



Situation Report: Bangladesh, December 2012

Journalism in the Political Crossfire

The deeply polarising effect of politics in Bangladesh has been felt in various domains, the media included. As Bangladesh prepares for another round of general elections to the national parliament at the end of 2013, political discord and disharmony are rising. The years since the last general elections in 2008 have been politically stable since the Awami League (AL), the party that led the country's movement for liberation from Pakistan, has secured alongside its allies, an impregnable majority in parliament. But there has not been any manner of political concord. Opposition boycotts of the proceedings of parliament and allegations of unfair pressures on political and civil society elements inclined towards the opposition, have been frequent.

In June 2011, the Government of Sheikh Hasina Wajed piloted the Fifteenth Amendment to the Constitution through Bangladesh's parliament, providing another potential flashpoint for acrimony as elections near. Among other things, the Fifteenth Amendment does away with the process of conducting national elections under a neutral caretaker government. It reaffirms Islam as state religion, but then enshrines the values of secularism and freedom of faith. It officially raises Sheikh Mujibur Rahman to the status of "father of the nation", mandates that his portraits will be displayed at key sites of the Bangladeshi state and the offices of its main functionaries, and incorporates into the official text of the constitution, two historic speeches that he made in March 1971 as Bangladesh broke away from Pakistan. It institutes strong safeguards against regime change not based on an explicit electoral mandate. It declares that all people of Bangladesh would be known as Bengalis and all citizens as Bangladeshis. Finally, it effectively makes itself a permanent feature by stipulating that "basic provisions of the constitution are not amendable". There is widespread public confusion over the implications of these many changes to the basic law. To an external observer, unaware of the contentious history of Bangladesh since independence, the many provisions of the fifteenth amendment may even seem mutually contradictory. To insiders, it is all part of the process of coming to terms with decades of political turmoil.

The AL has worked on the premise that its comfortable majority, secured in the December 2008 elections, is a mandate to restore what it portrays as the underlying values of the Bangladesh war of liberation: modernity, secularism and equality. It also saw the electoral verdict as sanction to conclude the unfinished agenda of its earlier term in office: bringing to justice the assassins of Sheikh Mujibur Rahman. Verdicts had been handed down after a trial that began in 1997, more than two decades after the killing. But a change in government in 2001 resulted in the trial process being stalled at the appeals stage. All appeals were finally exhausted only after an elected government under the AL assumed office in January 2009, with Sheikh Mujibur Rahman's daughter, Sheikh Hasina Wajed, only one among two members of the immediate family to survive the mass murder of 1975, winning a second term as Prime Minister.

Of the nine individuals convicted of Sheikh Mujib's assassination, all five within reach of Bangladesh's legal system, were executed in January 2010. Even the many who



oppose the death penalty on principle, recognised that accountability was long overdue for an act of brutality that included the killing of Sheikh Mujib's nine-year old son. The AL reasoned that the executions were an important part of the country's reaffirmation of its foundational values. The main opposition parties, the Bangladesh National Party (BNP) remained discretely silent, choosing a quiescent mode of expressing dissent when the public mood and media commentary seemed overwhelmingly to favour the executions of individuals who enjoyed the BNP's protection through the years it was in power.

The media in Bangladesh made note of the symbolic quality of the event and its value in reaffirming the nation's commitment to the rule of the law. Among all Bangladesh's newspapers, the English-language daily *New Age* had perhaps the most distanced and critical attitude. The "political debates over the murderous ouster of (the) Mujib regime", it commented editorially, "would not be buried with the burial of the bodies of the convicts". Rather, for this to happen, "society would require threadbare discussions and informed debates on the political events leading to the murderous political misadventure, its political and cultural consequences and the ways of freeing (Bangladesh's) history from the political hangover that the misadventure had caused 34 years ago".

Daily Star, Bangladesh's largest-circulated English daily, had a more positive assessment: "It was for this nation, simply and very logically, a return to the great idea that rule of law matters, that justice is all, that anyone who commits a crime should not expect to get away with it. Indeed, now that the legal process has ensured a restoration of the principle of justice, it is time for all citizens, irrespective of political belief or party affiliation, to reflect on the dark shadows that for long impeded our march to a better and an egalitarian future".

The January 2010 executions may have been one point of closure, but several issues in the country's contested past continue to cast their shadow. Through 2009 and the following year, when the Sheikh Hasina government made clear its intent to bring to trial those guilty of the worst abuses during the 1971 war of liberation, there were hopes that a new consensus would emerge on the four decade-long history of the country since independence. There were realistic expectations that this in turn would be an antidote to the divisions that have plagued civil society and the media community, especially since the murder of Sheikh Mujib and most of his family. The institution of the International Crimes Tribunal (ICT) soon afterwards and the opening of the war crimes trials were thought to be the occasion for finally bringing all unsettled disputes of ideology to consensus

The ICT has since had a troubled course, belying some of the hopes with which it was set up. On 2 October 2011, *New Age* ran an article on its op-ed page titled "A crucial period for International Crimes Tribunal". The author David Bergman, is the *New Age* editor for special investigations, a British national resident in Bangladesh since 2003, with a long-standing interest in the Bangladesh war of liberation. The ICT took objection to certain of the points made in the article and three days later, issued a notice asking why the writer, along with the editor and publisher of the newspaper, should not be cited for contempt.

