

Violations of Freedom of Expression and Opinion during First Round of Level Election in Nepal

CONTEXT/BACKGROUND

With much efforts and consensus among the political parties, Nepal held the first phase of the local level election on May 14, 2017. It is a seminal political event, for it was held in the hiatus of around 20 years and has served the base for future remarkable developments. The enthusiastic participation of people resulted in 73 per cent voters' turnout. With the new Constitution promulgated on 20 September 2015 having the mandatory provision of holding three-tier of elections – local, provincial and federal by 20 January 2018, Nepal became successful in holding the first round of the local level election, and now is all set to the second and third rounds on 28 June and 17 September 2017. The local election is not only to implement the federal setup of the new democratic republic but also to take development to people's doorsteps. The public service delivery is expected smooth, prompt, accountable and transparent with the local levels having the people's elected representatives. The change in the governance system has devolved huge financial, legal and administrative rights and authorities to the local levels. Proper implementation of system would obviously elevate people's lifestyle.

As the election preparation went in full swing in 34 districts of Province No 3, 4 and 6, the publicity campaigning of various political parties participating in the election emerged competitive. It is natural for the political parties to campaign for their favour and candidates to win voters' confidence and secure their victories. But, when election campaigns turned arrogant, it brewed hostility and violence among the political parties that also created atmosphere for the breach of freedom of expression. Election despite being the effective tool of participatory democracy to enable people, the violation of freedom of expression occurred during the civic polls is equally unforgettable.

Freedom Forum, as an organization working continuously for the cause of democracy, freedom of expression and right to information, welcomed the elections. Together with this, FF also remained vigilant of violation of right to freedom of expression, of speech/opinion, press freedom and peaceful campaigning during the election. The constant watch FF had was indeed a regular process of its monitoring of freedom of expression violation. FF since early preparation of local election (May 1) to the final days of vote counting (May 29) recorded various cases of FoE violation in different parts of the country. The confrontation and clash among the political cadres and election campaigners left some leaders and cadres injured while many were obstructed from exercising their right to free speech. Similarly, some journalists were issued death threats for covering stories on elections. Even the arrests of journalists were recorded during the monitoring. This report of the FoE violation during election has incorporated the incidents describing how fundamental rights of citizens' to peaceful campaigning, FoE and press freedom were violated, so that the stakeholders would be aware how they would take efforts from their sides to reduce such in the next election.

FF kept on monitoring FoE during election since it largely manifests the citizen's freedom of expression through ballots. So, any activity creating the atmosphere unfavourable to elections obviously is associated to the violation of freedom of expression.

OBJECTIVES

The key objectives of this monitoring report are –

- To maintain factual record of the cases of FoE violation during elections as evidence for future advocacy
- To sensitize broad-based stakeholders (political parties, security officials, rights bodies to whom this report will be disseminated) on the trends of violation of FoE during elections
- To help create non-violent and FoE-violation free election

STORIES OF VIOLATIONS

Election candidates threatened: On May 4, some cadres belonging to the Nepal Communist Party threatened the election candidates to withdraw their candidacies in Chitwan of Province-3. The police arrested the cadres (Raghubir Sharma, Ram Bahadur Lama and Roshan Karki) for issuing threats to candidates.

Election candidate's vehicle torched: A vehicle being used for election campaign of Nepali Congress candidate was torched on 5 May night by unidentified group in Nuwakot of Province-3.

Election rally obstructed: On May 7, the peaceful election rally of the Nepali Congress was obstructed by the CPN-UML cadres in Syangja of Province- 4, which resulted in a clash that injured a UML cadre. The supporters of the NC and UML involved in the brawl.

Party cadres injured in clash, election campaigning obstructed: A clash broke out between cadres of rival political parties during election campaigning at Gajuri of Dhadhing on 8 May. Four persons were injured when a clash broke out between the cadres of CPN-Maoist Centre and CPN-UML at Chainpur of Gajuri Rural Municipality. Dhadhing of Province-3.

Maoist cadre Devraj Adhikari reported to a media, saying, “It was our door to door polls campaign and we were busy talking to the locals when some UML cadres accosted us trying to disturb our campaign”.

Vehicle torched: On 10 May, an unidentified group of people torched a vehicle used by the Rastriya Prajatantra Party for election campaign at Kawasoti Municipality of Nawalparasi district of Province-4. The police informed that a Tata Sumo jeep belonging to Shankar Dhakal of the municipality was destroyed after the group put it in to flame. The election campaigning was hindered with the incident.

