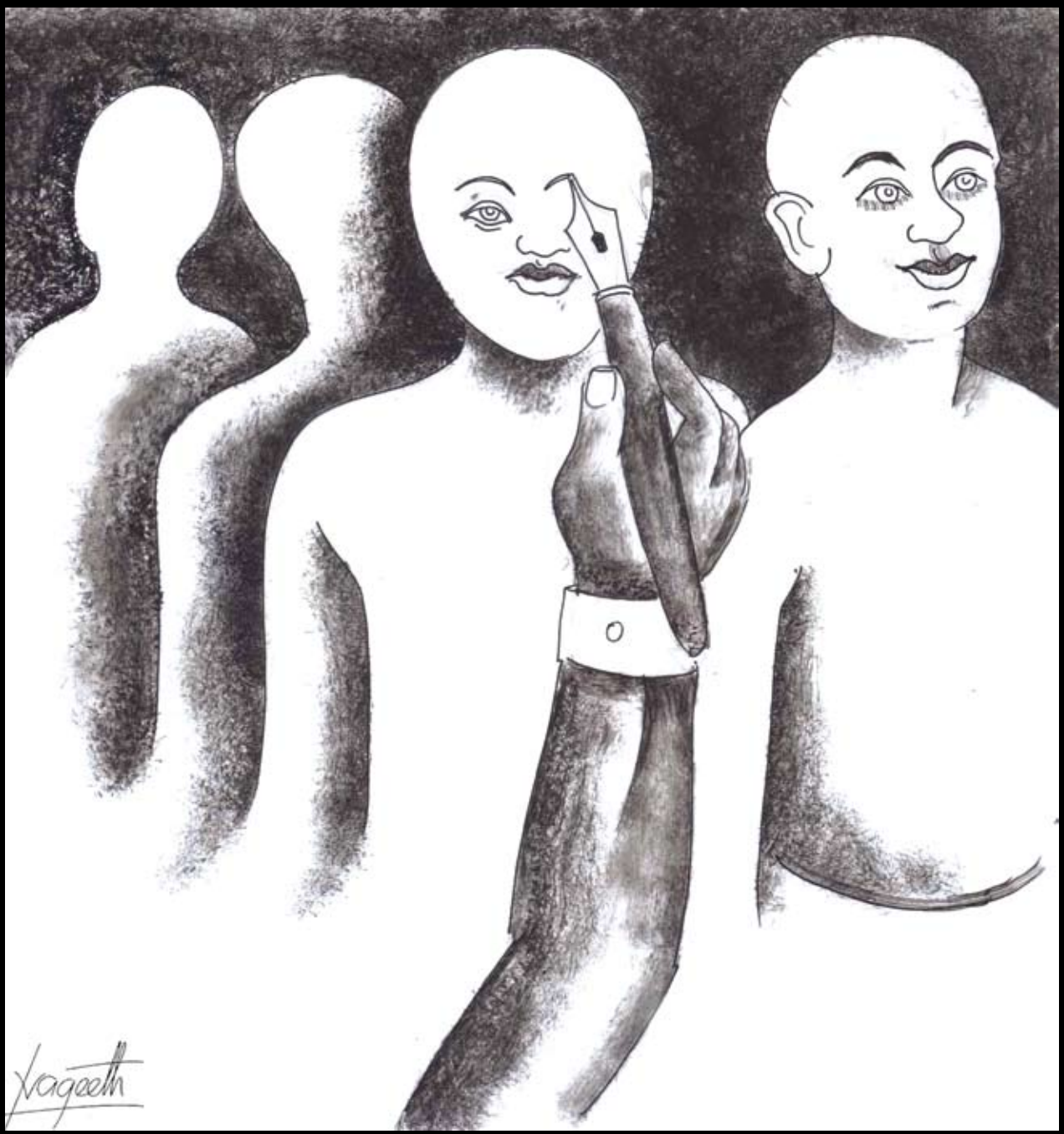
Free Speech in Peril

PRESS FREEDOM IN SOUTH ASIA 2010-11



'Providing eyesight is a sacred duty of the media' – Prageeth Eknaligoda, missing since January 2010

NINTH ANNUAL IFJ PRESS FREEDOM REPORT FOR SOUTH ASIA 2010-11

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See Annex: Incidents of Press Freedom Violations by Country, May 2010 – April 2011 at http://asiapacific.ifj.org for a listing of specific cases of violations of press freedom.

May 2011

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Federation of Nepali Journalists
Free Media Movement, Sri Lanka
Indian Journalists' Union
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Sri Lanka Working Journalists' Association

FREE SPEECH IN PERIL: PRESS FREEDOM IN SOUTH ASIA 2010-11

Editor : Sukumar Muralidharan

Special thanks for contributions to:

Yousaf Ali
Elise Beacom
Suraj Bhattarai
Shujaat Bukhari
Shubhranshu Choudhary
Siok Sian Pek-Dorji
Cameron Durnsford
Ahmed Zahir Hiriga
Hana Ibrahim
Dharmendra Jha
Ejaz Kaiser
Mainul Islam Khan
Kamrul Hasan Monju
Deborah Muir
S.K. Pande
Geetartha Pathak
K. Sreenivas Reddy
Claire O'Rourke
Sobhapati Samom
Naqibullah Taib
K.K. Vasudevan

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Cover: This illustration by Prageeth Eknaligoda was first exhibited after the artist's disappearance in January 2010 with a caption in Sinhala that read: "Providing eyesight is a sacred duty of the media". The illustration is published here with the permission of the Eknaligoda family.

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FOREWORD

Journalists in South Asia are courageous supporters of press freedom, freedom of expression and access to information, commonly bearing the full force of attacks and attempts to intimidate by those who fear the restraints that these freedoms, if widely enjoyed, would impose on their power. The perilous nature of press freedom in the region is once again drawn in sharp relief in *Free Speech in Peril: Press Freedom in South Asia 2010-11*, the ninth annual review of the region.

South Asian delegates attending the IFJ Asia-Pacific Regional Meeting in Indonesia in September 2010 stressed the need to keep building cross-border alliances and to conduct joint campaigns to promote and defend journalists' rights across South Asia. *(Photo: IFJ Asia-Pacific)*

Over the year under review, political transitions in most countries in South Asia were combined with already unstable conditions that journalists, their representative unions and professional associations and the media industry at large face. Afghanistan and Pakistan continue to be challenged by intensifying conditions of conflict, while Bangladesh and Nepal are seeking a way out of polarising political confrontations that have left deep scars. Bhutan and the Maldives continue to be challenged by the difficulties of moving toward multi-party electoral democracies. Poor working conditions and media managements that are inattentive to the need for decent wages compound the problems of journalists in all the countries reviewed.

The prevalence of conflict and financial hardship has a direct impact on the risks to journalists, whether they live and work in areas of outright conflict, more remote districts or major cities. This link was a priority concern raised by delegates attending the joint Asia-Pacific regional meeting of the International Federation of Journalists (IFJ) and UNI Global Union in Indonesia in September. The meeting's South Asia working group, comprising representatives from unions and associations in almost all countries in the region, identified precarious work and the lack of decent working conditions as fundamental factors that contribute to the risk of media personnel being harmed while at work.

The risk is especially prevalent in Pakistan, now the world's most dangerous country for media workers, where the failure of the country's largest media houses to pay employees fairly, if at all, leads individuals to accept dangerous jobs for which they might at least be paid. In Afghanistan, as election-related conflict and allegations of corruption continue to fuel tensions, journalists also contended with low wages, poor working conditions, inadequate training and little safety support from employers.

Threat levels for media remain high in conflict-prone zones in India. In the north-eastern states, Jammu and Kashmir and the Maoist-insurgency area in central India, local governments and the security forces pressure the media, while militants vie to control media content in their favour.

In Nepal, the number of killings of media personnel has dropped since the end of the decade-long civil war in 2006 and nation-wide elections in 2008, but assaults, bombings and threats continue against journalists and media offices, much of it from insurgent factions and criminal gangs. Safety concerns are again compounded by poor working conditions and low wages, as confirmed by a November report of the Committee for the Fixation of Minimum Wages set up under Nepal's Working Journalists' Act.

Meanwhile, Sri Lanka continues to struggle with the aftermath of its civil war. While journalists, their associations and press freedom groups bravely seek to hold the line against power holders who show little tolerance for dissent, a pall of censorship hangs over the country.

Meeting the urgent challenges for press freedom in South Asia requires solidarity and unity of purpose among journalists across the region. The imperative to build cross-border alliances and conduct region-wide campaigns to promote and defend journalists' rights and the rights of all people to free expression are the main driver of the IFJ-supported South Asia Media Solidarity Network (SAMSN). *Free Speech in Peril: Press Freedom in South Asia 2010-11* works toward the achievement of regional solidarity at a critical time. Prepared by IFJ Asia-Pacific with members of SAMSN, including IFJ affiliates, the report's content is informed by inputs and analysis gathered through media rights monitoring networks run by journalists' unions across South Asia. This report demonstrates the benefits that come from ongoing maintenance and expansion of regional and national networks that track media rights violations and thereby build power to defend and promote press freedom, freedom of association and the right to speak out.

Jacqueline Park
IFJ Asia-Pacific Director

Journalists protest the death of Samaa TV cameraman Malik Arif who was killed in a bomb blast outside a hospital in Bajaur, Pakistan in April 2010. *(Photo: courtesy BUJ)*

OVERVIEW

Free Speech in Peril

The year gone by did not, in comparison with some of those preceding, pose the same manner of mortal hazards for journalists in most South Asian countries. But the sharp deterioration of an already bad situation in Pakistan far outweighed the relative improvement in the other seven countries in the region. And even if there has been a lessening of the threats to life that journalists face in these countries, the challenges of securing decent wages and working conditions remain, while various forms of official and unofficial censorship are in play across the region. To these could be added major concerns regarding professional standards and the growing dominance of the profit motive in the media, which it is feared, could erode the values of sound journalism.

Afghanistan's unending insurgency continues to take a heavy toll of civilian life, which means that journalism remains a hazardous pursuit. The country's more powerful political figures seem inclined more than in past years to talk terms and settle on a mutual accommodation based on clearly defined spheres of influence in the country. This confederacy of the powerful is also premised upon each of the major figures having a stake in the media industry to put out his own message. Though growing rapidly, the media in Afghanistan has a long way to go before it can claim any degree of independence. Economic growth rates and advertising spending remain low and modest. Most media outlets require some form of subventions for survival, either from international donor agencies or local power cliques. And even if there have been notable success stories – of media outlets attracting a credible measure of audience loyalty and advertising support, after initial years of almost total dependence on international donors – they are still some distance from crossing the crucial threshold when long-term sustainability becomes assured. That transition could be endangered by donor fatigue or by the numerous insecurities caused by the country's uncertain legal framework for the media.

Unlike in years immediately past, when the most dangerous parts of Pakistan were those that felt the spill-over effect from Afghanistan most acutely, the year under review saw Balochistan – arena of a very different kind of conflict – assume that position. Both sides to the conflict – the Baloch nationalist forces seeking to break free of the federal Government and the army and paramilitary that has been deployed in strength to defeat the secessionist movement – have been known to pick on journalists with little respect for their status as non-combatants. Though seemingly more

amenable than the conflict in the northern parts of Pakistan, because it may be driven by economics and politics rather than ideology, sensible discussions on possible pathways to reconciliation are deterred by the climate of fear that has been created by the assault on journalism.

Pakistan's north also remains dangerous even if in the year gone by it was a relatively less lethal milieu for journalists than Balochistan. The sources of violence are less predictable here and the range of threats greater – killing, abduction and "collateral damage" from suicide bombings and crossfire. Investments in safety remain an area of priority for Pakistan's journalists, though few among the media groups seem inclined to make the necessary commitments of resources. And the struggle for improved wages and working conditions continues, even as media groups find more alibis for not complying with the law, in the ostensibly hostile environment, shrinking ad revenues and an unfriendly government.

Bangladesh is another South Asian country coming out of a long background of authoritarian military rule and seeking a pathway toward stable electoral democracy. Judicial pronouncements by the country's highest court since the last nationwide elections have underwritten a new popular mood of commitment to democratic procedures. But disagreements still run deep within civil society and the media community on the legacy of the country's war of liberation and the course taken by politics since independence was achieved. These divisions are played out occasionally in an accusatory tone in media reporting and harshly vengeful retaliation by the political authorities. Over the year under review, this dynamic was visible in the imprisonment of a top political leader who bought into the media after losing power, seemingly as a way of keeping himself relevant. Media outlets were also shut down by arbitrary impositions of the law. And governmental authorities issued frequent warnings about their intent to enforce a code of ethics for journalism. Bangladesh's media community though has responded constructively and with some unity of purpose to these challenges. The more hopeful voices now seem to ring out louder in public discussions about the future of the country's media.

Sri Lanka and Nepal are both emerging from years of conflict but along rather different trajectories. In elections held after the end of Sri Lanka's conflict, which unlike Nepal's ended in a decisive victory for one side, the President who led the country through the last phase of its civil war won a mandate that enabled him to amend the constitution in a manner that adds to the powers of an already dominant executive presidency. The political leadership continues to pay verbal homage to the imperative of national reconciliation and social justice for all the nation's ethnic groups. But there have been occasions when journalists have been prevented from attending the proceedings of the Lessons Learnt and Reconciliation Commission (LLRC), which is one of the chosen instrumentalities of the process. As with the worst years of the ethnic divide, the cross-community dialogue remains weak, since the English and Sinhala language media are not seen to be providing adequate coverage to testimonies rendered in Tamil to the LLRC.

Despite campaigns over the years by press freedom groups, the climate of impunity for violations of journalists' rights remains. Investigations into murders and the disappearances of journalists – most notably in the case of Lasantha Wickematunge and Prageeth Eknaligoda – have made little headway. And official pronouncements seem conspicuously lacking in a sense of urgency over attending to public concerns over these unsolved crimes.

Nepal witnessed an indeterminate electoral outcome after the end of the war and a rapid unravelling of the political consensus that had underpinned the peace agreement of 2006 and the subsequent decision to abolish the monarchy. Politics has remained unsettled. Despite journalists' bodies having succeeded in achieving far-reaching legislative changes in the period of the interim constitution, these remain to be consolidated in implementation and practice. As in Sri Lanka, impunity for the worst crimes against journalists through the years of the war and the unsettled truce that followed remains an overwhelming reality.

Despite having secured a law that protects their entitlements, Nepal's journalists continue to work for abysmally poor wages. Letters of appointment and clear terms of employment are a privilege enjoyed by a limited number among them. Investments in quality and skills, though enjoined on media houses by the law, remain low or non-existent. In the circumstances, there are serious reservations among journalists' bodies over the ability of the media community to report the complex issues in Nepal's political transition, in a manner that contributes to the quality of the public discourse.

Bhutan and the Maldives, the two smallest countries in the region, are both in the process of political transformation, from an absolute monarchy in one case and a state of one-party rule in the other. Both face the difficulties of sustaining plural media in a context of modestly developed business infrastructure and low levels of advertising spending in the economy. Bhutan, where the Government remains by far the largest advertiser, has seen a vigorous debate over the ad placement policy that would best serve the public interest and ensure a relatively open and plural media environment. Existing media houses are insecure about the possibility of greater competition, which could erode their position within the market. And the public has been demanding a credible ad policy that will serve their interests rather than work as an implicit subsidy for particular media houses.

The Maldives has sorted out this issue by floating an official gazette that will be the sole medium for publishing government ads. But the country's journalists believe that this is the worst possible response, since it reduces the visibility of public service ads and fuels an opaque and possibly corrupt system of awarding official contracts. Official spokesmen tend to assert that the Government is not

obliged to offer a subsidy to media houses. But the Maldives ad policy is seen to have shifted too far toward an adversarial relationship between the media and government.

The Maldives has instituted credible constitutional and legal measures for defending press freedom. Protection of sources is a constitutional right granted journalists under the country's basic law. And a regulatory body with the authority to decree an appropriate code of conduct for the media has been created by law. Sharp disagreements remain over the composition of this body, including the mode of selecting media representatives who will serve on it. And the Maldives President and parliament are deadlocked over the future of the state-controlled media. But as in Bhutan, there are realistic hopes that a relatively non-confrontational public dialogue could take place over these issues, leading to early resolutions.

As the largest country and pivotal economy of the region, India also is home to the most developed media in South Asia, as also the deepest traditions of safeguarding the rights to free speech and information. It has not always been able to set an example to be emulated in terms of media practice. As this report is produced, India's journalists are in the midst of a campaign to ensure that the proposals of the most recent wage board for journalists and other newspaper employees are fully implemented. The wage board model of determining working conditions for newspaper workers has been emulated in various other South Asian countries. But it is under threat in its place of origin, since the newspaper industry is mobilising strongly to ensure that its recommendations are dismissed out of court. Journalists in India are convinced that the way forward for the industry in the context of current dilemmas lies in a stronger affirmation of the values and objectives of the law which protects the profession from arbitrary and insecure terms of employment.

India's journalists confronted a serious ethical issue over the course of the year and came up with a credible analysis and understanding of the threat that the newly prevalent practice of "paid news" poses to the integrity of news gathering. The report itself was not adopted as an official document of the Press Council of India. But its findings have been discussed among the media community and wider civil society.

Though they tend to get submerged in any external view of the continental scale of problems in India, ongoing conflicts and insurgencies in the north-eastern states, Jammu and Kashmir and the central Indian Maoist-insurgency region continue to cast a long shadow over journalism. Media communities have mobilised strongly to deal with these problems and are now more inclined than before to establish strong linkages with colleagues in the national capital and other major Indian metropolises, where the "national news agenda" is determined. This networking has also extended to forging global linkages and seeking international solidarity actions.

There were other events in India which pushed the issue of transparency to the foreground of public debate on the media. In part, this was testimony to the growing power of the new media and the ability of India's growing community of bloggers and cyber-activists to influence the course and content of public debate. This is the growing reality in all South Asian countries. The global downturn of 2008 cut into advertising budgets and sharply impinged on the finances of the media in the region. Though it may be too early to provide authoritative comments on the nature of the recovery that has ensued, the print media is seemingly getting used to the possibility that its dominant share in advertising budgets may soon be a thing of the past. Though the print media continues to be an important primary source of news, even for web-based portals, it has not yet come up with a means of converting this into a revenue stream. Long delayed investments in quality journalism may be the way forward.

AFGHANISTAN

Enduring conflict harms journalism

Afghanistan has had a turbulent year and journalism continues to be scarred by the seemingly unending conflict. Safe zones exist, especially in the national capital of Kabul and the other principal cities, where journalists can seemingly proceed with their normal work-day routines without serious worry. However the constraints on reporting are becoming more onerous.

The magnitude of the challenges facing Afghanistan was well represented in the most recent report of the United Nations Assistance Mission in Afghanistan (UNAMA) on protection of civilians in armed conflict. With data for all of the year 2010, the report paints a picture of unrelenting conflict that is taking a rising toll. The total number of civilians killed as a result of the ongoing conflict was put at 2,777 in 2010, representing an increase of 15 per cent compared with 2009. The four years since 2007 have seen an unbroken rise in the annual death toll of civilians as a consequence of the conflict.

It is increasingly clear that civilian deaths occur in actions by what are described as "anti-government elements" (AGEs) rather than "pro-government forces" (PGFs). The UNAMA estimate, arrived at in association with the Afghanistan Independent Human Rights Commission (AIHRC), is that 75 percent of total civilian deaths in 2010 were caused by AGEs and 16 percent by PGFs. The remaining 9 percent could not be precisely attributed. The number of civilians killed by AGEs was up by 28 percent over 2009; and killings by PGFs down by 26 percent.

In 2009, 25 percent of civilian deaths were put down to PGFs and the earlier year, no less than 40 percent.

The dilemma of the Afghanistan Government in 2008 and earlier years was that the forces fighting ostensibly on its behalf were, by most indicators, inattentive to the need to protect civilian life when engaging with enemy forces. The situation has improved since, although civilian deaths still remain a potentially explosive issue.

The International Security Assistance Force (ISAF), which is in Afghanistan as the central coordinating body for all western partners in the military coalition, believes that it has turned the corner. The year 2010 by all the official statistics that it has put out, saw more air strikes and special forces actions – including night raids and forced entries into civilian homes – than earlier years. That it has managed despite all this to keep civilian casualties to a more moderate figure than the earlier year is regarded as a strategic triumph.

