatar-9, and Harilal Pun Magar of Dwari VDC-3, and Jay Bahadur Shahi, a resident of Raniban VDC-1. It was after the Surkhet Appellate Court asked offices of district attorney and district police why the action was not taken.

The arrest of the cadres created furor in then ruling UCPN-Maoist and the CPN-Maoist. On the other hand, glimmer of hope appeared among the media persons and the victim family.

With extreme misuse of political

power, prime minister ordered the concerned on January 8 to halt the interrogation of murder accused which certainly galled the rights defenders, media persons and the victim family. Moreover, the ill effort of prime minister Bhattarai invited wider concern even from the UN for greater efforts to protect journalists in Nepal and the International Media Mission urging the prime minister to not stop prosecution.

The prime minister and his legal advisor's moves were challenged at the Supreme Court on contempt of court case. Then came the Supreme Court verdict on January 15 to continue prosecution thereby developing the case to remanding the murder accused to judicial custody, summing prime minister and his advisor to the SC on contempt of court case.

Finally on January 28, the district attorney of Dailekha filed a murder case against nine district cadres and leaders of the Maoists parties (ruling UCPN-Maoist, and breakaway faction CPN-Maoist) in the District Court, Dailekh, following the due investigation and establishing proofs on their involvement in the murder of journalist Dekendra Thapa.

Those filed cases against are- Lachhiram Ghartimagar, 45, of Dwari-1, Nirak Bahadur Ghartimagar, 41, of Baluwatar-9, Bir Bahadur KC, 42, of Baluwatar-4, Hari Lal Punmagar, 49, of Dwari-3, Jay Bahadur Shahi of

Raniban-1, Bam Bahadur Khadka Arun and Keshav Khadka of Chhiudipusakot-1, Bam Bahadur Khadka Mukti of Katti-1 and Baktiram Lamichhane of Dwari-1.

Between these developments, as many as 22 journalists left Dailekh for Surkhet, reasoning they were facing constant threats to life by the Maoists'

party cadres after they reported on the ongoing investigation over the murder of journalist Dekendra Thapa in the district. It was also a pressure on the government to continue prosecution.

It is how the callous killers were sent behind the bars.

(Please see the Timeline on Murder of Dekendra Thapa and After on page no 5)

PM's Cadres ...

Editor of the local Kavre Times daily and local journalists Krishna Chandra Banjara, Prakash Sundash and Krishna Neupane of the Grace FM were attacked with rods and stones by the Maoist cadres and barred of making news.

Among the journalists attacked by the Maoist's YCL cadres, Krishna Neupane of the Grace FM was seriously injured and receiving treatment at the Dhulikhel Hospital in the district. He received injuries on head and spine.

Similarly, journalists Rajan Luitel, Bhola Thapa, Krishna Chandra Banjara and Ram Krishna Chapagain received injuries in the attack.

Manoj Basnet of Kantipur daily, Keshav Raj Poudel of the Rajdhani daily and Moti Ram Timalisina, Executive Editor the Chesta Weekly were receiving death threats for making news about the Maoist program even after the incidents.

Meanwhile, a fact finding



Grace FM reporter Krishna Neupane receiving treatment after attack

mission of the Freedom Forum led by its Chairman Taranath Dahal with senior journalist Dharmendra Jha, and Senior Vice-President of Nepal Press Union, Hemant Kafle, went to Kavre, on February 1, 2013 and visited the journalists who were attacked and left injured by the cadres of the ruling Unified Communist Party of Nepal-Maoist on February 29, 2013.

The Mission provided Rs 15,000- Rs 5,000 by the Freedom Forum Chairman Mr Dahal and Rs 10,000 by the Press Union Vice-President Mr Kafle to the ailing journalist Krishna Neupane.

Timeline on Journalist Dekendra Thapa's Murder and Aftermath

1. Abduction/ Murder

- **On 26 June 2004**, Dekendra Thapa, a reporter with the Radio Nepal from Dailekh, a far-western region of Nepal was abducted and subsequently killed
- **On 11 August 2004** by the UCPN-Maoist (then CPN-Maoist) cadres. He was abducted from Chhanna Bazar of Bhawani VDC in the district.

2. Burial Spot Traced

- **On June 4, 2008**, a joint team of the FNJ Dailekh Chapter and INSEC traced the burial spot of journalist Dekendra Thapa.

3. Murder confirmed by NHRC, FNJ with excavation

- The murder of journalist Thapa was confirmed by the Federation of Nepali Journalists (FNJ) and National Human Rights Commission (NHRC) by excavating the dead body on **June 25, 2008** in the presence of a team of forensic experts.

4. FIR Registered but no Action Taken

- Dekendra's wife, Laxmi had filed FIR in the District Police Office, against Maoist cadres- Bag Bahadur Khadka, Keshav Khadka, Lachhiram Gharti and Bam Bahadur Khadka on **August 22, 2008**. However, no action was taken against them.

5. Maoist's pressure to withdraw case

- **In December 2011**, the Maoists leaders made ill-efforts to withdraw the murder case of journalist Dekendra Thapa.

6. Dekendra's Wife files writ at Surkhet Appellate Court

- **On 12 December 2012**, requesting a mandamus order to the police for prompt investigation into and prosecution of the case of Dekendra Raj Thapa's murder by Maoists during conflict, wife Laxmi Thapa filed a writ at Appellate Court, Surkhet. District Police Office, Dailekh and District Public Prosecutor's Office, Dailekh were respondents in the writ.