Particular sections of the article that found mention in the notice, referred to the public mood which seemingly had prejudged the guilt of some of the individuals up for trial before the ICT, as also the procedural weakness of seeking convictions merely on the basis of single witness testimonies on events four decades past. The article also pointed out that the ICT had allowed fifteen unsigned witness statements out of the forty-seven that the prosecution had moved for. It raised questions about the ICT's rigour in assessing all witness depositions before purported offences were taken cognisance of.

No contempt involved in demanding fair play

Nurul Kabir, the editor of *New Age*, presented a detailed response to the ICT on 23 October 2011, speaking of the wide range of issues involved in establishing accountability for crimes committed during Bangladesh's war of liberation. Far from seeking to dishonour the procedures adopted by the ICT, he said, *New Age* had been consistently engaged in "truthful coverage of the proceedings of the historically important trial". The occasional "critical analysis of the mode of operation" of the ICT was published with a view to strengthen the judicial body's effort at promoting "the proper administration of justice". The article called into question by the ICT, Kabir averred, was published in an identical spirit of constructive criticism, to identify certain decisions which had been "made in deviation, most likely unintended, from the standard procedure of conducting the trial". In the light of the "unambiguous support that *New Age* (had) provided over the years to the cause", its readers would be left in little doubt that the intent of the impugned article was to "help the Tribunal modify its course for the greater credibility of its conduct".

Kabir recalls that soon after he presented his defence, he was complimented by the ICT on the wide range of his legal knowledge and the skill with which he had made the case for critical scrutiny over its proceedings. However, when the judicial body rendered a final determination on the matter in February 2012, it was in a tone of marked asperity. The three media persons held liable for contempt were discharged, though not without the judicial body observing in its *obiter dicta* that the article in question was indeed contemptuous. The *New Age* editor and the author of the impugned article were issued a grave "caution" by the ICT and told to be more mindful of the spirit and process of the law. In sharp contrast to its tone when hearing Kabir's oral testimony, the tribunal held the editor ignorant of the "procedure of law". Despite this, the ICT observed that the newspaper editor chose not to engage an attorney and argue his own defence. Though the ICT did not view the journalist's seeming reluctance to express any form of regret with favour, it had decided to discharge him as a gesture of its magnanimity.

Since the hearings of the ICT commenced, there have been reservations voiced over procedure and also its potential contribution to national reconciliation. U.N. Secretary General Ban Ki-Moon described the process as "essential" when he visited Bangladesh in November 2011, but international human rights bodies have been careful to underline the need for appropriate procedures and assurances of fairness. A leading figure of the civil society effort to document war crimes and build a broad consensus on the need for the trial, M.A. Hassan, has conceded that the manner in which it has been undertaken, is "fragmented". "We have not been able to touch the tip of the iceberg even, because 95 percent of the crimes were committed by the Pakistani army", he says.



Odhikar, a leading human rights monitoring and campaigning body, has cautioned against the manner in which prosecution teams have been conducting themselves in the full glare of the media. “Witnesses were seen giving testimonies to teams in the presence of television cameras, which were later broadcast. The investigation must protect the rights of victims and witnesses, including their privacy and above all, safety”. Odhikar has drawn attention to the need for a witness protection programme. International observers have also cautioned that “trial by media” could jeopardise chances of fair judicial procedure and undermine public faith in the integrity of the trial.

Despite these well grounded reasons for close public scrutiny over the judicial process, there is within the ruling dispensation in Bangladesh today, an inordinate sensitivity towards any manner of criticism of ICT proceedings. And this is a sentiment often enough, articulated through sections of the media. In February this year, the Qatar-based satellite news channel Al-Jazeera broadcast a report on the ICT proceedings, focusing particularly on the trial of Ghulam Azam, former head (or *ameer*) of the Jamaat e-Islami, a political party committed to religious precepts. Azam’s opposition to Bangladesh’s freedom movement was an openly-stated commitment and following the end of the war of liberation, he spent many years in exile before returning three years after Sheikh Mujib’s assassination. The Jamaat has since become a significant element in Bangladesh politics, often in partnership with the BNP. Though its ability to win seats in Parliament on its own political programme is virtually negligible, it can often serve as the swing element in various constituencies. And its international linkages have ensured it a vast resource base. The Jamaat is also known to operate through a number of business front organisations, including banks, that enhance its political clout.

In opposition circles, the prosecution of Gholam Azam, now ninety years old, is seen as a means of quashing dissent. Within AL circles, it is seen as a long overdue process of accountability against a political element that has leveraged international connections, including in the oil-rich kingdoms of the Arab world, to sustain an undeserved prominence within local politics.