Afghans rush to assist a man wounded in an attack on a UN office in Mazar-i-Sharif on 1 April 2011. The attack, in which seven UN workers and five others were killed, highlights the climate of violence which daily confronts Afghanistan's journalists. *(Photo: Mustafa Najafizada / AP)*

Yet, as the UNAMA-AIHRC report observes: the PGFs' conduct continues to "generate anger and resentment among a large majority of Afghans. Incidents of excessive use of force, ill treatment, arbitrary detention and deaths and injuries of civilians coupled with a lack of accountability and transparency regarding some operations have contributed to a greater amount of blame apportioned to Pro-Government Forces for civilian casualties than the number of civilian casualties linked to PGF indicate".

Journalists targeted

Some of the tensions that journalism encounters can be estimated from these factors. Shortly after a NATO air-strike in the north-eastern province of Kunar in February 2011, and credible fears of a large civilian death toll, three reporters seeking to ascertain the facts were detained by coalition forces in a remote part of the province. According to information received from IFJ affiliate the Afghan Independent Journalists' Association (AIJA), Syed Abdullah Nezami of the Al Jazeera Arabic news channel and Sadullah Sahil and Zabihullah of the Afghan TV News Service had been assigned by their news organisations to get the story but were detained by NATO forces for allegedly not carrying proper credentials. The AIJA established that all three had their identity cards at the time they were apprehended. The journalists were released after two days in the custody of coalition forces.

One of the reporters told the AIJA he suspected those who arrested him of actively seeking to suppress the truth about the alleged death of civilians in the air strike. The IFJ and AIJA held that because civilian deaths are a sensitive issue, there was a clear case for open media access so people could be presented with the full picture of what happened.

By no means was the Kunar incident an isolated case of Afghan journalists being picked up and harassed by NATO and ISAF forces for transgressing boundaries. Coalition forces are known to not be particularly scrupulous about honouring norms of transparency or accountability in their conduct toward local journalists. Sultan Munadi travelled to the northern province of Kunduz in September 2009 as part of a *New York Times* team that included British national Stephen Farrell to investigate an air strike in which civilians had ostensibly been killed. In the highly fraught environment following the strike, he and Farrell were taken captive by suspected insurgent elements. The location at which they were being held was identified after four days. When British special forces mounted a raid, Munadi was killed, shot reportedly from both the front and the back. Farrell was rescued unhurt.

Afghanistan's media community saw parallels, close enough if not exact, with the killing of Ajmal Naqshbandi in April 2007 after he was taken hostage along with an Italian journalist he was assisting in news coverage in the particularly troubled south of the country. The Italian government proved willing to negotiate with the hostage takers and may have pressured the Afghan government to meet at least some of their demands. Naqshbandi had no such luck and was killed shortly after his Italian colleague was released to safety.

Demands by international press freedom bodies that Munadi's killing be investigated, were met with a flat refusal by the British government, ostensibly on the grounds that this would compromise operational efficacy. Just over one year later, when an abducted British aid worker, Linda Norgrove, was killed in a botched rescue attempt by United States forces, the British government was insistent that an inquiry be conducted. The irony was not lost on international press freedom bodies.

Afghan journalist Farrukh Leqa Sultani, of TKG, interviews International Security Assistance Force (ISAF) spokesman Brigadier General Joseph Blotz after a press conference in Kabul in June 2010. *(Photo: Matthew Chlosta / Creative Commons)*

Journalist James Hunter, working with one of the US army units deployed in Afghanistan was killed in June 2010 in a mine explosion. And in Kabul city in September 2010, an Afghan journalist Sayed Ahmad Noori, was found outside his home with fatal stab wounds. The latter was not deemed to be a crime connected to the victim's journalism, although the subsequent investigation has not established the full motive of the killing.

In February 2011, Giles Duley, a freelance photographer associated with the Camera Press Agency in London, was seriously hurt by a land mine blast when accompanying a patrol of Afghan and US soldiers in a rural part of Kandahar province in the south of the country. The 39-year old photographer suffered multiple amputations as a result of the blast. It was the first time Duley had covered military operations, having arrived in Afghanistan only two weeks earlier.

On the evening of 18 January, senior journalist Abdul Razaq Mamoon was attacked by a lone assailant who sprayed acid on his face and fled. Police reportedly found knives and other lethal weapons left by the attacker as he fled. Mamoon, formerly a well-known news anchor on Afghan television, had been a regular political analyst on talk shows and the founder and director of the recently established news agency Bost-e-Bastan. As a news anchor with Tolo TV, one of Afghanistan's largest networks, Mamoon had acquired a nationwide reputation for his bold and uninhibited style. He was relieved of his duties at Tolo in 2010, though the channel denies that it had anything to do with his journalism and rather was part of a routine rationalisation of staff.

Two French journalists, Herve Ghesquiere and Stephane Taponier and three Afghan colleagues, Mohammed Reza, Ghulam and Satar, were captured in December 2009 in the north-eastern province of Kapisa by suspected insurgents. Initial reactions of the French government tended to rule out any willingness to negotiate their release and indeed, the top political leadership seemed to raise questions as to why the two French journalists travelled to the high-risk area. The five remain in captivity to this day. They are believed to be alive, since there has been no claim to the contrary by their captors and occasional video recordings involving them have surfaced. But the negotiations that have been conducted for their release, if any, remain opaque and there has been widespread criticism expressed over the manner in which the French and Afghan authorities have approached the matter.

Senior Afghan journalist Hojatullah Mujadadi was arrested in September 2010 on charges of having unlawful links with insurgent groups in Kapisa province. A former reporter with Afghanistan's state-owned broadcaster, Mujadadi had since set up Radio Kapisa and earned the ire of the provincial governor reportedly because of his critical commentary on local matters, including the abduction of the French news crew in 2009. AIJA determined that prior to his arrest, Mujadadi had been summoned for interrogation several times by the Afghan National Security Directorate and asked to reveal much information of professional consequence, including the sources he used for certain stories. Further investigation by the AIJA seemed to suggest that the arrest was ordered by the then governor of the province. Mojadadi was acquitted of all charges after a two day trial in January 2011 and released after spending four months in prison.

Asadullah Wahidi, the chief editor of daily *Sarnawisht* was arrested on 9 January in Kabul, following a complaint from Rangin Dadafar Spanta, the president's national security advisor. The arrest was ordered by Afghanistan's Attorney-General who claimed that it had been approved by the country's Commission for Media Complaints. This body, required to be set up under the country's law, has a rather ambiguous status today and is far from being fully operational, as discussed later. Afghanistan's Information Minister Sayed Makhdum Raheen however, denied that the commission had anything to do with the arrest, which came shortly after Wahidi's paper published a news item describing the creation of an armed group by the brother of the national security advisor. Wahidi was freed after 28 hours in detention.

Emerging industry under threat

Afghanistan's journalists and the media industry have not yet secured their claim to independent public service status. This could be in part because the growth of the media in the country has been unregulated and in many cases inconsistent.

As recorded in a comprehensive study on the status of the Afghanistan media, recently concluded and published

by the US Agency for International Development (USAID), media managers in the country are often known to use terms such as "gang media" to identify news organisations that are supposed to be serving the personal and political interests of former warlords or other major power-holders in the Afghan system. With these beliefs being widely held, there is often considerable scepticism about the integrity of news and information, with the public frequently considering particular media organisations to be thinly disguised propaganda machines for political groups.

Professionalism is impeded by the incursion of ethnic and partisan calculations into the functioning of the media. Perceptions of under-representation of certain communities in the political sphere are reflected through the media and major media organisations are known to associate themselves with some of these causes.

The explosive growth of the media since about 2002 has been counted as one of the notable indicators of a vigorous transition to pluralism and democracy. Current trends though indicate a looming threat to this continuing growth. Many members of Afghanistan's media community are expecting a major shakeout, which could see a number of newer outlets cease operations.

The risks are especially acute in the print media where growth has been restrained by low levels of literacy and poor distribution networks. The USAID survey identified a handful of publications that have maintained their independence and established a sound readership base that could sustain them into the future. But these continue to be dependent on donor funding and though potentially viable in the long-term, they could face unforeseen difficulties, such as donor fatigue and advertiser withdrawal. *Kabul Weekly*, one of the identified print publications which seemingly turned the corner and had begun to establish its credibility with advertisers and audience, has of late found itself in a financial crunch, ostensibly because governmental authorities have been withdrawing ad support since the 2009 presidential election.

The Pajhwok Afghan News agency (PAN) is considered to be a potential success story. With over forty full-time journalists employed in Kabul and elsewhere in the country, PAN has registered a significant number of paying subscribers who help the agency meet a significant part of its running costs. Though still dependent on donor support for roughly about 35 percent of its annual budget, PAN has gained a niche for itself with its bouquet of offerings in three languages: Dari, Pashto and English. Since the early days of Afghanistan's democratic transition, PAN has established a reputation for clear and objective reporting on the actions of even the more powerful figures in the country's political firmament.

Several newspapers have emerged with an explicit political mooring and are known to run on subventions from powerful parties and interest groups. State-owned media continues to be a stable employer for journalists, though the character of the content disseminated offers little professional challenge. Among the independent media outlets, a limited number appear to have turned the corner and might consolidate their position on the basis of a mix of entertainment and news. Overall, the outlook for independent media does not seem very bright.

Asadullah Wahidi, chief editor of *Sarnawisht* daily, was held for 30 hours in the Attorney-General's detention cell in Kabul and released on January 10. Wahidi believes he was detained because of an article about a former member of the Afghan Parliament. *(Photo: courtesy AIJA)*

Media law reforms uncertain

Information flows from the presidency and parliament are often inconsistent, burdening press freedom bodies with difficult choices. For instance, July 2009 brought a major breakthrough in a long struggle waged by Afghanistan's journalists, with the law on mass media formally gaining presidential assent. What followed was a delay of two months before the full text of the law was published. This led to some misgivings, as it was perceived as a deliberate effort to ensure that the legal provisions on the obligations of state-owned media organisations were not operational before presidential elections set for August that year. The conduct of state-owned media through the presidential election was widely described as partisan. And following the appointment of a new Minister for Information, the text of the media law has been reopened for further examination and amendment. In the circumstances, journalists' bodies have found it difficult to acquire a firm anchorage from which they can give out authoritative information on media freedom and the public right to information.

The new law that is applicable in Afghanistan conceives of two media oversight bodies: a Mass Media Commission (MMC) to attend to the executive functions of regulation; and a higher adjudicatory body, the High Media Council (HMC), to which it reports. The law also suggests a separate commission for better regulating the administrative affairs of the state-owned Radio Television of Afghanistan (RTA). The state-owned news agency, Bakhtar, similarly, would be regulated by an independent commission. Among other functions, the HMC was mandated with developing a long term media policy for the country.

Hojatallah Mujadadi (right) addresses a press conference after his release to explain the circumstances of his arrest and prosecution *(Photo: courtesy AIJA)*

The law lays out the composition of the HMC with a high degree of precision. Of the 13 members, three would come from the Ministries of Culture and Information, Justice and Communications, one would represent the Supreme Court and four would come from the two houses of parliament. Of the remaining places, one would go to a religious scholar and two experienced professionals in the field of journalism and two representatives of civil society. Based on the country's mass media law, their membership in HMC would be for a period of three years one member would be selected as HMC chair person.

The law also specifies that the four nominees from the media community and civil society should be regulated by separate rules and a code of conduct. Aside from laying down a long-term media policy, the HMC would also propose the nominees for the MMC and for the commissions charged with regulating the RTA and Bakhtar. It would also draw up the annual budget for RTA and the news agency and be responsible for submitting annual reports on the activities of the state-owned media to the Afghan Parliament.

Despite being formally notified for close to two years, the status of application of the Mass Media Law remains ambiguous. Many assurances it provides to allow free and open access to information – except where it involves sensitive state secrets or national security – are yet to be realised. Journalists have faced serious problems obtaining information that should by all criteria, be in the public domain. In the past year there have been several confrontations between national and provincial officials and the media community over the denial of information.

An official communique from Afghanistan's Ministry of Information and Culture has advanced the claim that the HMC has been constituted and is fully functional with its thirteen members. But the two media nominees who have been placed on the HMC are the choices of the ministry and not the outcome of any process of consultation. Since June 2010 Afghan journalists have been working in concert to ensure that the permanent nominees to the HMC reflect their professional values. But the effort has so far failed to produce results.

Afghanistan's Minister of Information and Culture, Sayed Makhdum Raheen heads the HMC. The MMC and the RTA commission however, are yet to be constituted. In effect this amounts to a legal and regulatory vacuum because the MMC is the body that has the mandate to oversee the daily functioning of the media, and to suggest resolutions to grievance and provide dispute settlement procedures.

Under the law, the MMC has the following duties and responsibilities:

- Reviewing applications for print media and agencies, proposing their registration and the issue of a licence for them by the Ministry;
- Reviewing the application for electronic media and proposing the allocation of broadcast frequencies to the Ministry;
- Monitoring the activities of the mass media;
- Reviewing complaints by the mass media about the legal and regulatory framework;
- Referring violations of media rights of a criminal nature to relevant justice institutions;
- Providing technical consultations to officials of the mass media; and
- Submitting annual report to the High Media Council.

There is a separate regulatory commission for better management of RTA, which has become the public broadcast media under the new law. As defined by the law, the functions of this commission include:

- Monitoring the utilisation of the RTA budget;
- Submitting annual activities report on the RTA to the Mass Media Commission;
- Mobilising resources both within the country and elsewhere, for the strengthening the RTA;
- Monitoring the implementation of the rules or the RTA's bylaws and other relevant laws; and
- Monitoring the implementation of the broadcasting policy set forth by the HMC in a manner to reflect the ethnic, linguistic and cultural diversities of all people of Afghanistan.

Within months of the promulgation of the media law, a meeting was convened by the Ministry of Information and Culture, at which a committee was proposed to develop a procedure for selection of two media representatives to the HMC. It was agreed that the two positions would be filled by a body of Afghan journalists. There were no follow up meetings on these agreed points. The two journalist positions have thus been filled on an *ad hoc* basis by the Ministry.

This continues to be a sore point with Afghan journalists. The composition and the authority of the HMC continue to be questioned by journalists. As it is the body with overarching powers to determine the course of media development in Afghanistan, this legitimacy deficit is impeding the broader imperative of fostering a media culture that could facilitate the transition to a more participatory democracy in the country.

BANGLADESH

Journalists caught in political turmoil

Since the restoration of a civilian elected government in January 2009, Bangladesh has seen significant changes in its framework of governance. In January 2010 the Supreme Court upheld a ruling by a lower court on the illegality of the fifth amendment to the country's constitution enacted in 1975, which conferred legitimacy on a succession of military regimes between then and 1979. The Supreme Court ruling also reinstated secularism, or religious neutrality, as a fundamental principle of governance.

The earlier month, in December 2009, the cabinet had 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 repealed in the first year of the new government's tenure.

Expectations that these significant changes in the framework of governance would make the country's media scene a little less contentious than before were soon belied. In June 2010, the government of Bangladesh cancelled the "declaration", the registration of a newspaper under local law, of the Bangla daily *Amar Desh* on grounds that it was in breach of the law because it had no authorised or identifiable publisher.

Acting editor of the newspaper Mahmudur Rahman was arrested shortly afterwards and charged with multiple cases of financial malfeasance by the country's Anti-Corruption Commission (ACC). The Deputy Commissioner (DC) of Dhaka cancelled the declaration of the newspaper under applicable clauses of the Bangladeshi law, the Printing Presses and Publications (Declaration and Registration) Act 1973, since he allegedly found that the publisher in whose name *Amar Desh* was registered in March 2010 informed the authorities that he was ceasing his involvement with the newspaper. *Amar Desh* however, continued to be published in his name.

The newspaper had apparently been bought up by Mahmudur Rahman from its erstwhile publisher shortly after Bangladesh returned to civilian rule in 2009. The erstwhile publisher determined in October 2009 that he would discontinue his association with the newspaper and formally notified the local authorities in March 2010. An application that Rahman tendered to be registered as the publisher of *Amar Desh* was rejected on the grounds that he was ineligible because of numerous criminal cases registered against him. The closure of the newspaper followed the formal receipt of

Protestors in Dhaka, Bangladesh react in May 2010 to Facebook's hosting of a competition which featured cartoon drawings of the Prophet Mohammed. *(Photo: Pavel Rahman / AP)*

this recommendation from the Special Branch of the local police establishment.

The official story on the *Amar Desh* closure convinced few observers. Instead it was widely recognised that the more proximate cause of the newspaper's troubles was the series of critical stories it had run on alleged acts of malfeasance by senior government officials.

These began with a story in December 2009, credited to special correspondent, M. Abdullah, about a dubious transaction with a United States oil company, concluded on the specific recommendation of a top policy adviser to Prime Minister Sheikh Hasina Wajed. Rahman, who was chairman of the Board of Investment and Energy Adviser in the government led by the Bangladesh Nationalist Party (BNP) between 2001 and 2006 government, appeared to have inside knowledge on the contract.

Journalists who stayed away from the campaign in his defence argued that Rahman never revealed his very clear conflict of interests. They pointed out that Rahman was new to the media industry and profession, having bought into *Amar Desh* after a long stint in high governmental positions. Since the BNP was displaced by a military-backed "emergency" regime in 2007, he had numerous corruption cases lodged against him, even before the Awami League assumed power in 2009. His decision to buy into the press following the end of the "emergency" may have been a defence mechanism and may also have been an attempt to remain politically relevant. Either way, the Mahmudur Rahman case was already a powerful illustration of how media ownership rules needed to be framed appropriately to preclude the conflicts of interest that he brought into the business.

Amar Desh was allowed to resume publication after a brief closure. But in August 2010, Rahman was, along with a reporter and the publisher of *Amar Desh*, handed a conviction by the Supreme Court of Bangladesh 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.

In its judgment, the Court sentenced reporter Waliullah Noman to one month in prison and a fine of Bangladesh Taka (BDT) 10,000 (USD 150), and Mahmudur Rahman to six months in prison and a fine of BDT 100,000. Publisher Hashmat Ali was fined BDT 10,000. In the event that any of the three defaulted on the fines imposed, the jail term would stand being proportionately extended. Two other staff members of *Amar Desh* were discharged by the court 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 *Daily Star*, Bangladesh's leading English language daily, 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

Mahmudur Rahman welcomed by cadre and leadership of the opposition BNP after his release from a term in prison on contempt charges. *(Photo: courtesy Mainul Islam Khan)*

individuals and accountability of all institutions, including the judiciary."

Irene Khan, the well-known Bangladeshi commentator and former head of worldwide 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."

Needless to say, there were several other commentators who were explicitly critical of the quality of *Amar Desh*'s news reporting, its excessively opinionated and partisan tone and failure to cite credible sources when making the most wide-ranging and consequential allegations against those in power.

Rahman was released early in March 2011 after serving his full term and an additional period for declining to pay the fine. Following his release, Rahman had to respond within days to a judicial summons on multiple cases of defamation which had been lodged before his conviction on contempt charges. Some of these cases were dismissed when the complainants failed to turn up for the hearing. Others however are pending and Rahman has only just managed to secure bail in several cases. The most serious of these purportedly pertain to a report published in *Amar Desh* in April 2010, which mentioned that there were several "war criminals" among the top leadership of the ruling Awami League.

This touches on one of the most contentious of contemporary issues in Bangladeshi politics, which has set the ruling party and opposition in sharp and seemingly irreconcilable disagreement. Several among the top leaders of the Islamic parties which have been long-term allies of the BNP, have been arrested and charged for crimes committed during Bangladesh's war of liberation in 1971. Though the Awami League insists that it is honouring the strongly entrenched consensus in the country by pursuing this long delayed process of accountability, the political forces arrayed against the war crimes trials are powerful and capable of causing serious damage to the credibility of the processes underway.

Government attempts restrictions

Questions of media ethics and best practices came up repeatedly through the year in numerous public forums. In a statement before parliament in October, 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 newspapers 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 over the course of the year, is 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.