7. Surkhet Appellate Court asks offices of district attorney and police why the action not taken

- **On January 13, 2013**, the Appellate Court Surkhet issued a show cause notice against the Office of District Attorney and District Police Office of Dailekh for failing to take action on the FIR regarding killing of journalist Dekendra Thapa. A single bench of Ranta Bahadur Bagchand, on December 13, ordered both offices to provide their written reply within 15 days.

8. Five Maoists leader/cadres held on murder charge

- **On January 4, 2013**, five persons were held for their alleged involvement in the abduction and

murder of journalist Dekendra Thapa eight years back. The District Police Office, Dailekh arrested Laxmi Ram Gharti Magar of Dwari VDC-1, Bir Bahadur KC of Baluwatar VDC-7, Nirak Bahadur Gharti Magar of Baluwatar-9, and Harilal Pun Magar of Dwari VDC-3, and Jay Bahadur Shahi, a resident of Raniban VDC-1.

9. PM's order to halt interrogation of murder accused

- **On January 8, 2013**, Prime Minister Baburam Bhattarai reached the Police Headquarters and Office of the Attorney General and directed the officials concerned to immediately stop the interrogation with five district level leaders and cadres of the Communist Party of Nepal (Maoist) and his ruling Unified Communist Party of Nepal (Maoist) who were arrested last Friday in connection with the murder committed eight years back.

10. UN call for greater efforts to protect journalists in Nepal

- **January 10, 2013**, the UN called Nepal government for greater efforts to protect journalists in Nepal. (Source: UNESCO Nepal Office, 10 Jan 2013)

11. Written Order by AG to stop prosecution

- **On January 11, 2013**, Prime Minister's legal advisor Attorney General Mukti Pradhan wrote to the District Attorney Office of Dailekh to halt the ongoing prosecution on Dekendra's murder case. It was condemned by many across the country.

12. International Media Mission to Nepal writes to PM Bhattarai

- **On 11 January 2013**, the Mission wrote to Prime Minister Baburam Bhattarai urging not to stop prosecution on journalist Dekendra's murder case.

13. Writ Petition at SC accusing PM and AG on Contempt of Court

- **On January 13, 2013**, a writ petition was filed at the Supreme Court, demanding punishment to the extent possible to the Prime Minister Baburam Bhattarai, and Attorney General Mukti Pradhan, reasoning that the orders and letters they made and wrote to the district attorney of Dailekh and District Police were a contempt of court. The writ was filed jointly by advocate Kamal Prasad Itani and Santosh Neupane.

14. Supreme Court Verdict to continue prosecution

- **On January 15, 2013**, the Supreme Court delivered a verdict against the pressures of the prime minister and his legal advisor. The Court told Office of District Attorney and police in Dailekh to continue the prosecution against those accused in the journalist Dekendra Thapa murder case. Also, the

SC said in the verdict that government's instruction to halt court proceedings was illegal and against the Interim Constitution and the fundamental principles of criminal justice.

15. Murder Accused Remanded to Judicial Custody for 12 more Days

- **On January 17, 2013**, District Court Dailekh remanded the five persons accused in the murder of journalist Dekendra Thapa to 12 more days in judicial custody for further investigations. This is the third time their judicial custody was extended.

16. Supreme Court summons PM and AG on Contempt of Court

- **On January 18, 2013**, the Supreme Court (SC) ordered Prime Minister Dr Baburam Bhattarai and Attorney General Mukti Pradhan to appear before the SC in persons within seven days to furnish clarifications whether they involved in the contempt of court pertaining to the ongoing investigation on the murder of journalist Dekendra Thapa.

17. Journalists' Exodus citing life threats

- **On January 24, 2013**, as many as 22 journalists left Dailekh for Surkhet, reasoning they were facing constant threats to life by the Maoists' party cadres after they reported on the ongoing investigation over the murder of journalist Dekendra Thapa in the district.

18. Case filed against 9 accused on Thapa's Murder

- Finally, **on January 28, 2013**, the district attorney of Dailekh filed a murder case against nine district cadres and leaders of the Maoists parties (ruling UCPN-Maoist, and breakaway faction CPN-Maoist) in the District Court, Dailekh, following the due investigation and establishing proofs on their involvement in the murder of journalist Dekendra Thapa.

Those filed cases against are- Lachhiram Ghartimagar, 45, of Dwari-1, Nirak Bahadur Ghartimagar, 41, of Baluwatar-9, Bir Bahadur KC, 42, of Baluwatar-4, Hari Lal Punmagar, 49, of Dwari-3, Jay Bahadur Shahi of Raniban-1, Bam Bahadur Khadka Arun and Keshav Khadka of Chhiudipusakot-1, Bam Bahadur Khadka Mukti of Katti-1 and Baktiram Lamichhane of Dwari-1.

19. Displaced Dailekh journalists return home

- **On 29 January 2013**, the 22 Dailekh-based journalists who were living in Surkhet due to insecurity (intimidation by the Maoist cadres) returned to Dailekh with the leadership of the FNJ team led by its Chairman Shiva Gaunle after the guarantee of security by the political parties, and security bodies.

