

# Building Resistance, Organising for Change

PRESS FREEDOM IN SOUTH ASIA 2012-13



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Bangladesh Manobadhikar Sangbadik Forum

Federation of Nepali Journalists

Free Media Movement, Sri Lanka

Indian Journalists' Union

Maldives Journalists' Association

Massline Media Centre, Bangladesh

National Union of Journalists, India

National Union of Journalists, Nepal

Nepal Press Union

Pakistan Federal Union of Journalists

Sri Lanka Working Journalists' Association

## BUILDING RESISTANCE, ORGANISING FOR CHANGE: PRESS FREEDOM REPORT FOR SOUTH ASIA 2012-13

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**Cover Photo: The arrest and three-month long imprisonment of Naveen Soorinje in India on charges of involvement in mob violence led to prolonged protests and a public debate on the role of journalists who bear witness to acts of lawlessness (Photo: Daya Kukka, Daijiworld).**

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## FOREWORD

Now in its eleventh year, the South Asia Media Solidarity Network (SAMSAN) operates as an open platform, building solidarity among journalists' organisations and other groups that promote media freedom, which in turn is critically linked to decent working conditions and safety for journalists and a public environment that respects their work. The past ten years have been a time of serious challenges for the practice of journalism in a region that is home to a fifth of humanity, whose eight countries for all their disparities, share a great deal in terms of cultural identities. And yet, this is a region that is politically adrift and divided.

Over the last decade, SAMSAN has provided journalists from all eight South Asian countries with an important platform to discuss both professional challenges and the issues that divide and unite the region. These include aspects of their daily practice that tend to deepen the estrangement among communities and people, and those that bind. SAMSAN has contributed substantively to a sense of shared professional commitment. In solidarity actions, SAMSAN draws across all countries of South Asia to bring together unions, press freedom organisations and other civil society groups, in joint work to defend press freedom, the right to free speech and expression, and other human rights.

Physical safety has again been justifiably recognised as a requirement for press freedom and a priority in a region which remains one of the most dangerous for journalists to operate in. In Nepal and Sri Lanka, violence against journalists and the media has been a disturbingly recurrent phenomenon over the past twelve months. Prolonged internal warfare, now formally declared over in both countries, presented serious challenges for independent journalism while a blanket of impunity for violent acts committed during the war continues and political settlement remains elusive.

Pakistan's status as a frontline state in a global conflict continues to deepen ethnic and sectarian fractures. The past twelve months have seen a further deterioration in the safety environment for journalists. Professional groups and unions

have for long been demanding assurances that journalists will be allowed to fulfill their roles without intimidation or obstruction. The crisis of the welfare of media workers was shockingly evident recently when three journalists were killed in separate incidents around the country in the space of a week. Pakistan has had its impunity rating increasing rapidly and without break for the last four years. SAMSAN has stepped up demands on media managements and the government to engage with the problem with a determination and commitment that has so far been lacking.

The growth of social media continues to add a new dimension to opportunities and challenges facing freedom of expression. In India, a cartoonist had his website shut down and then faced arrest on sedition charges, for satirising corruption using depictions of the national flag and parliament building. In Bangladesh, young activists campaigning for the trial of war-crimes accused from the country's 1971 war of national liberation, were arrested for posting putatively "atheistic" material on their blogs. In the Maldives, a campaigner for religious and sexual tolerance, suffered a near fatal attack, provoked by material he had posted on his blog.

The year saw a growth in instances where national laws were applied to suppress freedom of expression. Legal actions and inconsistent judicial practices contributed to a culture of censorship. In India, heightened concern over terrorism led to a number of journalists being criminally charged and in certain cases, arrested under special security laws. Often charged on very thin and insubstantial evidence, these journalists have secured bail or discharge only after arduous effort, and in certain cases, prolonged periods under detention.

Governments continue to block access to information, for example when Afghanistan's parliament convened in 2012, the main halls and the press galleries were declared out of bounds for journalists. Instead, they were asked to confine themselves to a new "media pool" room, located a significant distance from the main halls, which only provided a selective transmission of parliamentary proceedings.