The media community pushed back strongly against this effort to fetter its functioning. At a number of public discussion forums in the national capital Dhaka and elsewhere, leading journalists firmly rejected any form of coercive restraint on their functioning and affirmed their commitment to a voluntary code of conduct.

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.

Late in April 2010, the private TV broadcaster, Channel One, was ordered closed by the Bangladesh Telecom Regulatory Commission (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.

In May 2010, the commission blocked the social networking site Facebook to all users within the country. The decision was prompted by a contest that had been launched on the site on representing the prophet of Islam in caricature. The ban was lifted after ten days, when all objectionable content was deemed to have been removed.

Press Council seeks control

The Bangladesh Press Council (BPC) was set up in 1974 and went into a period of oblivion before being revived in 1993. It has powers of censure and admonishment, but has been less favoured as a forum of grievance redress because most complaints are lodged with the magistracy by individuals seeking quick and drastic remedies. Over the course of the year, the council heard a case of misreporting by a newspaper which had caused damage to

Right to information: a slow start

A three-member Information Commission (IC) for Bangladesh was formed on 1 July 1 2009 in accordance with the Right to Information Act of 2009. First introduced as an ordinance by the caretaker government during the period of national "emergency", the Right to Information (RTI) was formally ratified as law by Bangladesh's Parliament in 2009 in one of its first major legislative initiatives.

On 2 July 2009, former diplomat Azizur Rahman was appointed the Chief Information Commissioner (CIC) and served in that capacity until his retirement on 10 January 2010. Information Commissioner Abu Taher took over as acting CIC, before Mohammad Zamir, another former diplomat, was appointed to the post on 31 March 2010. Abu Taher, a former civil servant and Sadeka Halim, a sociologist of distinction, continue to serve as Information Commissioners, while Nepal Chandra Sarker is the Secretary of the Commission.

Since the formation of the commission, the members have been engaged in a series of high-level meetings to ensure that the new information regime gains acceptance at all tiers of governance. They have also conducted grassroots campaigns and initiated a publicity program to raise awareness about the RTI. People are being made aware of the modes of action through which they can act to ensure that RTI becomes an effective instrument of transparency and accountability in governance.

Progress has been slow. The IC is in the process of coordinating with various ministries in the Government about permanent office space. Issues of budget, organisational structure and staffing are also being negotiated. The rules and regulations of the commission, together with its procedural norms will evolve concurrently.

Through the year, the IC members sought to carry out a number of meetings with different stakeholders: employees of government and semi-government agencies, representatives of non-governmental and private organisations, veterans of Bangladesh's war of national liberation, journalists and elected public representatives. Commission members have participated in media interviews and talk shows in order to clarify aspects of the law.

Divisional Commissioners and District Commissioners, who occupy the second and third tiers of administration in Bangladesh, have also been part of the initiative undertaken by IC members to foster of an environment of transparency in governance. Major donor and development assistance agencies, such as the World Bank, the United Nations Development Programme, the European Union, the Asian Development Bank, and the UN Children's Fund (UNICEF), have also provided input in the entire process.

The CIC had a meeting in the course of the year with the licensed applicants for community radio broadcasting, for exploring possible modes of using radio for more effective implementation of the RTI.

The opinion among media freedom groups and other civil rights defenders in Bangladesh is that the RTI law needs improvement in several respects. Journalists' organisations are principally concerned about the cost imposed by the RTI law on those seeking information, and the procedures involved in filing applications for information. For someone not familiar with the systems of information gathering and classification within the institutions of governance, achieving a successful application would be difficult. And since each request requires the payment of a fee, the seeker of information could conceivably be drained and exhausted by the process. The issue was considered to be of special concern for journalists.

There is also a view that the number of grounds on which information can be denied is too broad. These include national security, the integrity and sovereignty of Bangladesh and friendly relations with foreign states. Although these are standard exemptions under most national systems of law in the South Asian region for the public to exercise the right to free speech and the right to information, the law in Bangladesh is undefined and potentially leaves excessive scope for arbitrary denials of information.

Another significant basis for uneasiness among human rights organisations is the number of state and security agencies that have been have exempted from application of the RTI. In the detailed framing of rules and procedures, the human rights organisation Odhikar observes, the IC might risk being trapped in the web of "politicisation". The procedure of appointing the IC itself is controlled by a five-member "selection panel", of which three members are government-appointed. Any three members of the panel would constitute a quorum and decisions are to be made by majority, which puts the process in the hands of government nominees.

Whatever norms and regulations the IC evolves to govern its functioning would, moreover, require the government's express approval. This coupled with the absence of any substantive powers to sanction delinquent officials who wilfully deny information, Odhikar says, would make for a virtually toothless commission.

Penalties for denial of information have been put at a modest BDT 50 (USD 0.67) for each day of undue delay. But this is subject to a ceiling of BDT 5,000 (USD 68). Though the IC could "recommend" to higher authorities that appropriate action be taken against officials under departmental rules and "request" information on all the follow-up, there is no provision for further pursuing the matter if the recommendation is not heeded at the very first stage of redress.

an individual's reputation. In passing its order of censure, the council also observed that a process of licensing of journalists might be required because a number of new entrants into the profession were unaware of basic ethical norms and practices. The model that the BPC had in mind was analogous to the Medical Council that certifies medical professionals and the Bar Council that licenses lawyers.

The idea, while seemingly rather outlandish, does have some traction in the Bangladesh media community. More than anything else, this may be an indication of how deeply the imperative of a professional code of ethics is felt among the country's journalists. The applicable code that has been 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".

Simply because there are differing ideas among the country's voters and media persons regarding the war of liberation, this declaration makes little contribution to harmony. There are hopes among journalists however that the war crimes trials that have now begun, after decades of procedural and political obstruction, could be the basis of a new consensus on the four-decade history of the country since independence. This in turn, they hope, could be an antidote to the bitter divisions that have plagued civil society and the media community.

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, including SAMSN partner, Massline Media Centre (MMC) 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 on 22 April 2010. Another two licences were granted in a second round of approval a few weeks later.

The Ministry has instructed all 14 licencees to establish their stations and start broadcasts within a year, by 21 April 2011. According to the prescribed process, each organisation needs to receive a "frequency allocation and equipment purchase order" from the BTRC.

On the basis of these applications the BTRC has allocated frequencies and granted permission for purchase

There are hopes that discord over the legacy of the country's freedom struggle could soon cease and a new spirit of unity achieved among journalists. *(Photo: Paul Billinger / Creative Commons)*

of equipment to five of the 14 applicant organisations on 6 March 2011. These include MMC. Unconfirmed reports suggest that three more applicant organisations could soon be granted their frequency allocations and equipment purchase orders. It is expected that all 14 applicant organisations will be granted permission to start operations without great delay.

Meanwhile, some of the potential community radio broadcasters, including MMC, have set up volunteer committees, comprising as wide a membership from the local community as possible. These committees would be responsible for establishment, maintenance and running of the community radio station. The 14 applicant organisations would be responsible for developing programs and would bear the cost, in accordance with the policy.

Community radio broadcasting is organised on a non-profit basis and is designed to provide a mechanism for individuals, groups, and communities to tell their own diverse stories, to share experiences and to become active creators and contributors of a media-rich world. Since being short-listed for licences, the 14 organisations have formed a platform known as the Bangladesh Community Radio Forum with MMC as the convener.

Initiators of community radio face enormous challenges. Most immediately, they are under pressure to commence broadcasting against the very tight one-year deadline since being granted approval. Since the frequency allocation and equipment purchase orders were issued after a lapse of several months, the task has become more difficult than initially envisaged. The licensees are seeking to renegotiate the one-year deadline with the Ministry and are hopeful of a sympathetic hearing. 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.

BHUTAN

The quest for quality media

Bhutan's media is caught in a race to keep up with rapid changes in the world's youngest democracy. It is a race with numerous challenges. The first generation of journalists, many without formal training, are struggling to fulfil the responsibility of the "fourth estate" in a small market already saturated with the growing number of media houses.

The media industry in Bhutan currently comprises one TV station, seven radio stations, two daily and seven weekly newspapers, and a number of magazines. Most publications are in English, each with a smaller edition in Dzongkha, the national language. The magazines generally confine themselves to entertainment content, with the exception of the monthly *Drukpa*, which attempts to address issues in more depth than the newspapers. Three new newspapers were established in the national language in the past year.

FM radio is an area of growth. Two new FM radio stations – both focussing on entertainment - were licensed in the past year, taking the total to seven radio stations serving listeners across the country. Most of the FM radio stations are confined to listeners in the capital, Thimphu, where the stations are based. Bhutan Broadcasting Service (BBS) remain the most popular with the largest reach, while Kuzoo FM is popular with young people and has a following in the districts outside the capital, Thimphu. Shertse Radio is a college radio station in the east of the country.

Apart from BBS, the radio stations are entertainment-oriented and are popular for their call-in shows which permit young people and groups to exchange banter on air and play songs on request. Linguistic diversity remains more evident in the broadcast industry with the public service broadcaster which broadcasts in four languages: Dzongkha, Scharchop (an eastern dialect that is widely spoken) Lhotsampa (Nepalese) and English. The private FM stations are beginning to use a mix of English and Dzongkha – developing a local argot popular among young people.

Though there is only one national TV station, Bhutanese have greater access to a diversity of global views with more than 190 global and Asian channels available on dish TV. However, access to diversity of views among the local population remains a challenge as the media is largely confined to the capital with few correspondents in the remaining 20 districts.

As in evolving democracies elsewhere, journalism is looking to establish its role in Bhutanese society. News media, in particular print, enjoys freedom and tends to critique the government and officialdom. However, in their effort to take a critical position, journalists sometimes

Bhutan's King Jigme Khesar Namgyel Wangchuck is supporting his country's media development with a grant to establish a Media Foundation. *(Photo: Bhutan-360 / Creative Commons)*

adopt a confrontational tone and to attract accusations of behaving like activists.

At a "meet the press" session in February 2011, Prime Minister Jigmi Yoezer Thinley accused the media of populism. "You've worked very hard to make us all feel very guilty for having come to government with such a large majority and you've shown no respect for the people's mandate," he said. "We've been made weak by our strong mandate, by the media and by people who aren't able to look beyond the present."

A free and responsible press

The Government, and sections of Bhutanese society, accuse the media of lacking a sense of responsibility that should come with freedom. While many Bhutanese recognise that the media enjoys freedom, many lament the lack of depth in political reporting. Several key issues facing the polity, including a Supreme Court ruling holding certain taxation measures to be unconstitutional, are not adequately discussed or covered by the local media.

The Government however accepts the media as the fourth branch of governance. At a Media Dialogue hosted by the Bhutan Centre for Media and Democracy (BCMD) in December 2010 – and then previously in his "State of the Nation" report – the Prime Minister acknowledged the need for media to be independent. He said it was the state's obligation to ensure that the media functions independently, as with the judiciary and the executive.

Bhutan's media is recognised as a force in the country's transformation, and some introspection is taking place about the media and within the media. At the Media Dialogue, several members of the press said they had inadvertently taken on the role of the opposition, in a country where there are only two opposition members in the 47-member National Assembly.

The challenges and role of public service broadcasting (PSB) were discussed in a seminar in November 2010. Media representatives and people from a cross-section of society came together to listen to international specialists speak on the importance of PSB in democracies. The seminar concluded with recommendations on how to ensure that Bhutan's broadcast industry addresses the needs of citizens even as the pressures of entertainment media continue to grow.

Revolving doors

Kuensel, which is 51 percent government-owned, is still the dominant newspaper in terms of nation-wide reach. It continues to provide coverage that is also critical of the bureaucracy though some of the fully privately owned newspapers are making inroads into the market. *Business Bhutan*, which started in 2009, is being noticed for its regular criticism of the Government, with reports on official corruption, while *The Bhutan Observer* attempts to focus on social issues. *Bhutan Times* underwent a change in management when many in the editorial team walked out, protesting management interference. Several of those who left started a weekly called *The Journalist*. The paper picked up very quickly in its first year but then also experienced a sudden change in editorial management in 2010 when the editor and a few reporters left. *Bhutan Times* also saw a second round of staff changes as its interim managing director, who is also a member of the board of directors, left his post in 2010 after almost a year at the newspaper. A new managing director and editor were appointed.

Accurate analysis of the reach of Bhutan's newspapers is difficult due to a lack of transparency. Many of the newspaper's managements lost credibility among readers when they refused to submit their circulation and other figures to a professional audit team from India. Of all Bhutan's newspapers, only *Kuensel* and the *Bhutan Observer* agreed to the audit. Newspapers are also struggling to meet their staffing requirements in view of the small number of trained media professionals working in the country.

More experienced journalists are moving from one publication to another, while most editorial teams comprise young reporters with limited experience. Given the deadlines and commercial pressures, private newspapers in particular are not investing in professional training.

Sustainability in a small society

A significant characteristic of Bhutan's print media is that it is openly dependent on the Government as a source of funding. Aside from advertising support, newspapers often ask for direct government subsidies. Existing papers have also approached the Government to stop licensing new publications, in order to ensure their survival. Many newspaper managers continue to speak out against a liberal licensing policy, stating that Bhutan is too small a market for so many newspapers.

The Government's rough estimate of total advertising spending in Bhutan's media market – mentioned at the Media Development Symposium 2010 – is about Bhutanese Ngultrum (BTN) 300 million (or roughly about USD 6.8 million at current rates). The bulk comes out of government sources. The print media, particularly, feel so dependent on this funding that they have consistently approached the Government to distribute its advertising funds equally to all newspapers. The print media even sought the patronage of the political leadership to stop the Information and Communications Ministry from introducing guidelines for government advertising on the plea that, if advertising was based on normal rules like circulation, most of them would fold.

Advertisement policy guidelines have been delayed at the risk of messages not reaching the right audience and corrupt practices emerging when advertisements are distributed for the wrong reasons. The longer the guidelines remain unspecified, the longer will current trends continue. Given that government agencies do not have funds to place their ads in all media outlets, they adopt a turn-by-turn system or choose the cheapest bidder, so that the intended audience could be altogether missed. Advertisements can also be used to influence media coverage of government agencies. A few

Private FM radio has developed a new argot popular among the youth. *(Photo: courtesy Siok Sian Pek-Dorji)*

newspaper managers have begun to say that this policy acts as a disincentive to those who work hard to ensure quality while rewarding all newspapers regardless of the quality of content and reach.

Government advertising, including educational campaigns, election notices, tenders, and public notices will remain the largest advertising content in the foreseeable future. Although this budget has sustained media growth in the past it will also place a limit on the number of media houses that can survive in the Bhutanese market. There is likely to be growing competition among the existing media and newcomers, forcing more innovation in the media and perhaps pressuring some to resort to populist moves and becoming more sensational.

Bhutanese media remain trapped by its size and news continue to be urban centric, and largely centred around the capital city of Thimphu, since all the media, except for the radio station belonging to the Sherubtse College in eastern Bhutan, are headquartered in Thimphu.

Media Development

Bhutan's Ministry of Information and Communications is updating existing media laws and regulations in line with the provisions of the Constitution which guarantees freedom of expression and freedom of media. The Government has adopted the UNESCO framework for assessing the development of media. In 2010, the Ministry commissioned a study on the status of the media in Bhutan which found that "freedom of expression, speech and opinion has improved by considerable measure, but that there is some amount of passivity among the people and a lack of civic action on pushing boundaries of free speech".

The study reinforced earlier findings that media agencies continue to crowd the capital city and focus on news originating from there, primarily from politicians. The views of the rural population tend to remain unrepresented and reporting on social issues throughout the country is limited, with many news media outlets saying they cannot afford to post correspondents outside the capital.

Some of the key findings of the study, first shared in 2010 while the final report remains under preparation, include the following:

- While the media is seen as a platform for expressing views, there is an inherent tendency for people not to make views and opinions public.
- Bhutan's media is urban centric, neglecting the majority of the population that lives in remote rural communities.
- Without a legal framework for the right to information, access to information can be hindered.
- News agencies fear that financial sustainability might compromise journalistic standards and goals as the business bottom line becomes the dominant objective.
- News media do not face any censorship on content.
- A liberal licensing policy has enhanced media diversity and plurality.
- The lack of community media may result in a neglect of cross-sector diversity and communication.
- Allocation of spectrum is equitable, fair and transparent, and promotes diversity of ownership and content.
- An advertising policy and advertisement code for media is needed, but several newspapers and media agencies oppose government implementation of a draft advertisement policy.

The study resulted in a list of recommendations to the Government to guide media development, including a call to expedite ratification of a Right to Information (RTI) Act. By the end of 2010, the Government announced that the RTI Act, now being drafted and revised, will be ready before 2012.
The media have promoted RTI and the need for such legislation has been raised at every forum concerning the media, involving both the Government and civil society. Most people understand the RTI law will give media access to information, but fewer people understand how the law will also enable citizens to access information and that it can provide greater transparency and accountability in governance processes.

New media

In the meantime, the government is preparing to launch a Government to Citizens e-project that will provide an array of services online.

New media is providing more avenues for more people to share information and views, of which many may not be reflected in mainstream media.
The internet was introduced only in 1999 and the use of computers is limited, though expected to grow exponentially.
The Government is investing in broadband facilities throughout the country and there is a concurrent program to train students, public officials, teachers, and even monks in using new media. This will result in a greater engagement and use of new media in the years ahead.

Journalists in Bhutan attend a training program to assist them meet the growing demands of the country's expanding media. *(Photo: courtesy Siok Sian Pek-Dorji)*

Several newspapers manage lively online forums, and almost all of them, including BBS, also provide tweets where people can follow news developments. *Kuensel* has an SMS news service. With almost 300,000 registered cell phone numbers (although not all are active), the mobile phone is no longer just a phone even in Bhutan. It is a medium of communication that connects people across the country, including those in rural areas who have been historically cut off from news and information provided from the major urban centre. Today, Bhutanese watch news and other programs on their phones, receive SMS news services, and are beginning to engage in social networking. Social media also connects communities of people who are interested in writing, or on social issues. The most recent development is the use of the networking site Facebook to discuss legislation such as the highly contentious Tobacco Act. For a landlocked country with difficult mountain terrain, new media holds much promise to connect, inform and to build community.

The future of media

A Bhutan Media Foundation has been established with a seed fund of BTN 20 million granted by the King of Bhutan. The board comprises five representatives of the media and two government officials. A director and staff were recently recruited and the foundation is reported to be in the process of clarifying its specific mandate to sustain and ensure media growth.

As with the branches of governance, the media also is at the centre-stage of public debates as Bhutan undergoes a significant political transformation. It is accepted that, even in its infancy, the Bhutanese media have a role to play in processes of development and change. There is growing discourse on the role of the media among government officials, politicians, media professionals, much of it spurred by civil society organisations. It is accepted that the media is growing and is playing an important role, given its infancy, but also that there is much to be done to enhance the professionalism of the media.

While the media must play a watchdog role in a democracy, it must also recognise that it is not a political opposition and professional journalists are not activists. Bhutanese society has understood that media must be constructively critical of the Government but not play an adversarial role even if the political opposition is weak.

Free media is no guarantee of democracy. But in a new democracy, free media can make an impact on public good if it is responsible, professional and if it can avoid falling under the influence of vested interests and the market. Journalism has a vital role to play in nurturing a new media culture in Bhutan, one that serves the people of Bhutan not just as consumers but as citizens.

In the initial years of democracy, Bhutan needs a press that provides adequate information on the complexities of a small society undergoing change. Today the media is reporting but not analysing, and not adequately contributing ideas that enrich the public discourse. While the number of media companies has grown, the quality of journalism remains a concern even among media professionals themselves. Yet the will clearly does exist to develop a vibrant, independent and quality media for the world's youngest democracy.

INDIA

Transparency and working conditions under scrutiny

Despite administrative delays and numerous roadblocks, India's journalists and their unions achieved a long overdue triumph in January 2011, when the statutory wage board constituted under the country's Working Journalists' Act (WJA) submitted its report. Though disappointed at some aspects of its recommendations, unions generally welcomed the long-delayed, if modest, wage proposals. Along with the wage increases recommended, the wage board also suggested certain changes in working conditions relevant to journalists working in conflict and insurgency areas. Retirement benefits and promotion policy, which have for long been issues that unions have campaigned over, were flagged by the wage board and a standing body was proposed to deal with the wage award's implementation and any other issue involving the working relationship between media owners and journalists.