Updates on Information Seeking Campaign

The major source of the information of public importance is undoubtedly the public agency. Different sorts of information available in the public agencies are so useful and valuable that they can bring noticeable changes in any individual life, communities or in the entire system when shared from time to time. The practice of sharing information also helps to make the public agencies transparent. However, the culture of sharing information by the public agencies in Nepal is disappointing. Therefore, bearing in mind the significance of information both to the citizens and sluggish sharing of information by the public agencies, Freedom Forum has continued its campaign of seeking information in the public agencies. The campaign is intended not only to build informed citizenry but also to help create good governance, which is a need to democratic culture. The transparency and accountability are therefore stressed for good governance. Therefore, the Right to Information (RTI) has been used as a tool to seek the information in the public agencies.

In its mission to make the public agencies transparent and accountable to the citizens with the use of RTI, FF has sometime faced difficult moments to achieve information. In this connection, we have here to share both sweet and sour moments:

Struggling with IRD

The FF, in line with the RTI Act 2007, first, sought the following information with the Inland Revenue Department (IRD) on August 6, 2012:

- Amount of revenue generated from 518 firms which were found evading revenue making fake VAT bills/ invoices as per the report of a taskforce coordinated by Laxman Aryal two years back. Separate details of the amount collected as fine to the firms,
- About proprietors or share holds of the 518 firms which were brought to book,
- Crimes of the 518 firms,
- Auditors of the firms,

But, Director General at the IRD, Tanka Mani Sharma, filed a case against the FF and National Information Commission (NIC) at Supreme Court on February 14, 2013, demanding certiorari and mandamus in his favour.

During the time between the seeking of information first with the IRD to the IRD's filing of case against FF, several rounds of information

seeking, appealing and requesting even with the NIC continued. Before the case at the SC, the NIC, which is the last body to decide on sharing of public information, had directed the IRD to provide the information the FF sought. But the IRD flouted merely with the reason that tax payers' privacy needs to be protected as per the VAT, and Income Tax Act.

In this regard, FF is of the stand that those evading tax are not tax payers but criminals. So, they need not have their privacy protected. The IRD has flouted the 'overriding principle' of the RTI Act. With this stand, the FF submitted its written response to the SC on March 15, 2013 and reasoned that it had the right to get the information sought.

The case is now sub judice at the SC.

RTI Activists' Group Up Against Corruption

Freedom Forum is pleased to share that a facebook group named RTI Activist in Nepal has made more than 237 members. The group formed after the training and inspiration of the FF has been actively working in Mahottari and Dhanusha against corruption rife in the public agencies of the districts with the use of RTI. The group is not only seeking information from public agencies but also making people aware of the information they sought, and adding members by holding interaction and discussion on the importance of RTI to make the public agencies transparent and accountable to the people. The group leader Dhruv Jha was trained by the FF on Practical Use of RTI four months ago.

7 Ministries Demanded Same Information

On March 18, 2013, Freedom Forum Chairman Taranath Dahal, in line with the RTI Act 2007, demanded the following information with different seven ministries:

- Certified copies of the allocated budget on recurrent expenditure, capital expenditure, and financial management in the concerned ministry for the fiscal year 2012/2013.
- Detailed information of different headings and certified copy of the budget allocated under the headings,
- Detailed information about the P1, P2 and P3 to be conducted within this fiscal year and of all programs being implemented in the district and local level, and the certified copy of the allocated budget

The public agencies where the above information is sought are Ministry of Energy, Ministry of Physical Planning and Transport Management, Ministry of Education, Ministry of Information and Communication, Ministry of Federal Affairs and Local Development, Ministry of Peace and Reconstruction, and Ministry of Irrigation.

Similarly, on February 28, the **Finance Ministry** has been demanded the detailed information on the budget of each heading and its sub-headings allocated under the development expenditure, recurrent expenditure and the financial management.

Achievements

Delaying a lot, the Office of the Prime Minister and the Council of Ministers (OPMCM), on March 19, 2013, provided the information the FF demanded relating to the bills the government forwarded to the President for authentication following the demise of the Constituent Assembly on May 27, 2012.

FF had first sought the information on September 2, 2012. However, the OPMCM denied it first, saying the bills could be demanded with the ministries from where they were generated. FF continued its struggle as complaining with the Chief Secretary to moving the NIC.

Finally, the OPMCM provided the information related to bills that were rejected authentication, and informed that the authenticated ones were published in its red book.

Similarly, The Ministry of Women, Children and Social Welfare finally provided the information the FF sought after the NIC ordered the Ministry to provide the information except those which do not breach one's right to privacy. The Ministry, though first sought information on October 12, 2012, provided the information as ordered by the NIC. The information was related to the adoption of Nepali children by the foreign nationals.

The National Planning Commission (NPC) and Energy Ministry are other public agencies which fully abided by the RTI Act by providing the information sought by the FF. The Energy Ministry was sought information about its official views or decisions on upgrading the capacity of the Trishuli III A from 60 to 90 megawatt. First sought the information on January 10 this year, the Ministry provided the information after a month when the Secretary was complained. Similarly, the NPC, first sought the information on January 23, 2013, provided it within 15 days. The NPC was demanded the information about the separate projects proposed by different ministries in the current fiscal year 2012/013 along with the amount allocated to the projects.

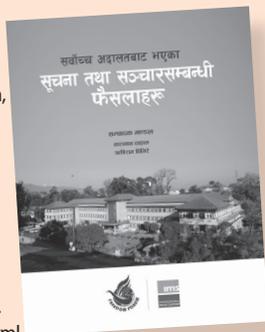
The sharing of information by these public agencies has showed they, though most of delayed, are gradually abiding by the citizens' right to information. It has helped to develop the culture of information sharing which is important to make the public agencies transparent and accountable to the people. Once analyzed the information achieved, the condition of the public agencies in terms of their accountability and transparency for good governance can be checked.