Al-Jazeera’s reporting on the ICT was seen as an element within the broader geopolitics of Islam. *Daily Star* responded within a day quoting a number of legal authorities, journalists and historians, in a news-report that concluded that Al-Jazeera could “provoke instability in Bangladesh”. This was a riposte, direct and intended, to the Al-Jazeera reporter’s concluding lines, which said: “Whatever the decision this court comes to, it will have dramatic consequences. It may bring justice to many but at the price of throwing Bangladesh into further political instability”. The following day, the newspaper ran an editorial which opened with a strong affirmation of the right to freedom of opinion, but went on to express “consternation” at the Al Jazeera report “saying that the ongoing war crimes trial in Bangladesh will push the country into political instability”. The editorial concluded by exhorting all “established international, regional and national news organisations to avoid unnecessary speculations (sic) and understand the fundamental purpose of international war crimes trial”.

Senior journalists that this mission met in Dhaka spoke of the ICT as a very sensitive process. The Al Jazeera report may have been overly critical and needlessly supportive of Islamist groups. A contrary opinion within the media community in Dhaka, held the



fuss rather misplaced. The Al Jazeera report was no more than three minutes long and the editorial outrage that it provoked may have been, they commented, more an index of extreme insecurity than anything else.

In April 2012, the ICT summoned the editor and a reporter of the Bangla daily *Sangram* after it had published a report, sourced to a group of lawyers in the district of Feni, criticising the decision to take on board fifteen witness testimonies gathered by a police official as evidence in the trial of another Jamaat leader, Delawar Hossain Sayedee. After hearing their defence, the tribunal ordered the two journalists detained till it rose for the day. Since the contempt matter was taken up towards the end of the day's deliberations, the total time for which the journalists were detained, did not exceed half an hour. But the ICT was insistent on this symbolic punishment, to underline that it would not brook any challenges to its moral authority.

Journalists in Bangladesh are worried that under the law that invests the ICT with its powers, all its verdicts can be appealed before the Supreme Court. A conviction for contempt, which could run up to a year's imprisonment, a fine of BDT five thousand, or both, cannot be appealed. Spokespersons for the ICT that this mission met, concede that this is an extraordinary judicial authority which for precisely that reason, they are committed to using sparingly and leniently. They are insistent though, that media commentary that undermines faith in a process that the people regard as a vital part of coming to terms with their history, cannot go uncensored or unremarked.

***Amar Desh* faces continuing persecution**

One newspaper that faces constant threats and legal harassment is *Amar Desh*, which was in 2009, bought over by technocrat Mahmudur Rahman and transformed into a platform for critical reporting and analysis of the current government's actions. Mahmudur Rahman who worked as advisor on energy policy and chair of an investment promotion body under the BNP government voted into office in 2001, denies any political motive in buying up the newspaper. *Amar Desh*, he says, was in financially straitened circumstances in 2009 and staff were anxiously looking for an infusion of investor funds that could keep the newspaper afloat. Mahmudur Rahman at that point liquidated his holdings in a ceramics business and put some part of the money into the revival of *Amar Desh*.

In December 2009, *Amar Desh* carried a story, credited to special correspondent, M. Abdullah, about a transaction with a U.S. oil company, concluded on the specific recommendation of a top policy adviser to Prime Minister Sheikh Hasina Wajed. Abdullah was attacked within days of this report appearing in the vicinity of his office in the Kawran Bazar area of Dhaka. The windshields of his car were smashed by the attackers. The journalist only managed to escape serious physical injury by sprinting the short distance to the safety of his office. A few days later, the first of many defamation cases was filed against *Amar Desh*, naming its editor and publisher as principal respondents. Mahmudur Rahman secured anticipatory bail protecting himself from arrest in these cases, but on 11 February 2010, he was attacked in Dhaka. Though not injured, the car in which he was travelling was badly damaged.



Mahmudur Rahman's application for a change of ownership filed with the consent of the former owner of *Amar Desh* in March 2010, was rejected on the grounds that the numerous criminal cases he faced made him ineligible for ownership stakes in any form of new media. In June 2010, the government of Bangladesh cancelled the "declaration", or the registration under local law of *Amar Desh*, on grounds that it was in breach of law in having no authorised or identifiable publisher. The order closing down the newspaper followed the formal receipt of this recommendation from the Special Branch of the local police establishment.

Mahmudur Rahman managed to fight off the closure order, securing a stay from the High Court division of the Bangladesh Supreme Court. Domestic law also empowers the Bangladesh Press Council (BPC) to intervene and restore the registration of newspapers when there is valid ground to suspect *malafide* in any termination of the permission to publish. In June 2010, Mahmudur Rahman was arrested on the basis of a complaint reportedly extracted from the earlier publisher of *Amar Desh*, which alleged that the story published on the energy deal with a U.S. oil company, was without basis or foundation. His arrest was effected at the Kawran Bazar office of *Amar Desh* by squads of uniformed and heavily armed police, at just the time that the day's edition was being put to press. Kawran Bazar being a node of the media industry in Dhaka, a number of news crews quickly assembled at the *Amar Desh* office, transmitting the spectacle in real time to numerous viewers. Condemnations from the media community followed instantly.