India's main unions - the Indian Journalists' Union, the All-India Newspaper Employees' Federation and the National Union of Journalists of India - were represented on the wage boards, coordinating their strategies with other unions under the umbrella of the Confederation of Newspaper and News Agency Employees' Organisations.

Since the wage board report was received early in January, senior officials of India's Union Ministry of Labour and Employment met with delegations from a number of journalists' unions. Expectations that the recommendations would be notified as law by mid-March were not met. A crucial deadline was missed, as the model code of conduct for all governments and political parties had come into force ahead of general elections to five state legislative assemblies in April and May. The code generally frowns upon any major policy announcement that has the potential to influence public opinion.

The apex industry lobby of the print media, the Indian Newspaper Society (INS), lost little time in calling for the wage board report to be rejected in its entirety. There were serious procedural faults, the INS alleged, in the final phase of the body's deliberations, when the industry voice was ignored. The wage award was perceived by the INS to be seriously flawed, as it did not take into account the capacity of the industry to bear the additional financial burden.

The newspaper industry was reprising a theme used virtually since the first few years of the WJA. When introducing the WJA in Parliament back in 1955 the minister holding the relevant portfolio said that though small in scope, the new law was important since it held possibilities to promote "better security of journalists" which would necessarily promote the freedom of the press. But the very first wage award made under the law was challenged in India's highest court and held unlawful on the ground that

Journalists in Delhi in March 2011 call for action on India's wage award for media workers. *(Photo: courtesy Delhi Media Centre for Research and Publications)*

it did not take into account industry capacity to pay. This burdened the wage board with the job of analysing detailed economics of each enterprise, which was a task that the board was unlikely ever to have the authority to perform.

In essence, the situation remains unchanged. G.R. Majithia, the retired judge who chaired the most recent wage board recently spoke out, expressing his disappointment that newspaper industry finances remain an area of opaqueness. There is no legal compulsion on most newspaper enterprises to disclose their financial results, except for the few rare instances that they may be publicly traded companies. Questionnaires the wage board dispatched to the industry remained for the most part, unanswered.

Daily movements for news gatherers in Kashmir have become an ordeal with few security personnel willing to recognise their legitimate role *(Photo: courtesy Rising Kashmir)*

Key question

Transparency was in many ways a key question that the Indian media industry faced through the year under review. The "paid news" or "cash for coverage" abuse remained in public focus throughout the year with the Press Council of India – the duly empowered regulator of the newspaper industry – drastically abridging a strong and comprehensive report on the issue (see box 1). Following close on the heels of this controversy, a number of intercepted conversations between a high-flying industry lobbyist and some prominent figures in the domain of business, politics and the administration surfaced (see box 2). These telephone conversations had been tapped as part of an investigation into possible illegalities the lobbyist was involved in and leaked through unknown sources in the enforcement agencies. Interspersed with these diverse conversations were a significant number that involved the lobbyist and leading journalists in both print and broadcast.

Multiplying challenges in conflict zones

The state of media freedom in India's conflict prone zones continued to be a matter of concern for journalists. In the Kashmir valley, part of the northern-most Indian state of Jammu and Kashmir, a four-month long phase of civil unrest beginning in June 2010 left media professionals deeply bruised. Accessing news sites became an ordeal and gaining authentic information on the disturbances that were then breaking out with alarming regularity, a virtual impossibility.

Newspapers were shut for about 30 days in total between mid-June, when Kashmir's protests began to intensify, and around the end of September, when they began to wind down. The travails for journalists became particularly grim from 7 July 2010 when, after several years, the Indian army was summoned out of its barracks and deployed on the streets of Kashmir, curfew restrictions were extended to cover the movement of all civilians and an announcement made by the state's Home Department, that press passes would no longer be honoured.

Kashmir's media personnel were confined to their homes for several days following these actions. On 7 July itself, photographers and news cameramen in Srinagar were assaulted as they sought to record the army deployment and other major events. Some had their professional equipment confiscated by security agencies. A day earlier, at least 12 photographers working for local, national and international media organisations were assaulted in Srinagar and suffered injuries of various degrees of seriousness. As the camera operators were attacked, senior police were heard remarking that without media attention the demonstrations would soon lose momentum.

On 5 July , copies of *Greater Kashmir* and *Kashmir Uzma*, the leading newspapers in English and Urdu in the Kashmir valley, were seized as they were being readied for distribution. On 30 September, all copies of *Greater Kashmir*, *Rising Kashmir*, *Kashmir Uzma* and *Buland Kashmir* were seized from their points of production in Srinagar city and taken to local police stations. The following day, the chief minister of Jammu and Kashmir, Omar Abdullah, informed the state assembly that he had not issued any order for the seizure of the newspapers, though the police were empowered to examine media content prior to publication.

A few days into the July closure, the Kashmir Press Guild, a platform of the most senior journalists in the region, issued a statement critical of the situation in which local journalists were confined to their homes by an unrelenting curfew, while media personnel flying in from Delhi were afforded armed protection and given considerable freedom of movement. In the perception of the Guild, it was as if the story of Kashmir, if it were to be told at all, could only be entrusted to the narrative skills of journalists working in the national capital.

Journalists also frequently reported being stopped on their way to work or back and having their curfew passes confiscated. Many were also reportedly told that they were

Paid news: a report censored

The media industry in India faces serious dilemmas in seeking to reconcile its revenue model – which is highly dependent on advertising – with the compulsions of quality news gathering in an increasingly competitive environment. The diminution of subscriptions as a revenue source has resulted in the devaluation of information and growing pressure placed by advertising departments on journalism. This in turn has led to a shift in news content to celebrity and lifestyle-oriented coverage that ostensibly provides a more congenial editorial environment in which to place ads.

Sharply observant media practitioners went public with their belief that, beginning with four state assembly elections in 2008 and particularly with the general elections to the national parliament in 2009, there was an increasing tendency for news content to be paid for directly. It was understood in some circles as the next logical step in the triumph of advertising over legitimate news gathering and dissemination.

Among the first journalists' bodies to take note of this abuse was the Andhra Pradesh Union of Working Journalists (APUWJ). Soon after the 2009 general elections, the union sought an estimate of the magnitude of the practice through a sample survey of newspapers. Their inference was that material that failed to meet basic professional standards, of attribution, coherence and consistency with overall editorial policy, could be categorised as "paid news". Shortly afterwards, the Delhi Union of Journalists wrote to the Press Council of India (PCI) demanding credible measures to check the practice.

Individual journalists of some stature began speaking out against the abuse soon afterwards, demanding that the Election Commission of India (ECI) take steps to monitor "paid news" as an electoral malpractice.

A two-member inquiry team of experienced professionals, comprising Paranjoy Guha Thakurta, a well-known print and electronic media journalist, and K. Sreenivas Reddy of the APUWJ, was soon afterwards set up by the PCI. As recorded in the 2010 edition of the *South Asia Press Freedom Report*, the team submitted its report early that year to G.N. Ray, PCI chairman and a retired judge of the Indian Supreme Court. It was exhaustively discussed at two meetings of the full membership of the PCI on 31 March and 26 April 2010, and referred for a final opinion to a 12-member drafting committee.

In its own version of the report, submitted in July 2010, the drafting committee stripped the 36,000-word report to a tenth of its original length, omitted all specific mentions of situations in which the practice of "paid news" had been detected and eliminated language on journalists' wages and working conditions that unions had specifically insisted on.

Language empowering the revenue authorities to investigate media establishments that had been found engaged in the practice of taking cash for coverage, was also deleted.

A demand from union representatives that the full report of the two-member committee be appended to the final report the drafting committee came up with, was voted down by newspaper industry members on the PCI, with the chairman choosing to abstain.

It has been the unanimous conclusion of all journalists who have had the opportunity to study the report of the two-member committee in its original form, that all identified instances of the practice of "paid news" were based on credible information. Further, the two members were judged to have done all that was necessary and consistent with best journalistic practice to record the point of view of each media institution that was named.

Likewise, most journalists were convinced of the clear link between the deterioration of their working conditions and the erosion of editorial independence. Despite the protection of the Working Journalists' Act, which is widely recognised as an exemplary law safeguarding media freedom, journalists in India are increasingly under pressure to opt for short-term contractual employment which diminishes autonomy and renders them susceptible to the pressures and demands imposed by marketing and advertising personnel.

While the final report included the observation that media organisations engaging in the "paid news" practice are almost certainly in violation of tax laws and the laws on company regulation, it stopped short of requiring full financial disclosure or recommending that tax authorities be empowered to make appropriate inquiries.

Also deleted from the report, were all references to the practices that preceded the full-blown advent of "paid news" such as the initiatives known by the euphemistic names of "Medianet" and "private treaties", both introduced by India's largest media group, Bennett Coleman and Company Ltd.

"Medianet" was the practice of publishing content that was paid for, but with the explicit understanding that there would be full disclosure for the benefit of the audience. "Private treaties" was the practice of media companies acquiring shares in enterprises in exchange for advertising space. When the concerned enterprise grew to a level where it could conceivably go public with an issue of shares, the media company that had advertised its merits would cash in. This example was one that most media enterprises, including the broadcast companies, eagerly followed.

In August 2010, the Securities and Exchange Board of India (SEBI), statutory watchdog of India's stockmarkets, introduced new disclosure norms, requiring that media companies reveal their holdings in companies they report on. These norms were evolved in consultation with the PCI, in response to growing public concern over the prevalence of news content that was paid for by corporate and political entities. The degree to which the directive is complied with, remains to be monitored.

not entitled to ask for reason. On 1 October, Merajuddin and Umar Meraj of the Associated Press TV news service, and Mufti Islah and Shakeel-ur Rahman of the Indian news channel CNN-IBN, were assaulted by security forces while on their way to the state legislative assembly in Srinagar. The incident began with a heated argument between journalists and police officers, who insisted the journalists would not be allowed to proceed despite the curfew passes they carried.

For 15 days in September, few newspapers were printed in Srinagar because journalists and print workers could not reach their places of work. Those who made the effort and succeeded on any one day often found themselves confined within their places of work indefinitely. Among the few newspapers that were published, most found distribution channels blocked, as delivery vehicles were detained at checkpoints just outside Srinagar.

News gathering processes in Kashmir were severely impeded by restrictions on movement and the disruption of communications. The text messaging (SMS) service through the state's mobile telephone network was suspended in June 2010, the second time in as many years. Media organisations in the capital city of Srinagar had been using text messages to tap into more remote districts where they had no presence on the ground. Banning this tool put out of work media personnel in these locations who had used the service to generate a modest income providing news items and updates to Srinagar newspapers.

Kashmir's numerous TV channels, a major source of local news, effectively ceased in June 2009, in the wake of the Shopian disturbances, when the Directorate of Information in the state government ordered all local channels to suspend news broadcasts. This *diktat* was partly diluted a month later, when all channels were directed to confine their news broadcasts to 15 minutes each day, at 8pm.

13 September 2010 was the worst single day of bloodshed in Kashmir in a long time, with 20 killed and an estimated 200 injured. Protests that day acquired a new fury after the Iranian news channel Press TV telecast news of the alleged burning of the Quran in the U.S. state of Florida. The report was swiftly denied but anger had already erupted on the streets of Kashmir.

Immediately afterwards, the state administration decreed that Press TV would be taken off the menu of all local cable operators and local channels were told to suspend all news broadcasts until further notice. This resulted in a situation that was been described with great aptness by a representative of one of Kashmir's news channels: "None of the local channels cover any news and the national channels do not cover Kashmir."

Manipur and the North-East: challenging terrain

On 29 December 2010, Ahongsangbam Mobi, editor of a local daily *Sanaleibak*, was arrested in Imphal, capital of the north-eastern Indian state of Manipur, after what seems to have been a "sting" operation by the local police. Mobi was charged under India's Unlawful Activities (Prevention) Act for alleged contacts with a banned insurgent group, the Kangleipak Communist Party (KCP). Mobi is vice-president and spokesperson for the All Manipur Working Journalists' Union (AMWJU), a state-wide organisation which has for long been engaged in negotiating a viable strategy for defending journalism in an environment of multiplying threats by insurgent groups and often harsh retaliatory action by the state security agencies.

Mobi had been authorised by the AMWJU to negotiate with the underground group to ensure that it stopped harassing journalists in order to secure coverage for its own statements and activities. As recently as October 2010, threats and counter-threats from rival factions of the KCP had compelled Manipur's newspapers to shut down for three days in protest. The KCP faction involved in the most recent incident summoned Mobi to a meeting in Delhi, India's national capital, to discuss the whole range of issues involved in journalists' safety. The KCP also reportedly offered to fund Mobi's travel and stay in Delhi for the purpose.

On 29 December Mobi had visitors at his residence, who initially claimed to be KCP cadre before revealing themselves as personnel of the Manipur police commando unit

Members of the Andhra Pradesh Union of Working Journalists (APUWJ) protest in Hyderabad in October against the advent of "cash for coverage" in India's media. *(Photo: by special arrangement)*

Tapes cause media headaches

There is much that is unclear about the Niira Radia episode, which involved tapped telephone conversations between an industry lobbyist for some of India's biggest business groups, and a number of influential media professionals. Transcripts of these tapped conversations had been circulating for some time and part of the official correspondence around them – of investigators from the Income Tax Department and the top police agency of the Indian union government – had been available on blogs, but a full dissection of the ramifications had been elusive.

It took only one mainstream weekly magazine, *Open*, to break the pact of silence in an issue published late November 2010, before another, *Outlook*, followed suit. On 29 November, five days after the story was first published, Ratan Tata, head of the country's largest industrial group, went to the Supreme Court pleading a grievous breach of his privacy by the publication of his conversations with Radia. The following day, India's two largest morning broadsheets in the English language, the *Times of India* and the *Hindustan Times*, devoted generous space on their front pages to Tata's petition.

Though privacy issues were undoubtedly involved, Radia's conversations revealed much that was of public interest. The context in which they emerged was the heightened sense of public outrage over irregularities in the allocation of the radio frequency spectrum for second-generation telecom services (dubbed the "2G scam" in India's media shorthand). Since India's biggest industrial groups had vast stakes in spectrum allocation, many among them had been key players in determining the appointment to the Telecom Ministry after general elections to Parliament were concluded in May 2009. The Radia tapes reveal just what were the stratagems that went into determining this, among many other, ministerial choices.

It seems though, that the Tata group, which had influenced the choice of the ministerial incumbent, found his decisions to be not quite attentive to its interests. As a rival industrial group gained traction in the spectrum allocation process, Radia is heard informing the Tata group head that the decision is based on seriously flawed criteria. Tata asks why these matters are not being reported in the media. Radia responds, playing the worldly wise and indulgent tutor to an ingenuous pupil: "Ratan, they're buying up the media. They're using their buying power with the media … I can't tell you the discussions I have had with the media, in particular the Times Group and Dainik Bhaskar … They say, Niira, every time we do a negative story on them, they withdraw advertising. So, I said, fine, others can also withdraw advertising … They leverage every dollar of their media spend to ensure they don't get negative publicity. The media is very, very greedy."

Early in January 2011, a leading business daily reported that the Tata management had directed all group companies to cease cooperation with a number of media outlets. Unsurprisingly, all the outlets named had provided prominent coverage to the Radia tapes. The directive covered the participation of group executives in news stories by way of opinions and information. It also seemed to suggest that advertising by the group companies would be withdrawn from the concerned media outlets. Inquiries with one of these magazines, *Outlook*, has revealed that it has indeed lost a regular weekly ad from a Tata group company.

The message was clear: that the Tata group would not hesitate to play hardball with the media, taking on board the rules of engagement that rivals reportedly had adopted.

The journalists who were taped in conversations with Radia meanwhile, continue to be silent on why they suppressed all details of the heavy corporate lobbying that went into the ministerial choice for the telecom portfolio, even when they were providing ample coverage – quite often exaggerated in its outrage – to his misdeeds once they came to light.

and taking him in. AMWJU held a day long protest against Mobi's arrest the following day and sought the intervention of the state's highest political leaders to secure his release. Having failed to obtain a satisfactory response, AMWJU called a general strike of the state's newspapers which began on 31 December, the fourth such closure in two years by the media in Manipur. Though released on bail after a week in detention, it was only in March 2011 that Mobi was exonerated in the criminal case filed against him.

In July 2010, S. Singlianmang Guite, correspondent of the *The Sangai Express* in the Manipur hill town of Churachandpur was threatened by a local militant group, prompting a three-day shutdown by the state media. Guite's home was visited on 21 July by three men who arrived in a car. Witnesses identified the vehicle as one frequently used by a militant group that had just then entered into a "suspension of operations" agreement with the authorities in Manipur state and the Indian Union Government.

Guite, a former secretary of the Manipur Hill Journalists' Union (MHJU), was not home. But the militants, brandishing firearms, spoke threateningly to his wife and demanded she put them in contact with Guite. Once phone contact was established, the putative leader of the group spoke at length in an angry tone, warning Guite of dire consequences if his paper did not retract a report published that morning, which dealt with a rescue operation that had freed an abducted doctor. The site of the rescue was identified as one where the militant group is active, and seemed in the perception of the militant group to implicate them in the abduction. Though Guite did not prepare the report, which was published with the

dateline of the state capital of Imphal, he was picked out as an easy target.

Insecurity in Maoist insurgency areas

The forested central Indian region comprising all or parts of four states: Chhattisgarh, Maharashtra, Andhra Pradesh and Orissa, has been in the grip of a Maoist insurgency for a decade or more. Journalism has come under severe pressure in recent years with the escalating cycle of violence.

Mid-March 2011, there was a major security operation in Dantewada district in the southern part of Chhattisgarh state and reasonable worries that civilians may have been caught in the crossfire or suffered disproportionate retribution by one of the combatant sides. Journalists seeking to travel to the site of the supposed events were denied access, though two enterprising reporters from the English-language daily *The Hindu*, and the Hindi language *Rajasthan Patrika*, managed to bring back some details from the spot.

Following the initial media reports, which indicated severe hardship among the communities of indigenous people caught in the crossfire, the district administration in Dantewada constituted a special team to determine the facts and distribute relief supplies. Editor of a local journal *Bastar Impact* Suresh Mahapatra was accompanying the team to the village of Tarmedla on March 25, when the team was intercepted by a group that reportedly included police personnel.

The driver of one of the vehicles carrying relief supplies to the displaced families was beaten up, government officials in the team compelled to turn back and one of the team's cars damaged in a collision, seemingly deliberate, with a truck. The journalists were allowed to proceed, but were reportedly trailed by police vehicles on their return journey. On reaching the district headquarters town, the journalists learnt of an arrest warrant against them for allegedly ramming their vehicle into a truck.

The journalists were spared further harassment by the intervention of top officials of the civil administration, but it is believed that the district police insisted on registering a case against them.

A team led by social activist and former member of Parliament Swami Agnivesh, was intercepted and forced to turn back when on its way to Tarmedla on the same day. Journalists travelling with the team had laptop computers and cameras snatched. Agnivesh sought yet again to make the trip to Tarmedla the following day, after an assurance of safe passage from the highest levels of the state's political leadership. Though granted police protection on this phase of his mission, the team was met in the Dornapal area, by a large group of local residents who heckled its members and assaulted the journalists. The police reportedly did little to contain the violence after the leader of their party, an officer of the rank of Additional Superintendent, was pushed aside and injured.

During the incident Zee TV correspondent Naresh Mishra, a senior member of the local working journalists' union, the Chhattisgarh Shramjeevi Patrakar Sangh (CSPS), was separated from the media group and suffered a severe beating. Azad Saxena of the ETV news channel had to seek shelter in a village for several hours before returning home much later. The windows of the car that his colleague, cameraman Srinivas was travelling in, were shattered. A journalist who had come across from the neighbouring state of Andhra Pradesh, Venu Gopal, was also reported missing, though he found his way back home after long hours of anxiety.