New Publications

Freedom Forum has come up with two publications in the beginning three months of 2013. The one is *Supreme Court Decisions on Information and Communications* while the next is *A Handbook on Practical Use of RTI*.

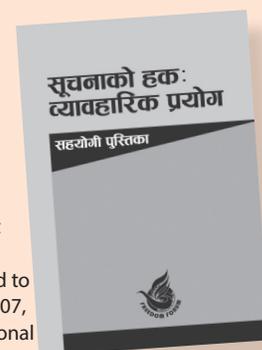
Supreme Court Decisions on Information and Communications

The first publication of Freedom Forum this time-*Sarbochha Adalatbata Bhayeka Suchana Tatha Sancharsambandhi Phaisalaharu* (Supreme Court Decisions on Information and Communications)-is a compilation of 134 cases of Supreme Court decisions related to journalism, media, and Right to Information over 60 years of time in Nepal. The near 1000 pages book has five chapters-press and publication, broadcasting, RTI, contempt of court and others. This is the second edition. The book is believed to be very helpful resource to any student of mass communication, rights defenders, legal practitioners, RTI activists, journalists and media persons. It can also be downloaded from <http://www.freedomforum.org.np/content/publications/books.html>



A Handbook on Practical Use of RTI

The next publication of the Freedom Forum is *Suchanako Hak:Byabaharik Prayog Sahayog Pustika* (A Handbook on Practical Use of Right to Information). It is published in Nepali language. The guidebook throws light on past and present situation of RTI, how it can be practically used, meaning and interpretations of the terms related to the RTI. Similarly, it had contained the RTI Act 2007, RTI Regulation 2008, Declaration of the first national convention on RTI and information about the RTI Support Centre at the Freedom Forum. The book is believed to be very useful to any RTI practitioner and campaigner aimed at making public agencies transparent and accountable. Similarly, it is useful to those interested in the RTI. It can be also be downloaded from <http://www.freedomforum.org.np/content/publications/booklets.html>



Self Disclosure Updates

Type and Nature of Organization	NGO working for Democracy, Right to Information, Freedom of Expression, Human Rights and Governance		
Legal Status	Registered at District Administration Office Kathmandu. DAO Registration Number: 127/062/63, SWC Affiliation Number: 18518		
Staffs and Roles	<p>Krishna Sapkota: Executive Director, Management head of the organization, coordinates overall organizational and project Affairs (Development and Implementation)</p> <p>Anirudra Neupane: Program Manager, Manages program affairs and Performs responsibilities as the Information Officer.</p> <p>Narayan Ghimire: Media Monitoring Officer, Documentation Officer to RTI Support Center</p> <p>Dan Bahadur Karki: Program Assistant, Right to Information</p> <p>Manju Ojha: Media Monitoring Assistant</p> <p>Trishna Dhakal: Admin Assistant / Receptionist</p> <p>Basanti Thapa: Office Assistant</p> <p>Project Staffs: Freedom Forum Hires Short Term Project Staffs based on Need of projects</p>		
Ongoing Project Information	Project Name	Supporting Agency	Date of Signing the Contract
	Enabling Environment for RTI through Research, Training and Support to Nodal Agency	The World Bank	8 October 2012
	Improving Freedom of Expression Situation through Holistic Monitoring	Foundation Open Society Institute	24 December 2012
	Reprinting Supreme Court Verdict on Media Related Cases	International Media Support (IMS)	3 January 2013
	RTI: Diagnostic Study	The Asia Foundation	27 February 2013
	Exploring the Use and Impacts of Open Budget and Aid Data in Nepal	World Wide Web Foundation	11 March 2013
	Local Government: Action Research	The Asia Foundation	28 March 2013
Services Offered/ Activities Carried Out	Research, Media Monitoring, Advocacy, Trainings, Meetings, Workshops, Seminars and other Campaigns to promote issues of Democracy, Right to Information, Freedom of Expression, Human Rights and Governance and Legal Support to Journalists.		
Responsible Authority	Chairperson: Taranath Dahal Executive Director: Krishna Sapkota		
Financial Information	Freedom Forum received Cash and Kind Grants Amounting NPR 11,873,055.15 in F/Y 2011/12. Follow the link for detailed information: http://freedomforum.org.np/content/publications/reports/financial-reports.html		
Official Website	www.freedomforum.org.np		
Activities Carried Out Last Year	The Annual report of F/Y 2011/12 depicts the information in this regard. Please, follow the link below: http://freedomforum.org.np/content/publications/reports/annual-reports.html		
Mechanism for Information Dissemination	Websites: www.freedomforum.org.np ; www.nepalpressfreedom.org , www.nepalelectionchannel.org Newsletter: Free Expression		

Provides some information to the public in its budget documents during the year.