Election candidates deprived of speech as bomb blasts near election assembly: A bomb was hurled near an election gathering of the Nepali Congress in Nawalparasi on 11 May. The gathering was an interactive program of which disruption was a blow to constitutionally

guaranteed right to freedom of expression. Nawalparasi district lies in Province-4. However, there was no human casualty in the blast.

Women journalists served death threat over Facebook

A person named Basant Karki issued death threat to female journalists reporting on vote counting of local level polls held on 14 May in Pokhara on 23 May by using social media. Pokhara is situated in Province-4. Karki, an inhabitant of Kaski district, is currently abroad.

On his Facebook status, Karki wrote: "Those mafia journalists' posts about election update should be checked. Claiming oneself a journalist; carrying ID cards and wearing spectacles do not substantiate the claim that they are media persons. So, be aware otherwise you may also face the fate of journalist Uma Singh".

FIR filed against death threat- Responding to the status, Sushma Paudel, a reporter with a local newspaper *Adarsha Samaj*, published from Pokhara registered an FIR against Karki on 24 May at the District Police Office, Kaski. Karki then, immediately deleted his status.

However, the man issuing death threat over Facebook not only deleted his post but also apologized with journalists, making phone calls after an FIR against him. The media persons are now planning to discuss whether they would withdraw FIR tomorrow, shared reporter Paudel.

Arrests: The District Police Office, Gorkha, kept Bikash Bhattarai, a reporter with Janata TV from Gorkha district, on detention for ten days. He was arrested by the police, reasoning the 'high level order to arrest the cadres of the Biplav-led Maoist party.'

When Freedom Forum inquired the District Police Office, Gorkha, it informed that Bhattarai was detained because he was the district committee member of the Biplav-led party. "The order from the 'high level' was that anyone belonging to the Bilav-led party should be detained for they were disrupting the election," he informed.

The government has kept the Biplav-led party's leaders and cadres under close observation, for the party has involved in the anti-election campaign. Journalist Bhattarai was arrested from a place near the vote counting.

Nepal conducted the first round of local level election in 34 out of 75 districts on May 14, and the vote count is completed in almost places excluding Bhartpur municipality.

However, a reporter with the National News Agency (RSS) from Gorkha, Prasanna Pokharel, informed Freedom Forum that Bhattarai was arrested while he was reporting about vote counting. He further said reporter Bhattarai was not involved in the political affairs but was reporting on vote count.

Meanwhile, Freedom Forum was informed about the similar cases of the arrest of journalists from different parts of the country. Chairperson of Revolutionary Journalists' Organization Pravat Chalaune said, "Journalists- Hari Bishnu Oli from Rukum, Pustaman Ghartimagar (a reporter with Jaljala Post) from Rolpa, Bikash Bhattarai from Gorkha, Thakur Prasad Timilsina

(Rato Khabar weekly) from Rasuwa and Sudarshan Mongol (journalist with www.janapati.com) from Kathmandu were arrested by the security before the first round of local election."

Various inter/national media organizations have raised concern over these arrests. FF, is however, scrutinizing the arrests to know whether the arrests are the violation of freedom of expression and press freedom or police arrested the journalists without definite evidence, they claimed' as the activity against elections.

Police person attacks reporter: A reporter working for the dudhauri khabar news portal, Rabindra Bhattarai, from Sindhuli district was attacked by a police person while reporting about counting of votes at Dudhauri Municipality. Sindhuli lies in Province-3 of Nepal.

During a telephonic conversation with Freedom Forum, reporter Bhattarai explained, "On 15 May, around 4:00 pm, while I was at Dudhauri Municipality reporting live for the news portal the police person kicked me. My mobile set dropped and got damaged. I even got minor injury on my hand". He, however, was able to protect his camera, added reporter Bhattarai.

Police Person manhandles Photojournalist during election reporting: Nayapatrika daily's photojournalist Binod Bista was manhandled by Police during election in Lalitpur on May 14. Nayapatrika is a national daily published from Kathmandu.