Chhattisgarh's journalists have lately seen their relationship with the authorities acquire a contentious edge. In December 2010, an unsigned letter issued in the name of the Adivasi Swabhimaan Manch (which loosely translates as "Forum for Advancement of the Indigenous Communities") was circulated among media offices, sharply attacking the Maoist insurgents for the havoc they were causing to civic life in Chhattisgarh. The letter warmly commended a police official who took charge in the district of Dantewada over the course of the year, for the firmness of his resolve in combating the Maoists. It then proceeded to identify three local journalists by name and warn them that they would not be allowed to live for long "under the garb of human rights" and would meet a "dog's death" if they did not leave the region. The journalists named were N.R.K. Pillay, vice-president of the CSPS, Anil Mishra, former district correspondent of the Hindi language daily *Nai Duniya*, and Yashwant Yadav of *Deshbandhu*, a widely-read and respected Hindi daily in the state.

Initial complaints by the targeted journalists with local police officials were reportedly met with indifference.

The All Manipur Working Journalists' Union (AMWJU) protests against intimidation of media houses, which caused the temporary closure of local newspapers in October. *(Photo: courtesy Sobhapati Samom)*

On 12 December, an audio report on the death threats issued against the three journalists was posted by the web-based citizen journalism portal, CGNet-Swara. Mangal Kunjam, the young reporter who phoned in with the story to the news portal, was reportedly called into the Kirandul police station in Dantewada district subsequently and warned of serious consequences.

CGNet-Swara, has been an innovative means of news-gathering and dissemination in the Chhattisgarh terrain, allowing villagers in the most remote villages of Chhattisgarh to phone in their news reports and for others to receive these by merely dialling a number and leaving a "missed call" message.

Individuals who volunteer information for CGNet though, have begun feeling some pressure from local authorities who resent having their official acts of omission and commission held up to public scrutiny. These individuals have for this reason, had to seek the protection of filing their stories through various fronts, typically associates based in the state capital of Raipur or the national capital of Delhi, who would be relatively less fettered by worries about their personal safety.

Late on the night of 2 July, police in the state of Andhra Pradesh claimed to have eliminated a leader of the banned Communist Party of India (Maoist) Cherukuri Rajkumar, *alias* Azad. A person killed alongside Azad was identified by police as a Maoist cadre until his picture was published in the press. Babita Pandey in Delhi identified the photo to be of her husband, journalist Hem Chandra Pandey.

At a press conference in Delhi on July 4, Babita Pandey reported that her husband had left for the central Indian town of Nagpur in Maharashtra state on 30 June for a journalistic assignment and been unavailable on his mobile phone since then. It is learnt that Hem Chandra Pandey, 30, may have travelled to Nagpur to seek an interview with Azad, who was then engaged in talks with intermediaries seeking a truce in the escalating confrontation between Indian security forces and Maoist insurgents.

The Andhra Pradesh Union of Working Journalists (APUWJ), a constituent unit of the IFJ-affiliated Indian Journalists' Union, raised "serious doubts about the circumstances" of Pandey's death and demanded "an inquiry by an independent authority". Failure to do so, the APUWJ said in a statement, would fuel perceptions that the killing was an attempt to "frighten and intimidate" journalists in the performance of their duties.

Hearing a public interest petition at a later date, the Supreme Court of India deprecated the tendency of security forces to kill indiscriminately and called for detailed inquiries into the death of Azad and Pandey. The report is yet to be filed before the highest court in the land.

The Maoist insurgency proved the context in which other questionable official decisions involving civil rights minded journalists took place. On 2 January, the journalist Sudhir Dhawle was arrested in the eastern district of Wardha in Maharashtra state when on his way back to his Mumbai home after attending a literary conference. Dhawle was booked under provisions of Indian law dealing with sedition and waging war against the State. According to police accounts, the basis for his arrest was the interrogation of a purported leader of the banned Maoist party, taken into custody a few days prior.

Journalists and civil society groups in Mumbai and elsewhere in Maharashtra reacted sharply to Dhawle's arrest, seeing it as part of a pattern of victimisation of human rights defenders in parts of the state affected by the Maoist insurgency. Dhawle is editor of a magazine of dissenting opinion titled *Vidrohi*, and a freelance contributor to numerous other publications. He was active in civil rights movements in the state and elsewhere.

In the state of Orissa too, journalists faced considerable hardships as a consequence of the growing pall of insecurity caused by the Maoist insurgency in the western districts. Critical media commentary, particularly when it comes to the state of governance in these districts, is often taken in official circles to be an explicit endorsement of the Maoist political agenda. A number of journalists have suffered threats, arrests and harassment as a consequence.

Another factor, identified with a wealth of documentation recently by an activist body of journalists, Media Unity for the Freedom of the Press (MUFP) is the growing influence of mining interests in the state. Large mining projects involving extraction and export of iron ore and bauxite in the western districts of the state have recently been planned and approved in principle by the state government. These have inevitably involved mass displacement of indigenous communities who have for long depended on the land and its resources, including forests, for their livelihoods. As the MUFP observed in a comprehensive March 2011 "white paper" on the press freedom situation in Orissa: "A major reason behind the spurt in attacks on media persons is the state government's growing intolerance of any view that does not toe the government line on corporate and mining interests." The MUFP white paper documents a number of such attacks on journalists, often carried out by politically-connected individuals.

Killed in the line of duty

Vijay Pratap Singh, a senior reporter for the *Indian Express*, died on 20 July 2010 after suffering injuries in an assassination attempt on a local politician in Allahabad city in northern India eight days earlier. The journalist was visiting an Uttar Pradesh state cabinet minister for an interview and had just stepped out of the minister's residence in his company, when a bomb was detonated. One of several people injured, Vijay Pratap was transferred the following day at the initiative of his newspaper to Delhi's Army Hospital. Vijay Pratap had earned a name for himself with some incisive reporting on social and political issues, which often featured on the front page of the nationally circulated editions of the

Indian Express. He died ten days short of his thirty-ninth birthday.

Two journalists were murdered in just over a month in Chhattisgarh. On 20 December 2010, Sushil Pathak, a senior reporter with one of the leading Hindi-language newspapers, *Dainik Bhaskar*, was shot dead in Bilaspur district of the state. And on 23 January 2011, Umesh Rajput, a reporter with the Hindi daily *Nai Duniya*, was called out of his home by two unidentified men and shot dead as he emerged. A note left at the site had a message written in Hindi, which said that the murder was the consequence of stories the reporter had been filing.

Legal cases see mixed results

Anish Trivedi, a one-time columnist for the Mumbai-based afternoon daily *Midday*, was convicted on 28 January 2010 on charges of causing offence to communities disadvantaged by India's traditional caste hierarchy. In a column published in 2006, Trivedi had argued that the dismal performance of many of India's institutions of governance was a consequence of the policy of affirmative action, which assured disadvantaged communities of representation in the staffing of these institutions. He followed up this assessment with remarks on individuals belonging to these communities that aroused serious resentment.

Mumbai city police soon afterwards took up the prosecution of this matter on the basis of a complaint received from aggrieved private citizens. Following his conviction by a trial court in Mumbai to a six-month term of imprisonment and a fine of INR 25,000 (USD 535), Trivedi has been free on appeal.

Trivedi had, even before the formal institution of charges against him, apologised unconditionally in the columns of *Midday*, and retracted all the observations made. Affirmative action for the benefit of people and communities disadvantaged by historical circumstances is a part of the settled political consensus in India. And these communities are protected by special legislation at the national and state levels, against atrocities in both word and deed. Though few were prepared to defend or endorse the tone or the content of Trivedi's comments, there were reservations over the deterrent value of a jail term when an unconditional retraction and apology was already on record. Since affirmative action is now the focus of serious attention – with numerous pressures building up in favour both of widening and narrowing its scope – it is feared that Trivedi's conviction could have a chilling effect on the quality of the public debate around the issue.

On a more positive note, the Delhi High Court in September quashed charges filed against two journalists Aniruddha Bahal and Suhasini Raj, for their involvement in a televised "sting" which unearthed some dimensions of the "cash for questions" nexus in the Indian parliament. The sting, which aired in 2005 in prominent news channels, created considerable furore in parliament and led to the summary expulsion of all the members who had been caught on tape. But in the following months, the Delhi police indicted the two journalists under the Prevention of Corruption Act for the putative crime of bribing elected officials.

In discharging the two journalists in this case, the Delhi High Court bench headed by Justice S.N. Dhingra, upheld the public interest value of the "sting" operation. Clearly, he ruled, journalists seeking to expose a crime or a serious malfeasance through a "sting" operation cannot be deemed to be accomplices in that act in any way.

Media regulation moves

Another "sting" which attracted the attention of the newly instituted regulator of media content, the News Broadcasting Standards Authority (NBSA), involved a report that purported to show the rapid spread of gay culture in the southern city of Hyderabad. The NBSA, a body empowered by the news broadcasting industry and guided by a broad framework of ethical and practical norms, held that the news item aired by the TV9 channel based in Hyderabad, violated the right to privacy of individuals featured in it without their knowledge or consent. The channel was directed to pay a fine of INR 100,000 to the News Broadcasters' Association and air a static text of apology and retraction for three days in a row at specified times, in both English and the local language, Telugu.

The NBSA ruling which was issued on the authority of its chair, former Chief Justice of India J.S. Verma, is regarded by media watchers as an important milestone in fostering a culture of self-regulation in the Indian broadcasting industry. Media regulation remained an active area of debate through the year. Reminders were repeatedly handed out from the official level about the need for the media to put in place credible regulatory structures, if it wanted to avoid the larger evil of statutory regulation by the government. News broadcasters continue to commit themselves to a code of conduct agreed in 2009, and there have been important occasions like the one just mentioned, to test it for efficacy. But the scope of the problem is wide and would require more transparent oversight mechanisms.

By early 2011, a set of draft rules on the regulation of internet content had been put into circulation by the Ministry of Information Technology in the Indian government. The rules seek to put the onus on internet service providers, including owners of blogs and social media applications, to apply "due diligence" in checking objectionable content. Aside from giving them the responsibility to censor material deemed offensive, they are enjoined under the rules to comply with any government order demanding they do so. Though the debate on this issue is yet to be joined, it promises to be quite the focus of public discussions on the future directions of the Indian media and the right to free speech.

MALDIVES

A challenging transition

Since the historic elections of November 2008, the Republic of the Maldives has been widely recognised to be on a rapid path to democratisation, with all the attendant benefits that would accrue to press freedom. Going beyond the perception-based indexes of press freedom that have put Maldives among the most rapidly improving countries, there are certain difficulties that journalists in the nation continue to face. Even if these are not reflected in the broad numerical indexes, which are admittedly of limited value, they have serious implications for how journalists live their daily lives.

Illustratively, in February 2011, two journalists in the Maldivian capital of Male were summoned for interrogation after their newspaper carried news of a pornographic video racket operating in parts of the country. Ahmed Hamdhoon and Ismail Naseer, who researched and wrote the story for the daily *Haveeru,* a widely circulated newspaper in Dhivehi, the national language, were questioned about the sources they had used and the content of the allegedly pornographic videos. The story, published on 22 February, had reported that the pornographic material was being circulated in a blackmail operation that had entrapped several well-known figures.

Local police reportedly obtained a warrant to search the offices of *Haveeru*. The warrant was not executed but the two journalists responsible were called to police premises to answer questions about their story. The Maldives Journalists' Association (MJA), a SAMSN partner and IFJ affiliate, strongly protested the police summons issued to the journalists.

This incident is illustrative of the many dilemmas that the Maldives faces as it goes into serious national deliberations on the nature of its transition to full-fledged democracy. The constitution of the Maldives assures the media of its freedom and explicitly guarantees journalists the right to protect sources. However despite these far-reaching guarantees of fundamental freedoms, there are several matters of detail on which discord between journalists and the government is rife.

Targeted for reporting

In October 2010, Maldives police reacted with excessive force against journalists who were covering a demonstration by the main opposition, the Dhivehi Rayyithunge Party (DRP). According to the MJA the journalists were beaten with batons, some of them shackled and a number briefly detained. Facing strong public criticism, the police came up with the explanation that some of the journalists covering the demonstration had started engaging them in a confrontational spirit. They allegedly refused to stay within the defined zone and failed to comply with police orders. This compelled the police, as they explained, to use force to move the journalists away from the trouble zone.

The administration of Maldives President Mohamed Nasheed expressed regret for the actions of police who used excessive force against journalists reporting on a demonstration in October. *(Photo: Mauroof Khaleel)*

The administration of President Mohammad Nasheed was quick to respond with a statement expressing regret at the harm caused to journalists. This followed a meeting that top officials in the President's office held with the MJA and other journalists' bodies. Complaints from media personnel of rough and overbearing police conduct, which compelled the journalists to stay at an unreasonable distance from the events, were acknowledged. So too were allegations that the police had used excessive force to deal with journalists who refused to comply with these unreasonable demands. The task of finding an appropriate remedy for these problems was then entrusted to the Maldives Media Council (MMC), a body established by law just before the November 2008 elections that overturned the long-running presidency of Maumoon Abdul Gayoom.

The opposition DRP was quick to identify Moosa Manik, a member of parliament belonging to President Nasheed's Maldives Democratic Party (MDP), as the man behind the assault on journalists. And indeed, Manik had in the weeks preceding the event, made a number of public statements that suggested a deep antipathy towards the media. Manik referred to private TV channels in the Maldives as the fruit of "ill-gotten" wealth and vowed to teach them a lesson. The cause of his ire was ostensibly the persistent misrepresentation of acts done in good faith by the

government. "Freedom of expression", he reportedly said, "is not just for the benefit of the media. If the media strays from the right path, people have the right to express opinions against the media."

Demands for a proper investigation soon followed and the newly mandated MMC took up the task. The council's findings, published in January 2011, sought to be all things to all people, calling on journalists to follow a certain code of practice when covering events such as opposition led demonstrations, while at the same time, reprimanding the police for not giving adequate space for the media in their effort to record the protests. Journalists needed to adhere to a certain standard of discipline, and the police needed to provide sufficient leeway for honest journalistic effort, the council said.

The road to self-regulation

Unsurprisingly, the appropriate codes of practice that the media should adopt have become the focus of much public debate in the Maldives. The MJA has, with the support of the United Nations Development Programme (UNDP), worked out a code of self-regulation for journalists after consulting with print and electronic media editors. But the state-owned media was indifferent to this initiative, which has rendered the code inoperative.

The MMC, a regulatory body with statutory authority conferred by an act of parliament, stepped into this breach and issued a code of conduct after a process of consultation with journalists. The MJA participated in the drafting exercise in the interests of achieving unanimously agreed norms of journalistic practice. The basic principle of press freedom written into the Maldives constitution provided a starting point.

The MMC is yet to acquire the salience in public perceptions that it deserves. But its role in addressing some of the vital issues of media freedom in the new political order in the Maldives has been significant. According to the MMC act, seven of its members should be elected from the public and eight members from the media profession.

The structure is regarded as far from ideal, since members of the public, to run for office, need to obtain government endorsement. In the course of the last round of elections, thirty members of the general public presented their candidature for the MMC. But the government endorsed only fifteen of these. It is believed that political loyalty was a key criterion in determining these choices.

Independent coverage questioned

In December 2010, the General Committee of the Maldives parliament summoned journalists from two private broadcasting channels - VTV and DhiTV - to query them about their coverage of legislative proceedings in the house. The MJA considered the move seriously remiss and issued a statement deprecating the effort to pressure the media. The General Committee of parliament in turn, condemned the MJA for even remotely hinting that there was any such intent.

Lawyer Ali Hussain, representing *Haveeru* journalists Ahmed Hamdhoon and Ismail Naseer, addresses the media in February 2011, when the journalists were summoned for police interrogation. *(Photo: courtesy MJA)*

A statement issued by the General Committee said that the journalists in question had been summoned only because a specific complaint had been received by a member of parliament that video footage in which he featured had been selectively edited to show him in a poor light.

The MJA believes that this is still another barrier to free and fair coverage that parliament - among other institutions such as the government, the judiciary and even certain putatively independent bodies - has been erecting to protect its own privileges. The MJA contends that the general spirit of members of parliament is that entire sittings of the house should be broadcast without editing, even when there is a compulsion to accommodate brief clips in a news broadcast. This fetters independent journalism and creates serious difficulties for editorial judgment.

Ownership concerns

There are considerable tensions that arise from the interlocking of media ownership with other business interests. In October, four journalists from the private radio station DhiFM were compelled to undertake a protest against their own employer when it turned out that the management had revealed the identity of a source used for a report on a tourist resort. Irked by the content of the report, the resort management sacked the employee. The journalists who protested against their management's unethical decision to reveal the identity of a news source, were in turn fired. One was later reinstated under a compromise formula, while the others were given appropriate levels of compensation as prescribed under the employment act.

The main units of the state-controlled media, Television Maldives (TVM) and Voice of Maldives (VOM) radio, have become the focus of a stand-off between President Nasheed and the opposition controlled parliament. In April 2010, parliament passed a bill to establish the Maldives Broadcasting Corporation (MBC), which was to be designated a public service broadcaster, overseen by a nine-member board appointed by parliament. All assets held at that time by the state-owned Maldives National Broadcasting

A journalist is knocked to the ground as police resort to heavy tactics during a protest in Male in October 2010. *(Photo: courtesy MJA)*

Corporation (MNBC), were to be handed over to the new body.

President Nasheed signed the act of parliament into law, but discord erupted when his political advisor indicated in July 2010 that the MNBC would continue to operate without any abridgment of either its mandate or its assets base. As he was quoted as saying: "Although the MBC has been established, the MNBC will continue operating the state broadcasters. I would like to note that TVM and VOM are both channels registered under MNBC and are assets of that company".

At some later date, President Nasheed signed a decree granting wages and salaries to all MBC employees out of state resources. This was taken to be a tacit recognition of the body created by parliament. Yet, the MNBC, which is controlled by a board appointed entirely by the government, continues to hold all the assets, including land that has been assigned to the broadcast function.

The MBC has sought to break the impasse by filing a petition in the Maldives Civil Court, where the matter is yet to be decided. In this vacuum, a perception is growing that the government is using the state media as a propaganda arm of the MDP.

As a consequence, the question of granting licences for terrestrial broadcast links remains unanswered. Currently, only the MNBC has the right to use terrestrial links to broadcast across the far-flung cluster of islands that make up the Maldives. Private broadcasters are dependent on satellite links which are much more expensive in the Maldives context, and also subject to unforeseen disruptions, occasioned say critics of the government, by political interference. Terrestrial broadcasting licences are within the ambit of the MBC as conceived under the act. Until the deadlock between the presidency and parliament is broken, this question will remain unresolved. Private broadcasters see a good outcome to this question as vital to ensuring that there is a diversity of choice for the people of the Maldives.

One of the most consequential decisions made by the Nasheed presidency was to begin publishing all governmental advertising exclusively in an official gazette, rather than spread it out among the independent media. The MJA and other journalists' bodies estimate this has had two consequences. By limiting the visibility of government advertisements, it has led to fears of bid-rigging and corruption in the award of official contracts. It has also caused considerable financial distress to the independent media. The *Jazeera* daily, the MJA points out, was closed down for financial reasons and the *Aafathis* daily has reduced its number of printed pages. The *Miadhu* daily was compelled to move its office to an alternative location within Male, which has among the highest real estate rates in the world, in order to cut costs.

NEPAL

Journalism in unsettled times

Since the April 2008 elections that set up a Constituent Assembly to guide Nepal's transition to a future of republican democracy, the country has had three governments. The first resigned in May 2009 and was followed by an unstable coalition that was deeply riven and finally quit in June 2010. The cabinet though, continued in a caretaker capacity for a record period of seven months while various rival combinations of parties that could between them establish a parliamentary majority were tried. A coalition of the United Communist Party of Nepal-Maoist (UPCN-M or simply Maoists) and the Communist Party of Nepal-United Marxist-Leninist (CPN-UML or simply UML) finally took office in February 2011, with the UML in the leadership role despite being the smaller partner. Early disagreements about portfolio-sharing caused some worries about the long-term stability of the alliance, and these remain to be worked through. Writing of the constitution has been delayed beyond its target date and the term of the Constituent Assembly ends on 28 May 2011. Agreement remains elusive on the two key issues that divide Nepal's main political parties: the integration of the Maoist combatants into the structures of the new order and the devolution of power within Nepal's diverse ethnic and regional mosaic.