OPEN BUDGET INDEX SCORE — OUT OF 100 —

81-100 Extensive

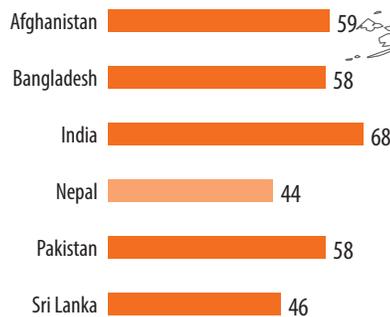
61-80 Substantial

41-60 Some

21-40 Minimal

0-20 Scant or None

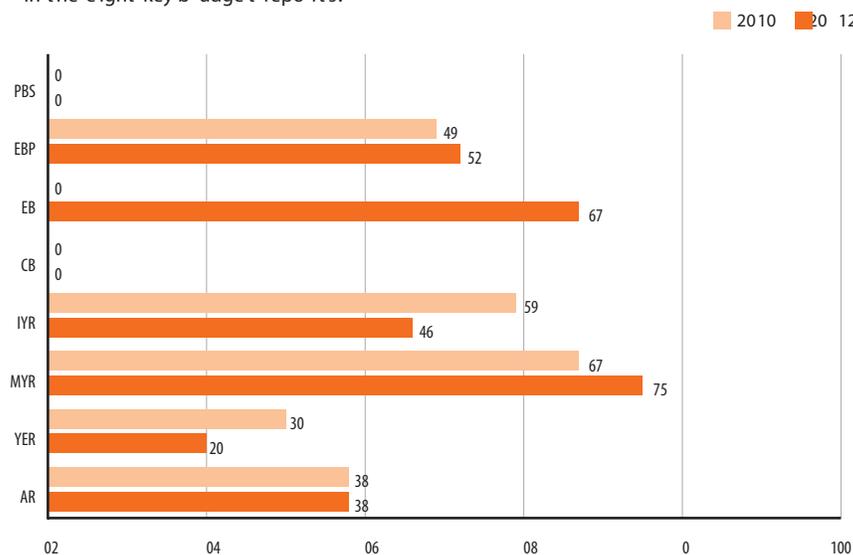
How does Nepal compare to its neighbors in South Asia?



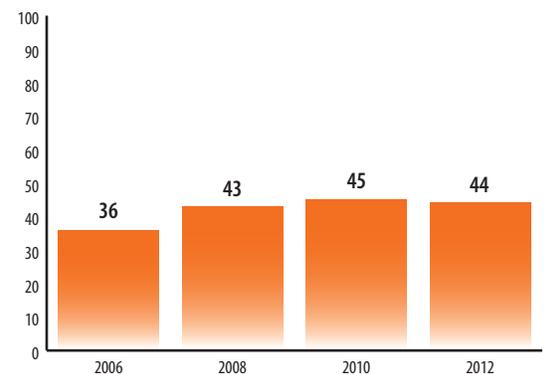
What are each of the eight key budget documents, and does the public have access to them?

Document	Description of Document	Publication Status
PBS	Pre-Budget Statement: Provides information that links government policies and budgets and typically sets forth the broad parameters that will define the budget proposal that is presented to the legislature.	Not Produced
EBP	Executive's Budget Proposal: Presents the government plans to raise revenues through taxes and other sources and spend these monies to support its priorities, thus transforming policy goals into action.	Published
EB	Enacted Budget: The legal instrument authorizing the executive to raise revenues, make expenditures, and incur debt.	Published
CB	Citizens Budget: A nontechnical presentation to enable broad public understanding of a government's plans for raising revenues and spending public funds in order to achieve policy goals.	Not Produced
IYR	In-Year Reports: Periodic (monthly or quarterly) measures of the trends in actual revenues, expenditures, and debt, which allow for comparisons with the budget figures and adjustments.	Published
MYR	Mid-Year Review: An overview of the budget's effects at the midpoint of a budget year and discusses any changes in economic assumptions that affect approved budget policies.	Published
YER	Year-End Report: Information comparing the actual budget execution relative to the Enacted Budget.	Published
AR	Audit Report: Independent evaluation of the government's accounts by the country's supreme audit institution. It typically assesses whether the executive has raised revenues and spent monies in line with the authorized budget, and whether the government's accounts of its revenues and expenses are accurate and provide a reliable picture of the fiscal situation.	Published

From Zero to 100: Has Nepal increased the amount of information it makes available in the eight key budget reports?



OB I scores over four Surveys



Open Budget Index

The Open Budget Survey assesses whether the central government in each country surveyed makes eight key budget documents available to the public, as well as whether the data contained in these documents is comprehensive, timely, and useful. The Survey uses internationally accepted criteria to assess each country's budget transparency developed by multilateral organizations, such as the International Monetary Fund (IMF), the Organization for Economic

Co-operation and Development (OECD), and the International Organization of Supreme Audit Institutions (INTOSAI).

The scores on 95 of the 125 Open Budget Survey questions are used to calculate objective scores and rankings of each surveyed country's relative transparency. These composite scores constitute the Open Budget Index (OBI), the world's only independent and comparative measure of budget transparency.

Nepal's score is 44 out of 100, which is only marginally higher than the average score of 43 for all the 100 countries surveyed but is well below the scores of its neighbors in South Asia. Nepal's score indicates that the government provides the public with only some information on the national government's budget and financial activities during the course of the budget year. This makes it challenging for citizens to hold the government accountable for its management of the public's money.

Nepal's OBI 2012 score of 44 has remained largely constant since the OBI 2008.

The Open Budget Index is composed of subscores for each of the eight key budget documents assessed in the Survey. These subscores represent the average of the scores received on a set of questions in the Survey that measure the public availability of and amount of information in the documents. The subscores are comparable across all of the countries included in the Survey.

Recommendations

Nepal's score on the Open Budget Index has remained largely constant during the three most recent rounds of the Open Budget Survey. However, with a score of 44 out of 100 on the Open Budget Index 2012, the government of Nepal has the potential to greatly expand budget transparency by introducing a number of short-term and medium-term measures, some of which can be achieved at almost no cost to the government.