The police station that Mahmudur Rahman was taken to, became the venue of a spontaneous political protest by the BNP and other elements of the political opposition. Mahmudur Rahman was held in custody as multiple cases were registered against him. Though eligible under most charges he faced, he failed to secure bail. In August 2010, he was handed a conviction by the Supreme Court, along with reporter Waliullah Noman and the publisher of *Amar Desh*, on charges of contempt. The contempt petition was moved by two members of the bar after *Amar Desh* carried a story on April 21 suggesting that the Supreme Court bench was predisposed towards making decisions favourable to the incumbent government.

Waliullah Noman was given a month in prison and a fine of Bangladesh Taka (BDT) 10,000 (USD 150 at then prevalent exchange rates), and Mahmudur Rahman, six months in prison and a fine of BDT 100,000. Publisher Hashmat Ali was fined BDT 10,000. Two other staff members of *Amar Desh* were discharged after they tendered full and unconditional apologies.

This was reportedly the first conviction for contempt handed down by the country's highest court. The verdict, delivered by the full bench of the Supreme Court's Appellate Division, left no options for appeal. Journalists' organisations and press freedom bodies in Bangladesh were divided in their response to the issue, since Mahmudur Rahman had been associated with the party then in opposition and was seen by many to be pursuing oppositional politics through newly acquired media interests.

The editorial response though sceptical, tended to be cautious and respectful of the judicial verdict. *Daily Star* commented that the contempt convictions did nothing to



enhance the “dignity of the judiciary”. Referring to the institution-building process underway since the return to civilian elected government less than two years before, the editorial observed: “What we need now is a wise leadership of the supreme judiciary towards strengthening all institutions that bring more freedom to individuals and accountability of all institutions, including the judiciary.”

Irene Khan, well-known Bangladeshi commentator and former head of human rights watchdog Amnesty International, commented that “the law should provide a clear definition of contempt and procedural safeguards in keeping with modern best practice”. But the responsibility did not lie with the judiciary alone, she argued: “The symbiotic relationship between the media and the judiciary places an obligation on the media to acknowledge that along with its freedom comes responsibility - the responsibility of fair reporting.”

Mahmudur Rahman and Waliullah Noman served their full sentences and in the case of the former, an additional month for refusing to pay the stipulated fine. Since his release in March 2011, Rahman has had to respond to multiple cases of defamation brought against him, mostly by leaders and activists of the AL. On 27 March 2012 the Dhaka Metropolitan Magistrate framed charges against him and five others, including Waliullah Noman, in the defamation case brought by the Bangladesh Telecom Regulatory Commission (BTRC) for a story alleging that Indian nationals were being appointed to key positions in the body.

Mahmudur Rahman today, by his own estimation, faces no fewer than fifty-three cases, and several of these involve charges by AL members over articles published in *Amar Desh*, one of which said that several war criminals were sheltering within the ruling party. Aside from the BTRC defamation case, charges have also been framed in a case of rioting and obstruction of the police, arising from the demonstration conducted by opposition political parties outside the police station where he was taken after his June 2010 arrest. Mahmudur Rahman is currently required to appear in courtrooms roughly three times every week in response to various summons.

The official story on *Amar Desh* has convinced very few in Bangladesh. Yet several journalists’ groups have refrained from getting involved in his cause because of a persistent belief that it is less about professional matters and more politics by other means.

Channels blocked

Amar Desh’s travails reflect the rising degree of rancour in political exchanges as elections near. One among many flashpoints in recent months, was the political rally by the national opposition in Dhaka on 12 March 2012, when three television channels were blocked for viewers in the city for the duration of a speech by BNP leader, Khaleda Zia. The three channels — Ekushey Television, BanglaVision and Islamic TV — were inaccessible for viewers between 3 pm that day, approximately an hour before the opposition leader began her address, until 6:30 pm, after she concluded. Staff at the affected TV channels revealed that the Cable Operators’ Association of Bangladesh (COAB) had been asked by the government to suspend transmission of the three channels for this length of time. There were also reports that emerged then, that BTRC,



which grants licences for use of the broadcast spectrum, may have directly intervened with certain channels to dissuade them from covering the opposition rally live.

Following this, notice was issued to Ekushey TV by the National Board of Revenue for failure to submit tax returns for three years. The channel claimed that it was yet to complete a financial audit for the years in question since it was preparing for an initial public offering (IPO) of shares. The alibi may not have been very strong, but the event fed into the story of deep partisan divisions and a vindictive attitude by those in authority towards media outlets that do not offer unconditional support to the AL.