The ceasefire of 2006 and the aftermath of the 2008 elections were seen by the country's journalists as an opportune moment to build a legal framework that would promote the healthy growth of the media, on firm foundations of the public interest and the right to free speech. Nepal's journalists and their organisations played a central role in both resisting the repression that was unleashed during the years of royal absolutism and turning back the tide by creating a popular movement for the

Photo-journalist Prabin Mahajan is supported by other journalists in a hospital in Kathmandu in May 2010, after he was injured in a Maoist street protest. *(Photo: Gemunu Amarasinghe / AP)*

restoration of democracy. Since the ceasefire, the journalists' community has secured legally protected rights to freedom of speech and freedom of association. Journalists were key participants in lobbying for and successfully securing the passage of a right to information law.

The momentum for positive change has since been lost. Journalists in Nepal still face enormous challenges, not the least of them being security. Though formally ended, the Maoist insurgency has, in certain perceptions, implanted a cult of violence and spawned numerous militant groups which are smaller, uncoordinated and hence more dangerous. State institutions and authorities have shown a limited ability to protect lives and assure people of security. Maoist elements that are keen to enter the political mainstream and participate in democratic politics feel betrayed that there is no sense of accountability for the years of royal absolutism and its structural and often hidden violence against the poor and the underprivileged.

Caught in crossfire

The coalition that took office following the resignation of the Maoist led government in May 2009 had little popular legitimacy. A succession of Maoist-led protests seeking to force the resignation of this coalition government, turned violent during May 2010 and several journalists were injured in the ensuing affrays. These protests and a nationwide general strike forced then Prime Minister Madhav Kumar Nepal of the UML to resign in June, though as mentioned, the transition to a new government took inordinately long .

On May 5, Maoist supporters attacked the assistant editor of *Shikshak* monthly, Sudarshan Ghimire, in Kathmandu. In similar incidents during that cycle of political protests, Gyanendra Niraula, a correspondent for the *Purbanchal* daily, was assaulted in Jhapa and Kashi Ram Sharma, correspondent for the state-owned news agency in Surkhet, was attacked in Birendranagar. Ramesh Chandra Adhikari, a correspondent of the *Kantipur* daily in Dhankuta, was threatened by Maoist cadre over a news item that had appeared under his name.

In most of these cases, the journalists had identified themselves as media workers but were attacked regardless. Among those to bear the brunt of the violence unleashed during these protests was journalist and cameraman Sri Krishna Phuyal, who was attacked in Gogabu in Nepal's Central Region on May 6.

The Maoist leadership issued a statement on May 8 that included a criticism of the media for its supposed hostility. The implicit threat of retribution inflamed further violence against journalists. On May 10, Avenues Television cameraman Rabindra Shrestha and Associated News Agency photographer Prabin Mahajan were reportedly beaten by a group of political activists at a demonstration outside the Nepali Parliament. Shrestha was seriously injured after being hit with metal rods and sticks and his camera was destroyed. Towards the end of May, Maoist activists burnt copies of the *Nagarik* and *Republica* dailies in Kathmandu, allegedly because of stories published about a Maoist hand in the kidnapping of a hospital director. Maoists also disrupted

The Federation of Nepali Journalists (FNJ) celebrates its 56th anniversary on 30 March 2011. Representatives who spoke on the day underlined the importance of democracy, human rights and press freedom. *(Photo: courtesy FNJ)*

newspaper distribution in sections of the country, according to their publishers.

The southern plains bordering India (the Terai) remain the arena where the most serious contestations of identity politics are taking place. And this is where attacks on journalists have been a recurrent phenomenon. In March 2011, Pawan Yadav, a correspondent for the Nepali-language *Kantipur Daily*, was threatened allegedly by close aides of a local Maoist MP over articles he had written. Around the same time, Nepal *Samacharpatra* journalist Deepak Gautam was warned by the Chief District Officer of Parsa in the Terai of possible criminal action for arms smuggling and drug dealing, after he published reports suggesting serious corruption in the local administration.

The previous month saw two journalists Ram Pukar Raut and Pravin Sharma Jha, who bring out a local weekly, being arrested in Rautahat district, in the eastern Terai, and charged with illicit links to a banned underground armed group. The arrests followed the weekly's publication of a press release put out by the underground group. SAMSN partner and IFJ affiliate, the Federation of Nepali Journalists (FNJ) believed that the arrests were in retaliation for a number of articles published in the weekly exposing corruption in the local administration and police. Rautahat, a district bordering India, is believed to be a transit point for contraband traffic and Raut and Jha had suggested in their reports that local police may be complicit in smuggling.

Journalists recognise that the post-conflict situation in Nepal does not yet bear sufficient assurance that there will not be a relapse into violence. They characterise the current situation as one where the potential for violence is inherent in the delicacy of the political transition underway. And the institutions that could mediate between the competing demands and beliefs of different groups are yet to be built up.

Radio operators murdered

Three radio operators were killed in Nepal between February and July 2010, indicating that the environment for journalists is becoming progressively more unsettled. In the most recent of these, Devi Prasad Dhital, chairman of Tulsipur radio in the mid-western district of Dang was shot dead on 12 July 2010. At the time of his murder, Dhital was campaigning for elections to the local village committee of the Nepali Congress (NC) party, of which he had been an ordinary member for fifteen years. The NC was then a coalition partner in Nepal's interim caretaker government, but local investigators were convinced that the election Dhital was campaigning for was not a high-stakes contest, being merely about local delegates to the provincial and national conventions.

Tulsipur FM, run by a trust that Dhital chaired, is a community radio station set up in 2005 with international donor assistance. The station has since been running on local advertising revenue, which amounts to roughly NPR 250,000 (USD 3,300) a month. The station employs 17 journalists and manages to break even with a certain nominal level of donor assistance for content generation. Government ad placements also contribute significantly to the radio station's viability.

Early in 2010, a journalist working in Tulsipur FM, Narayan Khadka, received a threat via telephone after the station ran a story on a local criminal gang, calling itself the "Tigers", which had burnt down a village school that refused to comply with its extortion demands. Khadka sought refuge in Kathmandu and returned to Tulsipur only after he was assured that the threat had abated. Local police acknowledge that the "Tigers" are a criminal group that has long been under surveillance and has been, to a great extent, neutralised. Several months on, the Dhital murder remains unsolved. The sole witness to the crime and her family have long since left their home in Tulsipur for fear of their lives. Police rule out any motive connected to Dhital's chairmanship of a radio station, but without the murderer being found and the motive established, difficulties remain with this theory.

Chairman of National Television Nepal, Yunus Ansari, who was being held in the Sundhara Central Jail on charges of counterfeiting and drug-dealing, was shot at on 10 March 2011 by a visitor but survived the attack. News reports tended to rule out any connection between his role as a radio station head and the attempt on his life. Jasjeet Singh, from just across the border in the state of Uttar Pradesh in

A spot of bother with an embassy

India's Directorate of Revenue Intelligence (DRI), an office under the country's Finance Ministry, seized a shipment of 1000 tonnes of newsprint imported from Canada and South Korea en route to its destination in Kathmandu on 27 May 2010. The 39 containers routed through the port of Kolkata were found to be in need of "investigation" and were detained for more than a month. The shipment was bound for the Kantipur group of Kathmandu, publisher of the largest circulation dailies in Nepali and English, *Kantipur* and the *Kathmandu Post*.

Under trade and transit arrangements to which all landlocked countries are entitled, Nepal can move imports and exports across India without impediment. Sealed containers are allowed to arrive directly at a dry port within Nepali territory, unless there is evidence of misuse of the facility. Although authorities, both in the Indian embassy in Kathmandu and in India's External Affairs Ministry, denied involvement, it was clear that the Kantipur group had drawn ire for reporting deemed to be adverse to India's national interests.

It is believed that the Indian embassy may have been annoyed by coverage in the newspapers regarding the attacks on Nepali-speakers in the Assam-Meghalaya region of India and a report about canal works on the Kosi River, shared by the two countries, endangering Nepali villages. *Kantipur*'s editorial stance against the Madhav Kumar Nepal government then in office and widely perceived to be backed by India, as well as its coverage of New Delhi's handling of India's home-grown Maoist crisis, were reportedly other sources of annoyance. When backroom negotiations did not work, *Kantipur* proceeded to make the newsprint seizure front page news in June, prompting statements of concern from the IFJ and other press freedom organisations.

The Indian Embassy issued a belligerent note in response, saying that motives were being imputed to a routine customs examination and that "the distorted manner in which the issue has been publicised is hardly helpful in bringing about an early resolution to the customs investigations". But it was precisely this publicity and pressure that led to the consignment of newsprint being released on 27 June.

That should have been the end of the story. However on 27 August the Indian embassy in Kathmandu issued a press release speaking of "certain print and television media" that had been reporting "against products manufactured by Indian Joint Ventures in Nepal". The statement went on to impute an extortionist intention to these media organisations. Certain organisations, the statement said, had "informed the embassy that they have been approached by such media houses for release of advertisements and are being threatened with negative publicity if those requests are not met".

A storm of protest followed, with journalists' unions, media organisations and the Nepal Press Council all denouncing the Indian embassy for breaching diplomatic propriety and acting in gross disrespect of the freedom and autonomy of the Nepali media. The Federation of Nepali Journalists (FNJ) termed the embassy statement as "unfit and improper" and vowed to undertake a "detailed study" of the entire incident. Also joining issue with the Indian mission were the Television Broadcasters' Nepal, the Nepal Media Society, the Broadcasting Association of Nepal and the Association of Community Radio Broadcasters. The Indian mission responded by pointing out that the organisations would carry more credibility if they were also attentive to the unethical practices that in its estimation, flourished within the media.

The IFJ with the support of SAMSN partners in India criticised the Indian Government's decision to hold up the newsprint imported by the Kantipur group. In the context of the later upsurge in friction, SAMSN partners urged that all parties submit the entire range of issues to the adjudication of the Nepal Press Council. This course of action, SAMSN held, would help build institutional capacity in the Nepali media and establish precedents that could guide future decisions on matters of ethical practice and professional conduct.

India, admitted to being paid INR 1.5 million (USD 33,500) to carry out the contract killing. The attack was thought, in local media reports, to bear a similarity in terms of motive, to the daylight murder of TV entrepreneur Jamim Shah in Kathmandu in February 2010. The fact that the assailant managed to carry a firearm into the jail through several layers of security suggested complicity at very high levels in prison hierarchy.

Investigations lacklustre

As with human rights violations during the years of conflict, impunity has been the norm when it has come to investigating the murder of journalists during the period of transition. A commission of inquiry was set up to ascertain the truth behind the killing of journalist JP Joshi in late 2008, with the explicit mandate that findings would be made available within fifteen days. After repeated extensions, the committee finally submitted a report late in 2009, only to have it vanish under a shroud of official secrecy. Late in 2010, an application under the Right to Information law by Ramji Dahal of the fortnightly paper, *Himal Khabar Patrika*, revealed that the commission had spent NPR 3 million (USD 40,800) on its sittings, including in the acquisition of SIM cards for members' mobile phones. All this time Joshi's impoverished family had received absolutely no financial support, Ramji Dahal's investigations found. Soon after these reports were published, Nepal's cabinet met to approve financial support of the order of NPR 1.5 million (USD 20,400) for Joshi's family.

Nepal's Maoists launched a program of agitation against the incumbent government in May 2010 leading to its resignation after street violence in which several journalists were injured *(Photo: Wayan Kota / Creative Commons)*

The conduct of the committee constituted to inquire into Joshi's murder has been referred to the Commission for Investigation of the Abuse of Authority, a special body created under the 1991 constitution and expected to function as a vital part of the process of national reconciliation after the Comprehensive Peace Agreement of 2006.

Reporting on the land seizures that took place during the years of civil war could also prove hazardous, as illustrated by the tragic case of Uma Singh, murdered in the Terai town of Janakpur in January 2009. Because of the international attention her brutal killing elicited, the local authorities moved quickly to arrest some among those suspected of involvement. The story was then put by the local police that the killing was related a family quarrel rather than her pioneering reporting on the continuing iniquity of land seizures during a supposed period of reconciliation and peace. The main suspect in Uma Singh's murder reportedly still roams free in the border region with India. Police have failed to bring him in because of the vast political influence he exercises. Meanwhile, the five who were arrested in deference to nation-wide and international outrage, continue to languish in prison.

Arun Singhaniya, chairman and part owner of the Janakpur Today Media Group, which runs the local FM station and newspaper that Uma Singh worked with, was shot dead in March 2010 in a busy part of Janakpur. In a grim sequel in July 2010, Pramod Shah, director of Radio Janakpur, was brutally assaulted at his home by a group of about eleven persons armed with heavy rods and canes. Shah sustained deep injuries to his head and back. Though the police swiftly arrested three of the supposed attackers and claimed that they were all under the influence of psychotropic drugs, there is no denying the Janakpur Today group has valid reason to consider its very existence under threat.

Accountability processes for attacks on journalists are often subject to unforeseen political pressures. Illustratively, in September 2010, the local Maoist leadership in the far-western district of Mahendranagar went public with accusations that three journalists in the district had been responsible for the abduction of a professional colleague, Pappu Gurung in 2007. The accusation caused outrage, since the three journalists named, Karna Bohra, Yubaraj Ghimire and Lakshman Tewari are all senior figures and widely respected in the profession. At a town hall meeting organised by the FNJ a few days afterwards, the Maoist leadership seemed to relent marginally. And the journalists were prepared to concede that their early reports – that the Maoist leadership was behind the momentary disappearance of Gurung – may have been in error. The situation was retrieved by the prompt intervention of the FNJ, but underlying tensions remain.

Training lacking

Journalists have key concerns regarding the lack of training and awareness among personnel in the many media establishments that have sprung up across the country. They worry that a failure by poorly trained media workers and others to understand and recognise the human rights of minorities can become a base for serving special interests, leading to renewed conflict. Integral to this concern is the limited availability of high-quality professional training focused on the principles of ethical and inclusive journalism.

The development of a public service journalism culture in Nepal is already evident in reports like that which emerged in one of the country's largest circulated English-language dailies on the day that the Dashain observance began in October 2010. Dashain is a nation-wide cycle of festivals rooted in the Hindu faith but respected equally by all Nepal's religious communities. The front-page article of state-owned newspaper *Rising Nepal* on October 9 under the headline, "Festivals fail to bring joy to families of disappeared", reported that:

> *Many families who lost their close ones during the armed conflict have not yet received the information regarding the whereabouts of their families till date. Their continuous appeal for providing them with the information regarding the whereabouts of family members has not been addressed yet.*
> *Three years have passed since the country has been declared as democratic federal republic state but*

Women journalists in Nepal went through a phase of intense anxiety after the murder of Uma Singh and a near fatal attack on Tika Bishta, while (*right*) journalists Tewari, Bohra and Ghimire were accused by the local Maoist leadership in Mahendranagar of having engineered the abduction of a colleague. *(Photos: Rajesh Dhungana and Sukumar Muralidharan)*

> *still the state had not made public the whereabouts of persons got disappeared* (sic) *from the state. The Maoists too have not made public the whereabouts of the persons who were disappeared from their side.*

Meanwhile, the struggle for decent wages and working conditions continues among Nepal's journalists. An officially mandated inquiry found in a report submitted in November 2010 that 37 percent of the country's journalists are paid below the prescribed minimum wage, while 45 percent of journalists are working without letters of appointment. Among the media houses surveyed, 48 percent had failed to introduce basic measures such as retirement and welfare funds, medical cover and insurance. The figures revealed that media houses were choosing not to invest in quality journalism or the professional development of staff and in many cases were not compliant with legal obligations to issue letters of appointment.

The recent media boom in Nepal has created favourable conditions for professionals within newspapers and broadcasters catering to the upper income demographic strata, which are generally favoured by the high-value advertisers. However, the situation for the vast majority of journalists, including those in Nepal's dynamic and expanding radio sector, remainsuncertain. Without a serious investment in quality reporting, the ability of the media to contribute in a constructive fashion to Nepal's transition to democracy will remain constrained.

PAKISTAN

Few Reassurances as Dangers Grow

Pakistan was the most dangerous country in which to work as a journalist in 2010, with the number of journalists and media workers killed in the year under review scaling a new height and far exceeding traditional hotspots for journalistic activity. Safety and security remain priority concerns, while journalists in Pakistan also confront enormous difficulties due to lack of decent wages and job security, mass retrenchments and poor workplace environments.

In conflict-ridden provinces such as Balochistan and Khyber Pakhtunkhwa and the Federally Administered Tribal Areas (FATA), media personnel sandwiched between insurgent elements and government security forces find it virtually impossible to conduct their work freely.

In Balochistan, eight journalists and a security guard, a driver and a technician working for media outlets were killed during the year. Balochistan – territorially the largest though the most thinly populated province in Pakistan – is plagued by insurgency led by Baloch nationalist forces. Journalists working in the province struggle to maintain a balance in reporting on the conflict between nationalist organisations and the paramilitary Frontier Corps. The conflict has become the primary factor in the killing of journalists and media personnel in the province.

While government security forces raid and ransack media offices and detain journalists whom they suspect of sympathy with the nationalist cause, Baloch nationalist elements do not hesitate to mask their role in the killing of media personnel, as when the Baloch National Army claimed responsibility for the murder of journalist Chishti Mujahid in 2008.

In Khyber Pakhtunkhwa and the tribal areas, the nature of insurgency is very different to Balochistan, though the safety situation is just as precarious for media, as Taliban and other groups pressure the Government by launching attacks in public places, pro-government gatherings, mosques and religious seminaries. Five journalists were killed in Khyber

Who will stand up for free speech?

The murder of Punjab Governor Salman Taseer in Islamabad on 4 January 2011 brought into violent focus a growing crisis for free and fair expression in Pakistan, as extremist forces gain an ever tightening grip over public dialogue.

Taseer, owner of the *Daily Times*, *Aaj Kal* and B-Plus, was shot 26 times by his bodyguard, in protest against the governor's advocacy for reform of the country's blasphemy law and his public expressions of solidarity and sympathy for Aasiya Bibi, a woman sentenced to death under the law.

Four days before his murder, Taseer posted a message on his page in the social networking site Twitter, affirming his determination to fight on for the cause despite the pressures he had come under: "I was under huge pressure sure 2 cow down b4 rightist pressure on blasphemy. Refused. Even if I'm the last man standing."

Less than two months after Taseer's murder, on 2 March, Pakistan's Minister for Minorities, Shahbaz Bhatti, another vocal critic of the blasphemy law and the only Christian minister in the federal Government, was killed by three gunmen. He too had frequently spoken up in the cause of Aasiya Bibi. Bhatti had continually received death threats but maintained his position. "I was told that if I was to continue the campaign … I will be assassinated, I will be beheaded. But forces of violence, forces of extremism cannot harass me, cannot threaten me," he said in January.

In February, Prime Minister Yousaf Raza Gilani announced that a bill proposing significant amendments in the blasphemy law would be dropped. He evidently mis-spoke since the bill, written by Sherry Rehman, a member of the National Assembly from the ruling Pakistan Peoples Party (PPP), had not been introduced. Indeed, Rehman who was herself a journalist of note before seeking election in 2008 and serving for over a year as Pakistan's federal minister for information, had written up her proposals on amending the law but failed to get governmental approval, following which she had announced her determination to introduce them as a private member's bill in the National Assembly.

Rehman's intent in proposing the amendments was, among other things, to replace the blasphemy law's death penalty for denouncing Islam's Prophet with a 10-year jail term, and to substitute life imprisonment with a five-year term. The bill also proposed a new section to curb "false or frivolous accusations".

Pakistan's journalists, like the Government, are struggling to counter fear and growing silence on contentious issues of significant public concern. Local television reports on the high-profile murders of Taseer and Bhatti focused on security aspects of the killings, without addressing the underlying issue of the law and the public view of it. Many media houses and journalists are clearly wary of violent reprisals for the way in which they report the matter. Some journalists hold sections of the media at least indirectly responsible for the culture of impunity that prevails, which encourages vigilante action against those deemed untrue to the faith. They note that the media hosted much hostile commentary against Taseer before he was killed, without making the effort to distance itself from the tone of the comments.