The International Budget Partnership recommends that Nepal undertake the following steps to improve budget transparency:

- Produce and Publish a Pre-Budget Statement and a Citizens Budget. Detailed guidance on the contents of the Pre-Budget Statement can be found in this guidebook <http://bit.ly/QGzHv8>. As per the Open Budget Survey 2012, 47 countries publish a Pre-Budget Statement, including Nepal's neighbor, Afghanistan. Detailed guidance on the contents of the Citizens Budget can be found in this

guidebook <http://bit.ly/QGzFmJ>. As per the Open Budget Survey 2012, 26 countries publish a Citizens Budget, including Nepal's neighbors, Afghanistan and India.

- Increase the comprehensiveness of the Executive's Budget Proposal, specifically by focusing on providing information on the following areas:
 - expenditures classified by programs for the budget and previous year (see questions 4 and 21 of the Open Budget Questionnaire);
 - multi-year estimates of aggregate revenue for at least two years beyond the budget year (see questions 9-10 of the Open Budget Questionnaire);
 - impact of different macroeconomic forecasts and assumptions used in developing the budget (see question 15 of the Open Budget Questionnaire);
 - extra-budgetary funds, transfers to public corporations, quasi-fiscal activities, expenditure arrears, contingent and future liabilities, financial and non-financial assets, earmarked revenues, tax expenditures and percentage of the budget devoted to secret items (see questions 35, 37-43 and 45-47 of the Open Budget Questionnaire); and
 - linking the budget to the government's stated policy goals and quality of nonfinancial and performance data for expenditure programs (see questions 16-17, 48-54 of the Open Budget Questionnaire).
- Increase the comprehensiveness of the In-Year Reports by comparing actual year-to-date expenditures and revenues with either the original estimates for that period or the same period in the previous year and by providing information on actual borrowing for the budget year related to the composition of government debt (see questions 66, 69, and 71 of the Open Budget Questionnaire).
- Increase the comprehensiveness of the Year-End Report by including explanations for the differences between estimates and actual outcomes for both expenditures and revenues, for macroeconomic variables, for nonfinancial data and performance indicators, for funds intended to directly benefit the country's most impoverished populations, and for extra-budgetary funds (see questions 79-86 of the Open Budget Questionnaire).
- Increase the comprehensiveness of the Audit Report by publishing reports on the audits of extra-budgetary funds and reports listing

actions taken by the executive to address audit recommendations. Moreover, the supreme audit institution should provide the legislature with detailed audit reports on the security sector and secret programs (see questions 91, 95-96, and 108 of the Open Budget Questionnaire).

Strength of Legislatures and Supreme Audit Institutions in Budget Oversight

The Open Budget Survey examines the extent of effective oversight provided by legislatures and supreme audit institutions (SAIs). These institutions play a critical role — often enshrined in national constitutions — in planning and overseeing the implementation of national budgets.

The Open Budget Survey assesses whether legislatures provide effective budget oversight by measuring performance on 11 indicators, including: consultations with the executive prior to the tabling in the legislature of the draft budget, research capacity, formal debate on overall budget policy, time available to discuss and approve the budget, legal authority to amend the budget proposal, approval of shifts in expenditure budget and excess revenues collected, supplemental budget powers, authority to approve use of contingency funds, and scrutiny of audit reports.

The Open Budget Survey assesses whether supreme audit institutions are empowered to provide effective budget oversight by using

Video Documentation of RTI Success Stories

Since the introduction of the Right to Information (RTI) Act in 2007, Freedom Forum has been utilizing it, launching a campaign to make the public agencies transparent and accountable to the citizens thereby helping to foster good governance and democratic principles.

The FF has recently produced five video documenting the use of RTI and its success and effects and impact in the multiple fronts in addition to the justice to the needy people. The videos are on:

i. SLC Graduate Scores Treble: Sangam Bishwokarma, a student from Hetauda, a city in the southern plain of Nepal, scored only 32 in mathematics in the School Leaving Certificate exam. Worried and anxious over the little mark, he finally used the RTI to know whether he got such little mark or more. Seeking information from the office of the controller of examination in line with the RTI Act, he was astonished to see 97 marks at the top of his answer sheet. His mark sheet was corrected later. Whether it was technical or managerial mistake, it was a blunder on the part of the office of the controller of examination.

ii. VAT Evaders Exposed: Paying tax is legally binding. Denying to pay tax or paying less than actual is a crime. But, how much tax the big people as business persons pay in Nepal or how they pay tax was always secret. The issue of tax evasion was burning but who and how the tax was evaded was not disclosed. FF demanded the information with the Inland Revenue Department and Finance Ministry about who were those evading tax and how. It took long time to get information. Finally, the Finance Ministry kowtowed before the RTI Act and provided information which debunked that the big persons- businessmen, industrialists were involved evading tax by making fake bill and invoices. The Ministry was bound to make public the names of more than 400 big persons who evaded the tax.

iii. Sacked Judge Restored: Chitra Dev Joshi, while being a district judge in Syangja, a hilly district in the western region of Nepal, was sacked by the then royal regime merely because of the allegation that he spoke against the system. Although the RTI Act had not come then, Mr Joshi utilized the RTI Act after its introduction and finally was restored to his job after half a decade. The accusation labeled on him was baseless and false. It debunked how arbitrary the regime of then king Gyanendra Saha was.

the following four indicators: authority to remove the head of the supreme audit institution, legal power to audit public finances, financial resources available, and availability of skilled audit personnel.