In conversation with Freedom Forum, reporter Bista shared, "At 10:30 am, I reached the Lalitpur-based polling station of Phulchowki Secondary School for reporting on ongoing local level election. Meanwhile, the duty chief Sub-Inspector of Police (SI) stopped me on the gate and called election officer even after I showed him my Press Card. Although the election officer asked me to enter, the SI without his name plate again stopped me and made indecent utterances on me."

"What is Press Card? I too have such card, so get lost!" he then shouted, "I won't let you in even after the high level security allows you," said the SI to Bista, grabbing him by the arm.

Although a senior police officer Thule Rai had told Bista that he could report without any objection, SI's hostile attitude discouraged him to reporting.

Lalitpur's Chief District Officer was informed about the case.

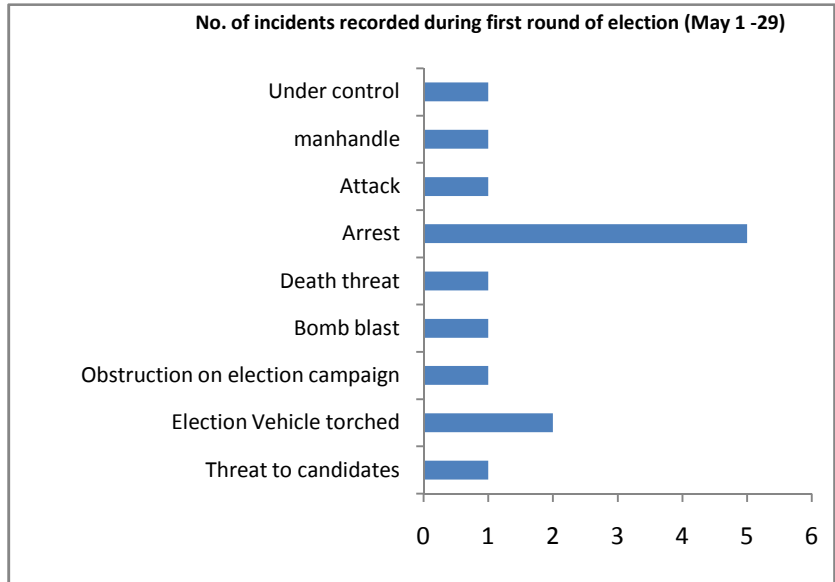
Journalist taken under control over news: Police took control Tilak Adhikari, reporter with local Janata Jindabad weekly published from Makwanpur on May 11. Makwanpur is in the Province-3 of Nepal.

Talking to Freedom Forum, reporter Adhikari shared, "At 2:00 pm, while I was preparing my news story at office, some 12-15 police persons in plain clothes approached me and said Police Inspector had called me to their office. I denied saying without any reason I won't go but they insisted and took me. Reaching the District Police Office, I asked Superintendent of Police (SP) why they had arrested me without warrant."

He further said that Police had arrested him over news stories published on local level election.

*(*This report is prepared by Freedom Forum Nepal during the first round of local level election, June 2017 in Nepal.)*

Meanwhile, Chief District Officer did not know anything about arrest. At 4:00 pm, he was released from Police office.



ANALYSIS

All three- political parties, election and media- are equally important pillars of democracy. But, the stories above show that one political party is attacked by another. One's freedom of expression is violated by another with attack, threat, and obstruction. The bomb blast near election program deprived people of their right to speech, while peaceful campaigning is obstructed resulting in clash and injury. At a time when the political parties are exercising democratic practice of election, they are violating another democratic exercise -freedom of speech/opinion and expression. Similarly, media persons are threatened over writing news of election results. It suggests that hostility among political parties is counterproductive to them, to voters, and media persons. When the FoE and press freedom are controlled and violated, it is a sheer disrespect to citizens' fundamental right.

CONCLUSION

Freedom Forum has serious concern over the above mentioned incidents which have direct bearing on citizen right to freedom of speech/opinion, and expression as well as press freedom and peaceful campaigning. The stakeholders including the political parties and security agencies need to build cooperation to reduce such incidents in future. As election itself is the manifestation of citizen's freedom of expression through ballots, any activity creating the atmosphere unfavourable to it is obviously linked to the violation of FoE. FF strongly recommends the political parties to build inter-party harmony, so as to reduce the clash and obstructions that violate FoE during election. It is imperative also because Nepali is mandated to hold three more elections within a year. Similarly, time has come to augment civic education on media, so that they would not be venomous to journalists' right to free reporting.