Concerns about how the media acts on its responsibility to defend a free press and the right to free expression were further highlighted in May 2010, when some professional groups officially welcomed a ruling by the Lahore High Court to ban Facebook for hosting a "fan page" encouraging viewers to post cartoons of the Prophet Mohammed. The two-week ban spurred outraged internet users to march in protest. But for the most part, the subdued media response indicated that there was some uncertainty over how best to respond to provocative actions such as the cartoon contest, which tend to worsen an already aggravated relationship between the west and the Islamic world. That there are substantial sections which see censorship as the worst possible response was evident when civil society groups in Pakistan launched an alternative page on Facebook of those committed to opposing the cartoon contest involving the prophet of their faith.

Meanwhile, the Pakistan Electronic Media Regulatory Authority (PEMRA) continues to remain a tool for controlling or silencing broadcasters, retaining the legal means to suspend broadcast licences or harass television stations.

In his address to the Pakistan National Assembly on March 23, President Asif Ali Zardari condemned the killings of Taseer and Bhatti, and promised to protect the rights of minority groups. "We condemn the murders of Salman Taseer and Shahbaz Bhatti", he said. "We will avenge the martyrdom of heroes of democracy by defeating the mindset that preaches violence and hatred."

However, President Zardari and the Government of Prime Minister Yousaf Reza Gilani have been criticised for their slow and lacklustre response to the murders. At the highest levels, there is a pall of fear, and very few people are willing to risk a violent retribution by speaking out.

Public pressures and the global climate of opinion have created uncertainties among journalists in Pakistan and elsewhere on how to deal with situations involving religious and cultural sensitivities. Within the journalists' community, many adopt a play-safe attitude while others actively support a radical abridgment of the right to free speech.

The blasphemy law was last amended in 1986 and in recent times, prominent political figures, like Rehman, Bhatti and Taseer, not to mention the former cricket captain turned political leader, Imran Khan, have called for its revision. Articles 295 and 298 of Pakistan's penal code uphold the state's responsibility to protect Islam and prescribe severe punishments, including death, for anyone who insults the national religion.

Punjab Governor and media owner Salman Taseer was murdered by his bodyguard because he voiced solidarity and sympathy for a woman sentenced to death under Pakistan's blasphemy law. This photo was taken in Lahore in October 2010. *(Photo: Salman Taseer / Creative Commons)*

Pakhtunkhwa and the adjoining tribal areas between April 2010 and 2011 as a result of suicide attacks, other terrorism-related incidents and targeted killing.

Propaganda control

Opposing forces in Pakistan's conflict zone along the border with Afghanistan are engaged in an intense battle also to control media reporting on their activities and objectives. Journalism that militant groups deem negative or contrary to their ideology or interests can often exact retribution, either against individual journalists or media houses. The security forces share this attitude and also often react adversely to any media reporting that does not unquestioningly favour their actions and policies.
As a result, journalists contend with a virtually impossible situation if they want to work with reasonable freedom and objectivity.

Dozens of journalists have been killed in Khyber Pakhtunkhwa and FATA in the past several years, and media outlets are commonly attacked. In December 2009, a suicide attack at the Peshawar Press Club killed three people, including two club employees. No group claimed responsibility for the attack, in keeping with past practice in the area. However, a bolder tone on the part of militant groups became evident during 2010, when they stepped up to claim responsibility for killing two journalists – Azmat Ali Bangash in Orakzai Agency and Misri Khan in Hangu district of Khyber Pakhtunkhwa.

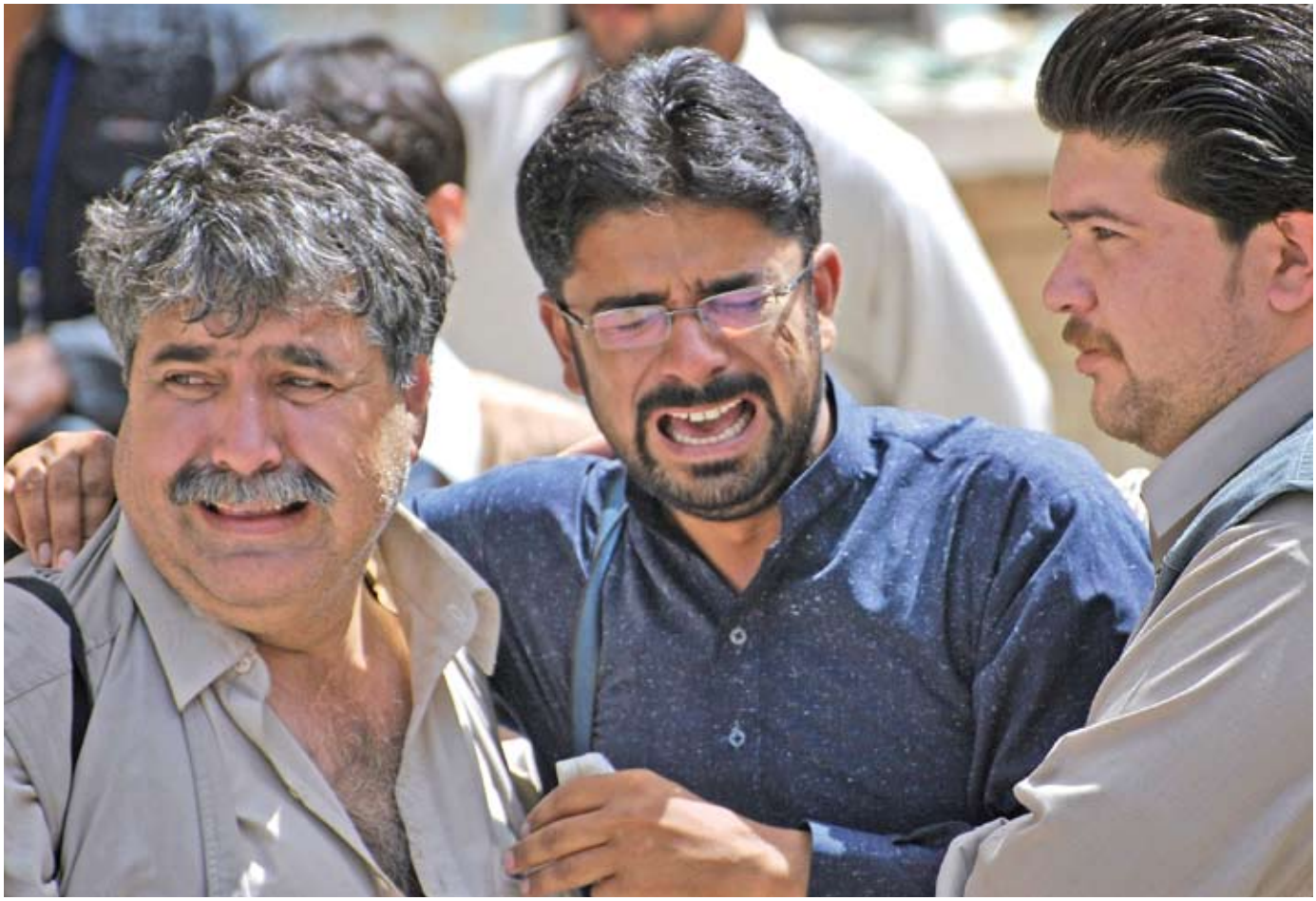
Meanwhile, government authorities and security agencies continue to fail to conduct full investigations into the murder of journalists. In just one case – the murder of *Nation* correspondent Hayatullah Khan Wazir in North Waziristan in 2005 – has a judicial commission been instituted to investigate the killing of a journalist. While the commission led by the former Chief Justice of the Peshawar High Court, Judge Mohammad Raza Khan, submitted a detailed report to the quarters concerned, the findings have not been made public. Nor has anyone been arrested or charged in connection with the murder.

Likewise, authorities have taken no action on a report submitted by the Khyber Union of Journalists to the civil and police administration after the union conducted an independent investigation into the murder of Geo News correspondent Musa Khan Khel in Swat in January 2009. Nor have authorities acted to implement security measures for journalists working in these dangerous areas.

Blame game

The problems for journalists and media personnel working in Pakistan's conflict zones are multiple and complex.
A key issue however is weak coordination among co-staffers at the main city offices of media outlets to which district correspondents file their reports. Local correspondents are commonly put at risk of retaliation from local militants or security forces when editors based in offices in distant locations such as Islamabad or Lahore insert phrases and expressions into reports or broadcasts which carry negative connotations for either opposing side.

There have been numerous incidents in the tribal areas where correspondents have been picked up and tortured



Pakistani journalists mourn the death of a colleague in Quetta on 16 April 2010 after a suicide attack on a hospital emergency room where Shiite Muslims were gathered to grieve a slain bank manager. The blast killed 10 people and injured five other journalists. *(Photo: Arshad Butt / AP)*

by militant groups due to reports and editorials published in their newspapers or broadcast by their organisation, for which they were not directly responsible. When the journalists seek to clarify that they were not responsible for the final wording of such reports, militants pressure them to stop working for organisations which they allege propagate falsehoods.

There is an urgent need for media houses to devise and implement policies that require city-based editorial staff to maintain close contact with field-based correspondents, to seek their advice on the editing of reports from the field, as well as the preparation of reports or editorials for which they are not the author. This mitigation measure is not about censorship but ensuring news organisations across the board are acutely mindful of the need for protective measures to ensure the safety of correspondents, their families and other colleagues working in areas of conflict.

Further, journalists in Pakistan's war-torn areas generally lack sufficient training in crisis management to deal with such contingencies. In most cases, news organisations fail to provide the necessary support to sustain the morale of district correspondents working in challenging situations, including training in basic protective skills of negotiation and survival. Media personnel working in the districts and undertaking potentially hazardous assignments are rarely provided with the financial means to ensure that they have protective equipment, including resources to deal with injuries and means for keeping in constant contact with colleagues.

The toll of killed and injured journalists and media workers in Pakistan in the year under review is grim. Many were singled out for violence, though some who lost their lives were victims of incidents in which they were not the target. The list of media personnel killed in the past year is provided in the annex to this report. Shamsul Islam Naz, of the Pakistan Federal Union of Journalists (PFUJ), a SAMSN partner, noted, "As there was no protection of life, media persons continued to work under extreme stress and at least 16 media employees lost their lives in 2010 while over 300 were wounded."

Mass sackings

Aside from the physical dangers, recent years have brought rising uncertainties in terms of the security of employment. More than 800 media employees were sacked from various print and electronic media organisations during 2010-11, with significant retrenchments by major media organisations including ARY News, Aaj TV, Royal TV

News, One TV, Punjab TV, Dawn News, Geo English, Business Plus TV, *Daily Times*, *Daily Aaj Kal*, *Khabrain*, *The Post*, *The Nation* and Rohi TV, among others.

Difficulties in the economic environment following the global financial meltdown of 2008 have fed in directly into the job security situation for Pakistan's journalists. The retrenchments were carried out with no intent other than to improve the bottom-line of media organisations by reducing the relatively minor cost component of staff salaries. Meanwhile, the workload for remaining staff increased vastly, without commensurate benefits.

Journalists protest the death of Samaa TV cameraman Malik Arif who was killed in a bomb blast outside a hospital in Bajaur in April 2010. *(Photo: courtesy BUJ)*

The management of the Khabrain Group stopped publication of its English newspaper, *The Post*, in Lahore and Islamabad, rendering 100 employees jobless. The group had stopped paying salaries to the paper's staff for several months. *The Post* began publishing in 2005 and attracted senior and well-established journalists from rival groups with the promise of better salaries and working conditions. Its sudden closure in November 2010 was therefore regarded by many as a serious breach of professional norms and ethics.

Meanwhile, the Nawa-i-Waqt group sacked a number of employees working in Waqt TV, *The Nation* and its flagship Urdu daily, *Nawa-i-Waqt*. The Pakistan Federal Union of Journalists (PFUJ) estimated that about 170 journalists and media workers were given their termination orders by the news organisation in the weeks before October 2010. The 170 media persons retrenched were employed across the group's various operations and were concentrated in the major centres of Karachi, Lahore, Islamabad, Rawalpindi and Multan. The PFUJ also judged that the retrenchments violated the mandatory requirements of fair process in terms of notice period and appropriate levels of compensation.

Similarly, journalists sacked from numerous other organisations received no compensation. *The Daily Times* in Lahore set a worrying precedent by decreasing the salaries of staff rather than granting a long overdue raise. Scores of its workers quit as a result.

Rohi TV sacked more than 90 journalists and other employees between the end of 2009 and June 2010 despite what appears to be a good financial performance and management assurances at the time of hiring staff that jobs would be permanent and secure.

Struggle for decent wages

Journalists' unions in Pakistan continue to struggle for implementation of a long-overdue minimum wage for print workers under the Seventh Wage Board Award. The Senate, National Assembly, senior judiciary and Wage Award Implementation Tribunal have failed to ensure implementation of the statutorily determined level of wages for journalists and non-journalists, resulting in increasing distress within the media community in a context of rapidly escalating inflation in the past year.

Although the award was applicable from July 2000, media owners remain steadfast in refusing to raise wages as decreed by law. Pakistan's National Assembly and all four provincial assemblies have passed unanimous resolutions calling on the owners to honour their legal obligations, to little avail.

If media owners do advance the argument that their finances would be badly hurt by implementing the award, it seems to be a subsidiary consideration. Rather, their obduracy appears intended to prove a principle – that they will not be compelled by duly accepted legal processes to alter business parameters. It is a contest between journalists who argue that press freedom is partly about ensuring that their profession enjoys due respect on the basis of quality journalism, and owners determined to conduct their business in their own way regardless of the requirements of institutions of governance: the legislature, judiciary and executive.

Disaster's impact

Aside from widespread conflict, Pakistan suffered one of its worst humanitarian tragedies mid-2010, when heavy monsoon rains led to massive flooding across the entire Indus river basin. At one stage, roughly a fifth of the country was submerged in a catastrophe described by United Nations Secretary General Ban Ki-Moon as a "slow-moving tsunami". The scale of suffering was vast and journalists were not immune, though emergency responses

Cameramen salute fellow cameraman Malik Arif from Samaa TV who was killed in a suicide attack outside a hospital in Bajaur in April 2010. The blast killed 10 people and injured five other journalists. (*Photo: courtesy BUJ*)

by the PFUJ did assist to alleviate the crisis within the journalism community to some degree. A young woman reporter, Asma Anwar, died in the floods in Nowshera district of Khyber Pakhtunkhwa province in August, while the homes of about 213 journalists were destroyed. Logistical difficulties impeded delivery of assistance to victims, spurring criticism among journalists of the limited support provided by government agencies, employers and voluntary bodies.

Jang's battle

A confrontation between the federal Government led by the Pakistan People's Party (PPP) and the Jang Group, the country's largest print and broadcasting media conglomerate, has been brewing for long. The Government, and in particular President Asif Ali Zardari, argue that Jang uses its powerful media platforms – the daily *Jang* in Urdu, the *News International Pakistan* in English and the Geo TV channel – to smear and tarnish the Government's image. It further alleges that Jang has concealed income worth hundreds of millions of rupees and owes a huge amount in unpaid taxes.

The Jang Group, for its part, contends it has a right to run reports that are critical of the Government and which it believes serve the public interest. It accuses the Government and other agencies controlled by the PPP of unfairly denying it official advertising, which in turn Jang cites as a reason to deny fair levels of remuneration to its employees. Jang Group staff have been warned that retrenchment is possible if the Government continues to deny Jang what it deems to be its fair share of official advertising.

In August 2010, the Government and PPP activists allegedly coerced various cable operators across the country to block Geo TV and ARY News channels after they aired footage of shoes being hurled at President Zardari while in Britain. The channels remained off air for two days, sparking protests by journalists' organisations across the country. Bundles of the daily *Jang* were snatched from distributors and burnt in Karachi, allegedly by PPP workers.

In February 2011, *Jang* and the *News* published reports about a purported second marriage of President Zardari, who assumed leadership of the PPP after the assassination of his wife, former Prime Minister Benazir Bhutto. Zardari threatened to file a lawsuit seeking more than USD 100 million in damages if the Jang Group failed to apologise for the report. On 15 March 2011, Zulfiqar Ali Mirza, the Home Minister in the PPP-led government of Sindh, submitted a privilege motion in the Provincial Assembly against the *News* and *Jang* for publishing a report headlined "Mirza to be shown the door in 12 days".

The federal Government was also accused by the Jang Group of seeking to block live transmission by its affiliated Geo TV network of the recently concluded cricket World Cup tournament. Geo TV had won exclusive telecast rights for Pakistan through competitive bidding and stood to gain from the large ad placements that live transmission of the country's most popular sport invariably attract. But again, the Government and PPP cadre were held responsible for coercing cable operators to block the Geo telecast with the alleged motive of preventing the Jang Group from benefiting from the additional revenue streams.

Journalists' unions have sought to hew closely to the path of ethical reporting in the tug-of-war between the PPP and Jang. But the competition that has been on display, with the Jang Group showing undue political assertiveness and the Government responding with extreme and illegal efforts to restrain the media, has taken a toll on journalistic morale. While Jang argues that it is locked in a struggle on deep issues of media freedom, the employees of Pakistan's largest media group resent being drafted into a power struggle and the continuing denial of fair wages and decent working conditions.

SRI LANKA

Fight continues for free media

Media in Sri Lanka is struggling for a conducive environment for independent reporting after a tumultuous two years, which saw the murder of a prominent editor, fire-bombing of an independent television station and numerous brutal attacks on journalists, compelling more than 50 media personnel to flee the country.

Overtly, 2011 has been a period of relative calm and overall the situation has improved from what it was during the final phase of the war and the immediate aftermath of the 2010 presidential election. No murders of journalists were reported last year. And although there has been a decline in the number of recorded attacks on journalists several incidents were reported. The most recent of these include:

- The attack by uniformed police officers on photographers covering an anti-government protest by undergraduate students in December 2010;
- The arson attack on *Lanka-e-News* office in January 2011 which gutted its premises. The month also saw an attack on a group of journalists at the Bandaranaike International Airport (BIA) in Katunayake near Colombo. Dr Wickremabahu Karunaratne, Leader of the New Left Front, was returning to Colombo after a trip overseas and the journalists were covering an attack on him and his party by a group of BIA employees, allegedly enjoying government patronage;
- In February 2011, on the day the country celebrated its sixty-three year anniversary of independence, journalists covering an opposition protest march were attacked; and
- A prominent journalist was abducted and attacked in the Eastern province in March 2011.

In the final years of the war, journalists, local and foreign, were barred from the North, unless they were part of a government entourage or embedded with the army, making it impossible for independent reportage from these areas. Local journalists are now free to travel to parts of the war-devastated North that are open to the public, primarily Jaffna, though large areas still remain out of bounds, movements of the journalists are constantly monitored and foreign journalists are still required to obtain clearance from the Ministry of Defence.

The reporting climate is in no way conducive to assertive journalism. Sunil Jayasekara, convenor of the Free Media Movement (FMM) admits the situation may appear to have improved, but cautions that fewer attacks and the absence of killings do not mean the environment is favourable for journalists to practice their craft without fear of reprisal. A number of International media and human rights groups have echoed Jayasekara's sentiment.

The IPS news agency in a report in January this year quoted a journalist who returned to the country briefly after fleeing in mid-2009, as saying: "I felt safe enough to visit but not to work". The statement, many journalists and media activists agree, illustrates the current uncertain reporting climate. There are still high levels of anxiety and journalists

A Global Day of Action protest in Colombo in August marked 200 days since the disappearance of *Lanka-e-News* columnist and cartoonist Prageeth Eknaligoda on January 24, 2010. *(Photo: Sampath Samarakoon)*

Mobilising for a disappeared colleague

More than a year after his disappearance on 24 January 2010, cartoonist and columnist Prageeth Eknaligoda remains missing and questions about his whereabouts are unanswered.

Eknaligoda was last seen by the staff of *Lanka-e-News*, the news portal where he worked as a freelancer, as he left the office about 8.30pm. The polls for Sri Lanka's presidential elections were due to open within 36 hours. Eknaligoda was talking on the phone and left his office in a three-wheeler taxi to meet an unknown person.

It was not the first time Eknaligoda had been targeted. On 27 August 2009, he was abducted on his way home, pulled into a white van, robbed and held blind-folded until the early hours of the morning.

Eknaligoda is an insulin-dependent diabetic who underwent open heart-surgery in 2005. Grave concerns are held for his welfare, and the worst is feared.

Known for his outspoken political views, Eknaligoda was involved in left-wing politics since the 1970s, and his opinions often landed him in trouble. In 1996, Eknaligoda resigned from the state-owned Lake House group of newspapers after declining a demand by the then president that he draw a cartoon ridiculing the opposition leader.