Recommendations

The International Budget Partnership recommends that Nepal undertake the following actions to improve budget oversight:

- The executive must hold consultations with a range of legislators as part of its process of determining budget priorities; the legislature should have a specialized budget research office to assist with budget analysis; the legislature should have unlimited authority to amend the Executive's Budget Proposal; the executive should be required to seek approval from the legislature prior to shifting funds between administrative units and between line items, prior to using excess revenues that may become available during budget execution, and prior to using contingency funds; the executive should be required to seek approval from the legislature on supplemental budgets before these funds are expended (see questions 59, 97, 99-100, 102-104, and 106 of the Open Budget Questionnaire).

Nepal is an average performer in South Asia on budget oversight and engagement

Country	Legislative Strength	SAI Strength	Public Engagement
Afghanistan	Moderate	Strong	Weak
Bangladesh	Moderate	Strong	Weak
India	Strong	Strong	Weak
Nepal	Moderate	Strong	Weak
Pakistan	Moderate	Strong	Weak
Sri Lanka	Moderate	Moderate	Weak

Strong: average score above 66 of 100; **Moderate:** average score between 34 and 66; **Weak:** average score below 34

[Continue to Next Page](#)

iv. NOC rife with irregularities: Nepal Oil Corporation (NOC), a state-owned corporation with sole rights to buy and sell fuel in Nepal, hikes petroleum price frequently. But, what was the reason behind this? Was it the reason NOC claimed it was always in loss? And, what was the reason of loss then? Yes, FF, in line with the RTI Act requested information as how much petroleum products were bought (price?), how much sold on which rate, what was profit? Were there any provided petroleum products free of cost, if so how much was provided? Battling nearly for a year, the NOC divulged the every political and administrative bigwig as provided petroleum products free of cost. It was one of the reasons behind the loss in the NOC. Finally, the reality came to light.

v. Family of Slain Journalist Compensated : JP Joshi, a journalist from Kailali, a district in the far western region of Nepal, was found dead and decayed after some months of his disappearance from the village. Joshi had left village for Kathmandu but in vain. After demands from journalists and rights defenders, the government formed a committee to study the JP's disappearance and murder if it was and submit a report. The committee studied and submitted report to government. But, the report was not made public. Poor victim's family was rendered poorer. When a journalist Ramaji Dahal sought the information about the report from Home Ministry, it divulged that the study committee spent huge amount of money for the study but the JP's family was in dire state of help and relief. Then, the government immediately provided Rs 1 million as relief to the family of slain journalist Joshi. **In addition to this,** FF has compiled and documented several cases of information seeking with the use of RTI in the centre.

Opportunities for Public Participation

Research and advocacy experience of civil society over the past 15 years has demonstrated that transparency by itself is insufficient for improving governance. Transparency along with opportunities for public participation in budgeting can maximize the positive outcomes associated with open budgeting. Therefore, the Open Budget Survey assesses opportunities available to the public to participate in national budget decision-making processes. Such opportunities can be provided throughout the budget cycle by the executive, legislature, and supreme audit institution.

Recommendations

The International Budget Partnership recommends that Nepal expand public engagement in budgeting after considering the Open Budget Survey indicators on which the country performs poorly (see table below and questions 114-123 and 125 in the Open Budget Questionnaire).

Based on these indicators, the Open Budget Survey 2012 finds that opportunities for public participation in the budget process in Nepal are limited.

Algeria has much room to improve public participation

Requirement	Finding
Process Followed Before Consultation	
Formal requirement for public participation (Q114)	Does not exist
Articulation of purposes for public participation (Q115)	Does not exist
Communication by the SAI of audit findings beyond publication of audit reports (Q124)	Exists and is strong
Process of Consultation	
Mechanisms developed by the executive for participation during budget planning (Q116)	Does not exist
Public hearings in the legislature on macroeconomic budget framework (Q119)	Exists but is weak
Public hearings in the legislature on individual agency budgets (Q120)	Exists but is weak
Opportunities in the legislature for testimonials by the public during budget hearings (Q121)	Exists but is weak
Mechanisms developed by the executive for participation during budget execution (Q117)	Does not exist
Mechanisms developed by the SAI for participation in audit agenda (Q123)	Does not exist
Process Followed After Consultation	
Feedback by the executive on use of inputs provided by the public (Q118)	Does not exist
Release by the legislature of reports on budget hearings (Q122)	Does not exist
Feedback by the SAI on use of inputs provided by the public (Q125)	Does not exist

Description of Survey, Methodology, Reliability, and Researcher Contact Information

The Open Budget Survey is a fact-based research instrument that uses easily observable phenomena to assess what occurs in practice. The research conclusions are typically supported by citations and comments, including reference to a budget document, a law, or other public document; a public statement by a government official; or comments from a face-to-face interview with a government official or other knowledgeable party. The Survey is compiled from a questionnaire completed for each country by independent budget experts who are not associated with the national government. Each country's questionnaire is then independently reviewed by two anonymous experts who also have no association with government. In addition, the IBP invites national governments to comment on the draft results from the Survey and considers these comments before finalizing the Survey results. The entire research process for 2012 took over 18 months between July 2011 and December 2012 and involved approximately 400 experts.