BTRC has twice in the recent past, stopped TV channels on grounds that they did not have prior clearance to utilise the broadcast spectrum. In September 2007, with Bangladesh under a military-backed caretaker government after the AL and BNP failed to agree on a civilian administration that would oversee general elections, CSB Television was taken off the air by order of the BTRC. This followed a caution issued by the regulatory body two weeks before, warning the channel not to broadcast any “provocative” news items, talk shows or documentaries.

In November 2009, under the current regime, the BTRC withdrew its allocation of broadcast spectrum space to Jamuna TV on the grounds that it had illegally begun operations even before gaining formal permission. After a seven-month long legal battle, the decision was upheld by the High Court Division of the Supreme Court and Jamuna TV advised to apply afresh for an allocation of broadcast spectrum space.

Late in April 2010, the private TV broadcaster, Channel One, was ordered closed by the BTRC on the grounds that it had handed over imported equipment to another user without proper authorisation. The government denied any partisan motive behind the decision, but it did not pass comment that the channel was owned by a former member of parliament said to be close to the BNP leadership. Rumours afloat at the time were that pressure had been exerted to transfer the channel’s ownership to near relatives of the Awami League leadership.

Heightening confrontation

In February 2012, a coup attempt by Islamist elements within the army was seemingly discovered and thwarted. Around then, Prime Minister Sheikh Hasina Wajid raised the temperature in her war of words with the opposition. Press freedom as an issue was debunked. As the Prime Minister then said, the media was guilty of “exaggeration”. Under the freedom her regime had granted, the press was “writing at its will, no matter what is right and what is wrong”. This was a freedom that it did not enjoy when parties in opposition at the time were in authority. As she said it then, the press used to receive “invisible advice” from certain quarters all through the BNP’s tenure in office that began in 2001. Not one of the cases of the sixteen journalists killed during that time had been properly investigated, she said.

The ruling party followed with a mass rally on 7 March 2012, clearly to pre-empt the opposition show of strength of 13 March. Disruptions caused to civic life in the city featured widely in media reporting of the 7 March rally. When the government took recourse to extraordinary measures to ensure that the opposition rally of 13 March was



deprived of mass participation and denied due media coverage, editorial commentary tended to be extremely critical. The *Daily Star*, which by no means is adversely disposed towards the government, commented editorially: “The tragedy for the AL is that in attempting to suppress the opposition it has suppressed the citizens. Ordinary people were subjected to indescribable sufferings just to prevent the BNP from holding its rally. We also condemn the fact that the mass media, especially the electronic media, were prevented from fully carrying out their professional duties during yesterday's opposition programme. Several TV stations were barred from airing uninterrupted live coverage of the rally. A few channels that were covering stories of public sufferings during the course of the day were visited by intelligence people and told to tone down their coverage. In other cases the cable operators were partially prevailed upon to take some channels off the air during the peak hours of the opposition's rally. Such blatant interference in the media's function amounts to suppression of the freedom of the media and public's inalienable right to know”.

Soon afterwards, it was reported that nineteen journalists in the south-western district of Pirojpur had presented themselves to the district police station on March 14, demanding protection from threats issued by the district branch of the ruling party at a public rally the previous day. The journalists were reportedly threatened with violence following their publication in local newspapers of critical reports about two members of the elected district council. The reports, which alleged that two local politicians had been involved in corruption and nepotism, were subsequently republished by daily newspapers and news channels based in Dhaka. Members of the ruling party were then reported to have told the journalists that if they continued publishing critical reports about the two elected members of the district council, they would be forced to leave town or be “chopped into pieces and buried”.

There has been a considerable decline in tolerance levels for free media commentary since the early days of the Sheikh Hasina regime. To recall, within a year of Sheikh Hasina taking office in her latest tenure as Prime Minister, the Bangladesh cabinet formally approved an amendment to the criminal procedure code, which granted immunity against arrest to editors, publishers, journalists and writers in defamation cases. A provision of the Special Powers Act 1974 that allowed government to shut down newspapers at will was also repealed in the first year of the new government's tenure.

The Bangladesh Press Council (BPC), which was set up in 1974 and went into a period of oblivion before being revived in 1993, has powers of censure and admonishment. It can also act in defence of media rights by intervening when there is ground to suspect malafide cancellations of media registrations. Over the years, the council has evolved a point of view which holds that journalism is a profession that requires licensing. The model the BPC had in mind is analogous to the certification of legal or medical practitioners by empowered professional councils in Bangladesh, as also various other countries.

The idea of licensed journalists, while seemingly rather outlandish, does have some traction in the Bangladesh media community. More than anything else, this is an indication of how deeply the imperative of a professional code of ethics is felt among the



country's journalists. The applicable code promulgated by the BPC, includes a declaration in its preamble that the "war of liberation, its spirit and ideals must be sustained and upheld, and anything repugnant relative to the war of liberation and its spirit and ideals must not be printed, published or disseminated in any manner by the press".

Quite clearly, this diktat of what is acceptable or not in media practice imposes too stringent a norm, prone to arbitrary interpretation and abuse. As a plural society, despite its relatively high degree of linguistic uniformity, Bangladesh is home to a variety of ideas and opinions about the war of liberation that brought the nation into being in 1971. By seeking to bring homogeneity to this multiplicity of views, the media code proposed by the BPC was seen to make little contribution to media ethics or freedom.