Eknaligoda was known to have supported former Army Commander Sarath Fonseka, an opponent of President Mahinda Rajapaksa, during the 2010 presidential elections. His cartoons were also frequently critical of Sri Lanka's administration.

International activist groups are deeply worried for Eknaligoda's safety and the failure of the Sri Lankan authorities to investigate his disappearance thoroughly.

Soon after Eknaligoda was reported missing, police claimed they lacked sufficient resources to investigate during the election period. Yet authorities have maintained their attitude of indifference for more than a year since. Police have not revealed call records from Eknaligoda's phone nor have they managed to trace his mobile phone.

Statements issued by authorities and the Ministry of Information have provided no information on Eknaligoda's whereabouts or on the progress of the investigation itself. Some senior officials, including Defence Minister Gotabhaya Rajapaksa (the brother of the President), allege Eknaligoda staged his own disappearance. No evidence has been offered for this assertion.

Sri Lankan and international press freedom groups conducted several local and international protests and campaigns to demand answers and action. A Global Day of Action was declared 200 days after Eknaligoda disappeared. On 10 August 2010, a coalition of Sri Lankan press freedom groups including the Free Media Movement (FMM), the Sri Lanka Working Journalists' Association (SLWJA) and the Federation of Media Employees' Trade Union (FMETU) staged a *satyagraha*, or silent protest. More than 350 people joined the protest, a healthy turnout considering Sri Lanka's stifling environment for public displays of discontent.

The wife of former Sri Lankan Army Chief Sarath Fonseka, joins Sandya Eknaligoda (*right*), wife of missing journalist Prageeth Eknaligoda, in August to protest against official apathy *(Photo: Paba Deshapriya)*

On 18 January 2011, the Alliance of Media Organisations staged another protest in Colombo to mark two years since the murder of *Sunday Leader* editor Lasantha Wickrematunge and one year since Eknaligoda's disappearnace.

In both cases, authorities have been very slow to investigate. Little or no information has been made public, leaving journalists and press freedom activists to question the integrity of the investigations and the will of state actors to redress the culture of impunity for violence against the media.

Eknaligoda's wife, Sandhya, and two young sons are frustrated with local authorities and have turned to the international community for help. One year after Eknaligoda vanished, Sandhya delivered a letter to the United Nations in Colombo. The letter called on the UN Resident and Humanitarian Coordinator in Sri Lanka, Neil Buhne, and UN Secretary-General Ban Ki-moon to encourage the Government of Sri Lanka to expedite investigations into the disappearance of her husband. Sandhya has also appealed to current and former Sri Lankan ministers and members of parliament, though she is yet to receive a reply.

In August 2010, Eknaligoda's family filed a *habeas corpus* petition with a Colombo court. Six hearings into the case produced no significant findings. Police failed to appear at the sixth hearing. Senior State Counsel Sameendra Wickrama said objections to the petition had been filed and encouraged the petitioners' Counsel Krishmal Warnakulasuriya to file counter-objections.

Thanks to unrelenting diplomatic pressure, Sandhya's letter to the UN and joint international advocacy actions by international press freedom organisations, the petition is set to be considered by a court of appeal in Colombo on 26 May 2011. While it is disappointing that the petition is only now gaining the Sri Lankan courts' full attention, it is nonetheless a necessary step toward solving the mystery of Eknaligoda's disappearance and achieving justice for his family.

continue to look over their shoulders and continue to curtail their comments and reports.

A major factor contributing to this sense of unease is the government's failure to conduct proper investigations into any of the attacks against media persons and institutions, which has helped foster a climate of impunity and indifference. Three incidents that are significant in this context are the murder of *Sunday Leader* editor Lasantha Wickrematunge and the arson attack on MTV/Sirasa in January 2009 and the disappearance of *Lanka-e-News* cartoonist Prageeth Eknaligoda in January 2010 (see box).

Journalists for Democracy in Sri Lanka (JDS) reflected the sentiment of nervousness when they rejected a call by Attorney General Mohan Peiris in March 2010 for exiled journalists to return to Sri Lanka. Peiris offered assurances that the government would provide protection to those who returned to the island. JDS in response urged the AG to take immediate steps to prove he is serious about media freedom and as an initial step asked him to prove his good intentions by disclosing the whereabouts of Prageeth Eknaligoda and to expedite investigations into the many unsolved crimes against media workers during the Mahinda Rajapaksa period of rule. To date, such action has not been forthcoming. Jayasekara believes if there had been a purposeful investigation into at least one of the high profile cases, it would have gone a long way in easing fears among journalists.

Journalists and media activists say that the reporting environment is so insecure that journalists can report only what the government or those closely affiliated with the ruling party wish to make public, and point to examples of drastic reprisals for media that does not toe the line, such as the one inflicted on *Lanka-E-News*.

Influence in many forms

A more insidious threat to media freedom emerging in Sri Lanka is the increasing number of media houses coming under government control through political manoeuvring. Media owners have become government MPs or ministers and editors have become close affiliates of powerful ministers. The owners of mainstream newspapers such as *Island/Divaina* (Upali Group), *Lakbima* (Sumathi Publishing) are either government MPs or have close relatives who are in government. *The Nation* is owned and run by close affiliates of the Rajapaksa family. The Wijaya Group has no direct connections with the government, though the editor of *Lankadeepa* (the group's Sinhala language paper) is the President's nominee to the Sri Lanka Press Council.

One case in point is Asia Broadcasting Corporation Private Limited (ABC Network), which ran five radio channels in Sinhala, Tamil and English that were shut down by the government in October 2007 over a report about alleged activities of the separatist Liberation Tigers of Tamil Eelam (or Tamil Tigers) in the south of the island nation. In April 2008 the network was reissued its licence after a member of the opposition United National Party (INP) Duminda Silva, brother of network owner Raynor Silva, crossed over to the government side.

Licences for television and radio in the post-1995 period (there were five prior to this with only TNL operating as an independent channel) were given to political allies. Today, with the proliferation of television and radio channels, a large number are government-controlled by proxy. Newspapers and TV channels that attempt to be independent suffer violent attacks, threats - such as the withdrawal of broadcast licences - and intimidation.

"This is a hidden threat many fail to see when they say media freedom situation in Sri Lanka has improved," says Jayasekara. Other media activists point out that the situation has led to policy and content slanted in favour of the government. Media freedom is curtailed on one side by a repressive regime and on the other by a pro-government management, says Jayasekara.

Legitimising media suppression

Another serious concern is government efforts to exert more control over the media through numerous legal mechanisms. This has led many international observers to opine that the process of legitimising media suppression in post-war Sri Lanka is well underway.

In June 2009, shortly after the final victory over the Tamil Tigers, the government announced its intent to revive the draconian Press Council Law (PCL) and in 2010, despite protests from media organisations, appointed a chairman and four members to the board. According to the Press Council Act the composition of the Council consists of seven members, five appointed by government, one working journalist and one working employee to be nominated by the industry and representative media organisations. The seven members must be in place for the Council to be deemed a legal entity. Notwithstanding the fact that the media industry and journalists' organisations have unanimously refused to name their representatives despite repeated requests from the government, the Council is functioning, placing advertisements in newspapers and requesting readers to send in their complaints. It has also sent "right of reply" letters to newspapers.

Media organisations and the industry consider that without the full complement of members, the Press Council is operating illegally and are contemplating legal action. They are however wary of moving ahead because of the risk of the government opening a Pandora's box, a reasonable fear given the extent to which the country's judiciary has become politicised. Although the PCL was replaced by the Press Complaints Commission of Sri Lanka (PCCSL) in 2003, and the Law's punitive provisions have not been operational since 1994, the Law itself was not repealed. The PCL gives the government wide-ranging powers to fine and sentence journalists and publishers reporting on a range of public interest issues, including the internal communications of the government and decisions of the Cabinet, to extended periods of imprisonment.

New authority and law raises concerns

Another development of serious concern is the establishment of the Media Development Authority (MDA), purportedly to "help guide local media institutions to improve media ethic". Though its title and publicly stated purpose sound innocuous, early draft rules specify the authority will be tasked with: "ensuring clear, consistent and predictable regulatory policies and guidelines to protect core values and safeguard public interests, and to foster a pro-business environment for industry players through policy, process of registration and professional recognition." The wording is remarkably similar to that of Singapore's recently revised law establishing its own MDA.

A Broadcasting Authority Law is also in the pipeline, though not written yet. Singapore's Broadcasting Authority Act allows the government to declare any foreign broadcasting service as "engaging in the domestic politics of Singapore", therefore requiring prior approval of the Media Minister for domestic transmission. If written with the same intent, Sri Lanka's law could effectively allow the government to stop transmission of foreign media into the country.

As a forerunner to this, the government has already gazetted regulations for licences to new private television broadcasting stations, internet service providers and telephone networks. This is a scaled-down version of the controversial regulations it sought to introduce in late 2009, which placed restrictions on news telecasts as well as other material disseminated over the internet. At present, private television and radio stations are provided "temporary licences" under the Sri Lanka Rupavahini Act and can operate with it for an unspecified period. Sixteen private television broadcasters function under this provision of the Act.

The legal manoeuvres follow an aborted attempt by the Media Ministry to make it mandatory for journalists in the print media to declare their assets under the terms of the 1988 Declaration of Assets and Liabilities Act. Initiated in the run-up to the April 2010 Parliamentary elections, the move was viewed by the media industry as another legal mechanism being used by the government to control the media, especially since adherence to the Act, which is applicable to proprietors, editors and members of editorial staff under Section 2 of the Newspaper Ordinance, and covers members of parliament, judges and public officers, has largely been a voluntary exercise with no statutory compulsion.

Justice elusive in Wickrematunge murder

Sunday Leader editor Lasantha Wickrematunge was murdered on January 8, 2009 by motorcycle-riding assailants in close proximity to a High Security Zone in the outskirts of Colombo. One year after the killing the Criminal Investigation Department (CID) of the Sri Lankan police reported to court that he died from a head injury inflicted by a sharp weapon. Earlier court was told he had died from gunshot injuries to the head. The autopsy findings have never been released.

Two years on, investigations into the murder have not progressed beyond the perfunctory level and many believe the arrests made so far do not give the impression that an honest attempt is being made to find who ordered the killing. Wickrematunge's family does not believe the investigation is being conducted with any real purpose and it may take a long time, and a change of government, to get to the bottom of the crime.

Police says the case is still being investigated. The current official position on this, as attributed to the police spokesman Prishanta Jayakodya by an Associated Press news agency report is that "it is not possible to make immediate conclusions in a planned killing like this". The police have however said that it will "conduct a systematic investigation and arrest the culprits". The delay, according to the spokesman is unexceptionable, since "other legal systems around world sometimes take six to eight years to solve murders."

In a curious twist of events 15 military intelligence officers were detained for a brief period in an attempt to implicate former Army Commander Sarath Fonseka in the murder following his defeat at the 2010 presidential elections. All, barring one, a former member of the Army Intelligence, were released with no explanation being given to court.

To date more than 50 hearings have been held before a magistrate's court and the police still seem to be clueless. At a hearing held on 9 January 2011, one day after the second anniversary of the murder, police told courts that investigations were being carried out based on information regarding the involvement of a former member of Army Intelligence Unit and a garage owner in the assassination. At a more recent hearing on 10 March 2011, the Terrorist Investigation Department (TID) informed Court, that investigations pertaining to the murder of Wickrematunge are currently being conducted with the use of modern technology.

However, on 13 January 2011, President Mahinda Rajapaksa told the Sri Lankan media that his government had no evidence to continue an investigation into the murder Wickrematunge. Rajapaksa made this comment in response to a question raised by Lasantha's brother Lal in the presence of about 60 media personnel, including editors, publishers and government ministers, at a customary monthly presidential breakfast.

Attacks on media outlets continue

The studio complex of MTV/MBC Media Network, the broadcaster of popular TV channel Sirasa TV in Depanama, Pannipitiya was attacked by an unidentified armed gang in the early hours of 6 January 2009. The main Control Room (MCR) of the station was completely gutted by fire. The Station was also attacked two days earlier and its main office in Colombo was attacked in March 2010.

Sirasa media network, prior to the 6 January attack was criticised by several government ministers as being pro-Tamil Tigers. Immediately after the attack Gotabhaya Rajapaksa alleged the attack was an inside job and said there were many motives for the MTV-MBC to destroy its own station. Media organisations have accused the government of being complicit in the attack, and the police have continued to maintain that no conclusions had been made on the motives or the culprits. While the station is back in operation today, the devastated control room is sealed. The station's owner, Maharajah TV, is locked in a dispute with its insurance company, and police have asked that the space not be disturbed while they continue their investigation. Sirasa staffers however said there is no evidence of any active police investigation at the scene.

The January arson attack on the Malabe offices of *Lanka-e-News* spurred calls for a full investigation among press freedom defenders in Colombo. *(Photo: Sampath Samarakoon)*

While investigations into the January 2009 attack lie in limbo, 16 suspects involved in the March 2010 attack on its main office were identified in CCTV footage. The 16 were identified as residents of the Kelaniya electoral district, with several being members of the United People's Freedom Alliance (UPFA), led by President Rajapaksa's party, the Sri Lanka Freedom Party (SLFP). Many of those identified it transpired, were attached to the local administration body, the Kelaniya Pradeshiya Sabha. The suspects were arrested, produced before courts before being released on bail.

Police however are accused of trying to hinder court proceedings. Initially they failed to produce the suspects in court, then they produced only 14 of the 16 accused, saying the addresses of the other two were unknown. In the latest hearing on 10 January 2011, police claimed that the information book containing all statements pertaining to the incident had been sealed in connection with another case and as such they were not able to be filed in the suspects' cases. The court has ordered police obtain certified copies of all statements, send them to the Attorney General's Department and submit them to court.

Lanka-e-News under constant attack

The office of the news portal *Lanka-e-News* located in the outskirts of Colombo, was set on fire midnight 31 January, compelling many to dub January as the black month for media freedom in Sri Lanka. Preliminary investigations confirmed that petrol was used to start the fire, which completely consumed the offices of the online publication, including a library of e-news archives and thousands of valuable books. The website has been very critical of both President Mahinda Rajapaksa and his brother Defence Secretary Gotabhaya Rajapaksa. In the week prior to the arson attack it carried detailed reports of Rajapaksa's sudden and secret visit to the United States, which the website reported was for medical purposes. In another report it questioned whether Gotabhaya had perjured himself in court while giving evidence in the "White Flag" case involving the killing of Tamil Tiger rebels allegedly gunned down when seeking to surrender in the last phases of the country's civil war in 2009.

There was wide spread condemnation of the arson attack. Media groups staged a protest the next afternoon demanding that the perpetrators be arrested. Shortly afterwards police said they had arrested a suspect said to be a member of a gang that works on contract. A second suspect was arrested 48 hours later.

In a farcical investigation, the police identified the main suspect as 'Boothaya' (ghost), saying he had taken the contract and subsequently directed his accomplice to destroy the *Lanka-e-News* office. They also said the order to attack had come via a telephone call from a person living abroad. The two suspects were released on bail on 18 February, each paying surety of Sri Lankan Rupees (SLR) 300,000 (USD 2,700) and ordered to regularly report to the nearest police station. The case is continuing at the time of writing.

Lawyers appearing for the suspects have said both had been arrested on false charges. Boothaya was handed over to the police by his mother after police told his mother they had a warrant against him, while his associate had been arrested from his home. Both are known to the local police and have a background of substance abuse. Lawyers claim that neither suspect seemed to even know where the *Lanka-e-News* office was located. Both suspects have pleaded not guilty to all charges.

The attack is seen as a culmination of a series of threats directed against the website. Its editor, Sandaruwan Senadeera who fled the country shortly after the disappearance of Prageeth Eknaligoda, has been detained and questioned by the TID on several occasions, the site is routinely blocked. The office was sealed by an unidentified gang shortly after the January 2010 presidential election. The staff were forced out of the previous office in Rajagiriya,

and since the attack, have trouble relocating as no landlord is willing to rent space for an organisation that may well face further attacks.

Self censorship in Jaffna

There continues to be an active restriction of space for critical reportage with journalists adopting self-censorship as a means of safeguarding themselves. One of the outcomes of this has been the failure of mainstream media to provide fair and objective reporting on issues that concern the general public. Mainstream media, specifically the Sinhala language media has also failed to provide objective or even adequate reporting on the situation in the North, not only about the poor progress of resettlement of the displaced but also the growing environment of uncertainty and unease following a spate of murders and abductions.

On January 31, arsonists attacked the *Lanka-e-News* office, near Colombo. The news portal and its journalists, known for their critical reporting, have long suffered targeted violence. *(Photo: Sampath Samarakoon / Creative Commons)*

There was little reporting of the murder in Jaffna of an education official in December 2010 who had criticised the government's decision to force Tamil children to sing the national anthem in Sinhalese. Apart from the Daily Mirror and the BBC no other media, print or electronic reported on the desecration of graves in Jaffna, though many reported on the 4 March opening of the new Army Headquarters constructed on the grave site.

Citizen journalism web portal *Groundviews*, publishing an English version based on the Sinhala translation of a report in the Tamil daily *Uthayan* -- published from Jaffna -- said that not a single Sinhala newspaper had published a similar account of the events and claimed that readers of its Facebook page had expressed grave concern and outrage of the action of the army.

In February the Overseas Press Club of America (OPC) in a letter to President Rajapaksa said violence and intimidation was causing established journalists to censor their own coverage and warned that it was a loser's game as critics of perceived or actual unfairness by their leaders were increasingly turning to social media when trusted media voices were being silenced or muted. Would it not be better, they asked, to allow the established media a full voice, regardless of their diversity of views?

The process of self-censorship has also had its impact on the coverage of proceedings of the Lessons Learned and Reconciliation Commission (LLRC), set up since the end of the civil war as a part of the process of national reconciliation and social justice. Incidents where local and foreign journalists were banned from attending LLRC sessions in the Boosa detention camp received wide publicity. What remained unreported in most media however was the disturbing accounts of the end of the war, even though several journalists from English and Sinhalese-language media have been allowed to follow the LLRC's work. It was once again left to Groundviews to fill in this void. In January 2011 the citizen journalism website launched two archives covering media reports on and submissions to the LLRC. These are available at the following web address: http://groundviews.org/2011/01/17/archive-of-lessons-learnt-and-reconciliation-commission-llrc-submissions-and-media-reports/.

BBC journalists were also prevented from attended several LLRC interview sessions with the Tamil population in September 2010 in Killinochchi, Mullaitivu and elsewhere. The BBC journalists had earlier been able to cover the commission's work in the country's north in August 2010. At this time, the Tamil daily *Thinakural* and the Colombo-based English-language *Sunday Times* published devastating accounts of cases of forced disappearances of Tamils at the end of the civil war.

Media freedom organisations expand

The five leading media organisations – the Free Media Movement (FMM), the Federation of Media Employees' Trade Union (FMETU), the Sri Lanka Tamil Media Alliance (SLTMA), the Sri Lanka Working Journalists Association (SLWJA) and the Sri Lanka Muslim Media Forum (SLMMF) - which renewed and consolidated their activism beginning from the end of the civil war, have, with the Editors' Guild, conducted a series of protests against the re-activation of the Press Council Law. This group of organisations has expanded further and formed the Alliance of Media Organisations in a bid to make the campaign for media rights more effective. New members of the Alliance include the South Asian Free Media Association (SAFMA) and Journalists Against Suppression (JAS). Alliance members are now in the process of discussing a more comprehensive campaign for media freedom and human rights with a wider group of civil society organisations, trade unions and professional bodies.

Visit asiapacific.ifj.org or www.ifj.org for more information.

The IFJ is a non-governmental, non-profit organisation that promotes coordinated international action to defend press freedom and social justice through the development of strong, free and independent trade unions of journalists. IFJ Asia-Pacific coordinates IFJ activities in the Asia-Pacific region. The IFJ works closely with the United Nations, particularly UNESCO, the United Nations OHCHR, WIPO and the ILO, the International Committee of the Red Cross, the European Union, the Council for Europe and with a range of international trade union and freedom of expression organisations. The IFJ mandate covers both professional and industrial interests of journalists.