The Open Budget Survey provides a reliable source of data on national budget transparency practices for governments, development practitioners, the media, and citizens. Current users of the Survey results include the Open Government Partnership, Collaborative Africa Budget Reform Initiative, INTOSAI, the World Bank in its Worldwide Governance Indicators, and a number of bilateral aid agencies and international and regional multilateral bodies. The publication of the Open Budget Survey 2012 has reinforced the Survey's preeminent position as a global data repository on budget transparency, participation, and accountability.

Research to complete this country's Open Budget Survey was undertaken by Taranath Dahal and Krishna Sapkota, Freedom Forum, PO Box: 24292, Thapathali, Kathmandu, Nepal, info@freedomforum.org.np.

The Nepalese government has provided its comments on the draft Open Budget Questionnaire results for the country.

How Long Will the Burmese Media Spring Last?

17 January 2013.

Reporters Without Borders is today releasing a report entitled *"The Burmese Spring"* about the rapid progress that freedom of information has made in Burma, but also about the limits of this progress and the dangers it faces.

The international community is witnessing an unprecedented democratic transition in this Southeast Asian country after half a century of military dictatorship. But, as things stand, the possibility of the reforms being perverted cannot be ruled out.

For 25 years, Reporters Without Borders was on a blacklist that prevented it from visiting Burma. Imprisoned journalists such as Win Tin, one of the symbols of the fight for freedom of information, and *Democratic Voice of Burma's* video-journalists could only be supported from a distance during this period.

Reporters Without Borders was finally taken off the blacklist on 28 August 2012, allowing it to visit Burma and observe the initial results of government reforms easing restrictions on the media.

"There has been historic progress for the media and the ground covered by the government has been striking, as evidenced in the recently announced revision of the repressive laws affecting the print media," Reporters Without Borders said. "The release of imprisoned journalists and the end of prior censorship represent the start of a new era for Burma's journalists."

"The information ministry's announcement on 28 December that the publication of privately-owned dailies will be permitted from next April is evidence of a commitment to pursue the reforms. But we are now waiting for these promises, especially the creation of independent dailies, to be realized."

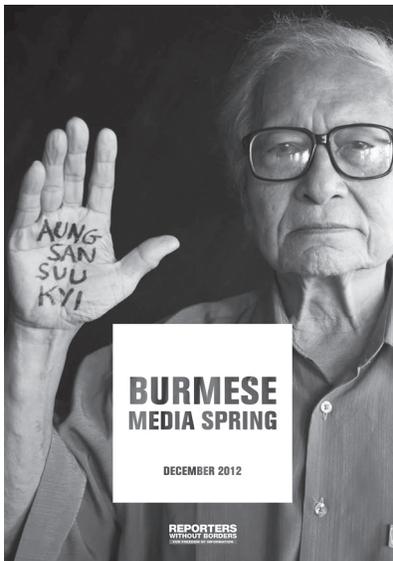
Although censorship has been lifted, the censorship bureau, called the Press Scrutiny and Registration Division (PSRD), has still not been disbanded and still wields a great deal of repressive power because it can still suspend any weekly that publishes "forbidden" content.

In the absence of a law providing the media with effective protection, there is a real danger of journalists censoring themselves after decades of government censorship. Officials have not shed their repressive tendencies, as witnessed by the many legal

proceedings against privately-owned weeklies in 2012.

The report draws attention to the dangers of media sector transformation without an appropriate

"There has been historic progress for the media and the ground covered by the government has been striking, as evidenced in the recently announced revision of the repressive laws affecting the print media," Reporters Without Borders said.



REPORTERS WITHOUT BORDERS
FOR FREEDOM OF INFORMATION

legal framework, to the specific problems of exile media that have returned to Burma, and to the lack of adequate media coverage of the humanitarian crisis in the western province of Arakan.

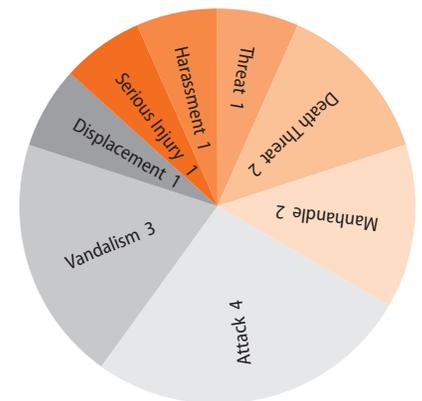
Reporters Without Borders calls on the Burmese government to curb lawsuits against the media and to support the rapid repeal of repressive laws and adoption of a media law that respects freedom of information.

It encourages the Burmese media to increase their interaction with the various journalists' associations and unions in order to revitalize the media sector and defend its interests.

And finally, Reporters Without Borders urges the international community to condition its assistance on respect for fundamental freedoms, especially freedom of information.

(Source: <http://en.rsf.org/birmanie-how-long-will-the-burmese-media-17-01-2013,43913.html>)

Press Freedom Violation in Nepal from Jan. to March 2013



Freedom Forum is an independent, non-governmental and not-for-profit civil society organization working for the cause of social accountability, democracy and human rights focused on press freedom, freedom of expression and right to information in Nepal. Incepted in 2005, Freedom Forum has emerged as a prominent national organization in promoting access to information and freedom of expression through dialogue, research, training, public advocacy and campaign and programme implementation. Currently, the organization is working on the issues of public finance management, budget transparency, aid governance, political and parliamentary accountability and electoral reform based on its on-hand experience and learning.

Editors: Krishna Sapkota, Narayan Ghimire

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