The BPC has had its moral victories in recent times. Early in 2011, it issued severely critical decisions about two Bangla newspapers *Kaler Kantho* and *Bangladesh Pratidin* that had carried reports indicating that Matiur Rahman, editor of the country's largest circulated newspaper *Prothom Alo*, was among other things, involved in a grenade attack on an AL political rally in 2004. Both the newspapers under scrutiny belong to the Basundhara business group, which has extensive interests in real estate and other sectors.

The polemic against Matiur Rahman, a fighter in the country's war of liberation and a recipient of the Ramon Magsaysay award in journalism, was later taken up by the *Daily Sun*, another newspaper from the Basundhara group. In July 2011, the veteran journalist Abed Khan resigned as editor of *Kaler Kantho*, heeding the BPC's strictures and placing on record his repeated efforts to correct the aberrant reports on Matiur Rahman, which nonetheless were featured under pressure from his newspaper's proprietors.

Khairuzzaman Kamal of the Bangladesh Manobadhikar Shongbadik Forum (BMSF, or the Bangladesh Human Rights Reporters' Forum) and other senior journalists have in recent times been actively campaigning to raise public awareness about the growing corporate control of the media. The integration of the media into a wider web of business relations, these activists argue, would seriously undermine its independence. The Transcom Group, which controls *Prothom Alo* and *Daily Star*, the country's largest dailies in Bangla and English, has interests in processed foods and beverages, and electronics and electrical equipment among numerous others. The Basundhara group is involved in cement, real estate and steel. The Destiny group which runs Boisakhi TV channel, built its fortune on multi-level marketing and today faces serious criminal charges over financial wrongdoing. The Jamuna Group, which publishes the Bangla daily *Jugantor*, has at various times in its existence, had interests in textiles, real estate, chemicals and numerous other sectors. And the ATN group which launched Bangladesh's first satellite TV channel has also ventured into textiles, among numerous other sectors.

"A handful of powerful business groups have been taking control of the expanding media market", says the BMSF: "Corporate groups are demanding relaxation of rules on media



ownership and spending vast sums on political donations which are designed to influence policy decisions”.

Competition between business groups is known to fuel a degree of political partisanship, which in turn feeds into the media world, undermining journalistic values of distance and dispassion

A seeming political vendetta

On 31 July 2011, Mohammad Ekramul Haq, editor of the Sheersha News web portal and the associated weekly newspaper *Sheersha Kagoj* was arrested at his home in a neighbourhood of Dhaka on charges of extortion. He was led away blindfolded and his family dealt with roughly by the police making the arrest. Charges were made against him of sending two reporters to the office of a local businessman a week before, to threaten him with negative news stories on the Sheersha News website, if a sum of BDT two million was not handed over

These charges were challenged by other journalists, including staff at Sheersha News, who claimed that the businessman who made the complaint against Haq before a local magistrate did not have his offices in the premises named in the complaint. Initially remanded for two days on orders of the Dhaka city magistrate, Haq’s remand was extended by another two days on August 3, after fresh charges of extortion were laid against him by the leader of an association of Bangladesh government employees. He was finally granted bail after three months in detention. In granting bail on 25 October 2011, the Bangladesh High Court observed that the principal complainant in the case of extortion, a fruit trader from the capital Dhaka, had furnished an identity and address which proved false. Shockingly, Haq was rearrested at the gates of a Dhaka prison on 1 November, at the moment of his release on bail. A fresh case of extortion was filed on the basis of a complaint from an official of the income tax department in Dhaka.

The government of Bangladesh meanwhile, challenged the High Court bench order granting bail before the Supreme Court, which heard the matter on 2 November 2011, and declined to stay it. Meanwhile, a Dhaka trial court on 9 November ordered his continuing detention in the new cases that had been filed. Five days later, the High Court issued an injunction against implicating him in any further cases and ordered an end to the harassment. Yet it was only on 25 November 2011 that Haq was released from prison.

The course of the cases brought against Haq, the hearings and the final outcome of the bail process lent credence to initial suspicions that the multiple charges brought against him were part of a political vendetta. Observers within Bangladesh suggested that his arrest may have been retribution for news reports carried on his website and newspaper regarding allegations of corruption in public works projects in Dhaka.

Haq himself is baffled by the number of complainants who came up to file cases against him, none of which he has ever had the slightest dealing with. He is aware that personnel from the Directorate of Field Intelligence, an army unit, were involved in his interrogation while in custody. Circumstantial evidence he suggests, points towards the



involvement of the head of this unit, a serving army officer of the Major-General rank in his detention, interrogation and torture.

Independent human rights organisations believe that Haq has been a victim of serious injustice. They have joined the campaign for his release but believe they need a greater degree of transparency from the victimised journalist if they are to deepen their commitment to his cause. There is a belief among some human rights defenders, that Haq may have had some dealings with Field Intelligence operatives in earlier years and that the vendetta against him may have been occasioned by a change of personnel within the unit or by an agreement gone sour. Without further information, their involvement in his cause, they say, would be difficult.

Defamation charges continue to be a weapon that political figures deploy against the media. On 13 September 2011, the Dhaka Metroptan Magistrate issued a summons to three journalists from the Bangla language daily *Jugantor*, after defamation charges were laid against them by Shahjahan Khan, a minister in the Bangladesh government. Charges were brought against editor Salma Islam, executive editor Saiful Alam and reporter Jashim Chowdhury following the publication of two reports which questioned the high expenses incurred in foreign travel by the minister and his political associates.

A court in Jhenaidah district in the west of the country on 31 January 2012 convicted a local student, son of a political leader of the Jamaat e-Islami party, for publishing “objectionable and misleading information” on the social networking site Facebook. The individual concerned had been assaulted by loyalists of the AL after he reportedly wrote what were deemed derogatory words about Sheikh Mujibur Rahman on his Facebook page. In declining the plea for leniency as he ordered the student jailed, the magistrate said that there was sufficient documentary evidence available to warrant a summary conclusion of guilt.

Traumatic twin murder

One of the most traumatic events of recent times was the twin murder of a journalist couple, Sagar Sarowar and Meherun Runi, in their home in Dhaka on 11 February 2012. Sarowar was a news editor for private television channel Maasranga, and his wife Runi was a senior reporter with another private television channel, ATN Bangla. Their bodies, both bearing deep stab wounds, were discovered on the morning of 12 February by a five-year old son.

As the official investigation failed to make much headway, Bangladesh’s journalists observed a one-hour work stoppage on 27 February. The demands for a thorough investigation and the swift arrest of those responsible, were made by a broad coalition of media organisations. Failing to get much of a response, the journalists unions began a relay hunger-strike on March 2.

Dhaka city police for their part, indicated they had a fair idea of the motive behind the crime, but could not reveal any details because that, ostensibly, would impede the investigation. A city court meanwhile, issued an order restraining “speculative media commentary” on the matter. This was read by many as an effort to restrain legitimate



investigative journalism. At the time that this report is sent to press, there has been no progress in the investigations, at least as far as the public are aware.

On 20 May 2012, Mahfuzur Rahman, chairman of the ATN Bangla group mentioned at a formal gathering in London, that he had evidence about the double murder which indicated that it had nothing to do with journalism. Bangladesh's journalist unions have since demanded that he either make the evidence public or withdraw the statement. As the stalemate persisted, the journalists organisations announced plans early in September to launch demonstrations outside the ATN Bangla office demanding police interrogation of Mahfuzur Rahman. An effort by Mahfuzur Rahman to secure a judicial injunction was not entertained and the demonstration went ahead. At the time of writing, the police are yet to reveal how far the investigations have proceeded, despite a public assurance by a senior government official that important information would be made public by 10 October.

The struggle for wages and working conditions

Despite their other differences, Bangladesh's main journalists' unions forged a common platform, the Shongbadik Sramik Karmachari Oikya Parishad (SSKOP, or United Committee of Working Journalists and Newspaper Employees) and organised early in March 2012 to demand the formal notification of a new wage fixation body. This followed the failure of Bangladesh's Ministry for Information to formally constitute the eighth wage board for the newspaper industry through gazette by the end of February, despite an assurance from Information Minister Abul Kalam Azad at a meeting with the Bangladesh Federal Union of Journalists (BFUJ) on 22 January.

Within days of Bangladesh's journalists resolving on pressing their demand for a new wage deal, the Newspaper Owners' Association of Bangladesh (NOAB) mobilised in opposition. "Forming a new wage board three and a half years after the seventh wage board award will put the newspaper industry into a big crisis," NOAB said in a statement issued on 19 March. The SSKOP responded within a day with the suggestion that the newspaper owners, rather than resist the formation of a body mandated by law, should adopt a strategy of cooperation in a spirit of transparency and openness.

Seven wage boards have been formed so far under a law adopted by Bangladesh's parliament in 1974. The newspaper industry has resisted each of these and only complied with the statutory wage awards decreed after losing legal battles that have gone up to the country's highest courts. The record of compliance remains patchy and uneven, with several of the new media outlets that began operations in recent boom years choosing to ignore the imperative of decent wages. The Eighth Wage Board was announced by the Government of Bangladesh after representations from the country's journalists about increasing costs of living and growing job insecurity. A chair was nominated for the board and the various stakeholders from among news industry employees, including both sides of the Bangladesh Federal Union of Journalists (BFUJ) have named their representatives for the board. Yet the formal notification was delayed since news industry owners continue to resist.



It was only in June 2012 that the full Wage Board was constituted, headed by Kazi Ebadul Haque, a former judge of the Appellate Division of the Supreme Court and a former Chair of the BPC.

Ethical standards

Questions of media ethics and best practices continue to feature in the public debate. Illustratively, in a statement before parliament in October 2010, the Minister for Information said that he was engaged in talks with leaders of journalists' organisations towards evolving an appropriate professional code of conduct. This followed a searing, two-hour long attack on the media on the floor of parliament by ruling party members. According to media observers, the immediate provocation for the parliamentarians' ire were two reports published in *Prothom Alo*, a prominent Bangla-language newspaper on inadmissible perks that they had claimed, including in terms of duty exemptions for imported cars and overseas travel allowances. The editor of the newspaper, Matiur Rahman, was mentioned by name and members called for legal action against him.

Among the measures proposed by Bangladesh's Information Minister then was a stipulation that anybody appointed to the editor's position in a media outlet would need to have a minimum number (typically, around fifteen) years of experience in journalism. Needless to say, the media community has pushed back strongly against this effort to fetter its functioning while affirming their commitment to a voluntary code of self-regulation.

Reflecting the spirit of confrontation between government and media, private television channels were directed by an official notification issued in September 2010 to carry at least two news bulletins from the state-owned broadcaster every day. Again the private channels pushed back strongly, arguing that the two proposed time-slots of 2 pm and 8 pm, were valuable in terms of harvesting advertisement revenue and could not be wasted in broadcasting the drab news content of the state-owned television. In their official response, ministers and government officials have indicated that they are inclined to adopt a course of friendly persuasion and consultation to ensure compliance both with the directive on news broadcasts and a code of ethics.

Targeted and random attacks

Journalists continue facing attacks from official quarters and other actors. These are on occasion motivated by specific issues connected to the professional conduct of the individuals concerned, though often these are opportunistic or random attacks on individuals who happen to be at the venue of some fracas performing their jobs.

Beginning in October 2007, Jahangir Alam Akash, a young journalist working in the northern Rajshahi district of Bangladesh, was picked up by the Rapid Action Battalion, an anti-terrorist squad, after he had published a number of reports on suspected extra-judicial killings. The charge against him was extortion. He was held in detention for several months and every effort to secure bail or discharge was thwarted by the device of filing more cases. He was finally set free after six months in detention and many months later, went into exile.



In October 2009, F.M. Masum, a staff reporter of the English-language New Age, was taken into custody by RAB personnel. Masum was assaulted on the doorstep of his home, ostensibly because he had delayed opening the door. Masum identified himself as a journalist, but was bound by his hands and feet, taken to the local RAB centre and severely tortured. Though it may be the case that Masum was picked up as a part of a wide dragnet that the RAB had spread in an effort ostensibly to track down a drug dealer, his troubles became more acute when his identity as a reporter with a critical newspaper was established. Masum's was a rare case when official agencies released the detained person and subsequently admitted to their error. But there has been no action against the people responsible for his torture.

Other cases of journalists being assaulted while covering public events involving some degree of disorder are common. A recent instance was the police assault on a number of journalists on September 26, when they were at the venue of a demonstration by a youth organisation in the capital city. The unions then responded with a sense of unity, compelling prompt action by the government. The head of the police station was suspended, as were eight of his subordinates.

Community radio on the rise

The growth of community radio broadcasting in Bangladesh could possibly hold the key to a more participatory and democratic media culture in the country. Several civil society organisations, had for long been campaigning for a liberalised policy environment for establishing community radio stations in Bangladesh. Among the last key decisions of the caretaker government that administered the country during the period of national "emergency" was a community radio policy that was relatively free of restrictions, and applications for broadcasting licences were invited in 2008.

Following the processing of a number of applications, a preliminary list of 116 was selected. After another long process of vetting, the Ministry of Information accorded primary approval to 12 entities for installing and operating community radio stations in April 2010. Another two licences were granted in a second round of approval a few weeks later. An evaluation of these initial licensees remains to be done. Questions of viability and utility to the community that is the putative beneficiary of each of these stations, need to be addressed.

Initiators of community radio face enormous challenges. They were given a very tight one-year deadline to commence broadcasting against the very tight one-year deadline, but frequency allocations and equipment purchase orders were only approved after a lapse of several months. Bangladesh has stepped way ahead of all other South Asian countries, except Nepal in the manner in which it has liberalised community radio broadcasting. There remain glitches in converting the promise of the policy to reality, but it is undoubtedly the next frontier of media development and growth in the country.

Right to information

A right to information (RTI) law was introduced as an ordinance issued by the "emergency" regime in 2008. It was subsequently drafted as a formal act and passed by Bangladesh's parliament early in 2009. By global standards, the act is considered rather

modest in terms of the entitlements it confers on citizens. The constitution of the bodies that will oversee the exercise of the right and ensure that it is honoured, has also on occasion been a contentious process. As with any legislative initiative measure that seeks to introduce radical measures of accountability, the RTI process has a long way to travel in Bangladesh. Various civil society actors have been getting involved in the process of raising public awareness of the law. And media practitioners expect that they will also be part of that process of positive change.

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