SAMSAN meeting underway in Kathmandu 2012; the platform for the defence of journalists' rights is now in its eleventh year (Photos: Sukumar Muralidharan).



At a more general level, journalists face a situation of having to fight for the credibility of their profession as the region witnesses the growing integration of the media with other, unrelated business interests. None of the countries in South Asia has yet worked out a credible means of regulating this intrusion of commercialism into the media.

In the Maldives, the government continues to stand by the ill-advised decision to reserve all official advertisements for a special gazette, denying independent media this important financial sustenance and making it dependent on a variety of commercial and political actors. In India, the year under review saw the prospect of employment and livelihood anxieties multiplying for journalists who had taken what seemed lucrative opportunities in a number of new media platforms promoted by finance, real estate and other companies through the boom years of the last decade. A clutch of closures of media enterprises headquartered in India's eastern metropolis of Kolkata, seemed likely to plunge the livelihood prospects of many hundred journalists

into considerable uncertainty, as this report is prepared for press.

A number of journalists still struggle for fair wages and decent working conditions. In India, Pakistan, Bangladesh and Nepal principally, established laws on the protection of living standards are being breached with little consequence. In Pakistan, two journalists took their own lives after their salaries were withheld for many months. In other countries such as Sri Lanka, the Maldives and Afghanistan, the struggle is underway for securing protections under the law for the wages and working conditions of the media community.

Countries in South Asia call out for sensible regulatory frameworks that do not impede the public right to freedom of expression and access to information, and safeguard the media from the commercial intrusions that have deeply eroded its credibility.

Jacqueline Park  
Director, IFJ Asia-Pacific

## OVERVIEW

### Building Resistance, Organising for Change

A media analyst in Pakistan in June 2012 wrote about the “maddening paradox” of working journalists waiting long years to gain their legitimate entitlements under the Wage Board, while “top media houses and news channels” continued “brazenly” to “hire executive level staff at absurd salaries”. This was a situation made even more frustrating by the widely shared knowledge that “the bulk of reporters, sub-editors, proofreaders, layout artistes, copywriters, assistant producers, producers, cameramen, photographers and support staff currently get salaries that are not commensurate with their efforts and skill set”. Deprived of fair compensation for their efforts, “they are forced to look for other avenues of income and quite often fall prey to well placed predators on the lookout for favours or seeking to promote their personal agendas”.

In India in November 2012, two senior news anchors from the pioneering private broadcaster Zee TV, were arrested on charges of extortion filed by a mining and energy conglomerate. There was seemingly an agreement that the TV channel would actively suppress news about possible violations of the law in the allotment of coal mining concessions to the company at rates well below fair market value. But the initial negotiation was evidently not properly minuted since the two sides went away with divergent understandings. When the channel staff sought to push the deal as they understood it, the company leaked a video recording of the meeting, which seriously incriminated them. The two news executives were arrested shortly afterwards and held for close to three weeks before being released on bail.

In Bangladesh, the newspaper and TV audience is aware of the major incursion of various business interests and political groups into media ownership. Since business groups tend to have well-defined political loyalties too, the media is seen to be on most issues, mirroring the rivalries between the country's two main political parties, rather than fulfilling the public need for reliable information. This deepens the country's existing political polarisation and journalists are under pressure from their managements and owners to constantly choose sides.

In Sri Lanka, a media commentator recently wrote of “standards” applicable in the past “deteriorating to the extent that journalists are being looked at, “more with ridicule, than with esteem”. And in Nepal, increasing media ownership by political parties was identified by an International Media Mission in 2012, as a key constraint in quality improvement. Even the selection of editors, the mission found, had “become subject of political deals and bargaining”.

Sri Lanka has an ordinance enabling a notification by statutorily empowered Wages Boards, of minimum wages in a range of professions, including journalism. The last such notification was made in 2005. A media commentator recently wrote of the “appallingly low” level of the statutory minimum wages for journalists. Though the absolute paltriness of the minimum wage is mitigated in practice, since many of the larger news organisations are known to pay well beyond stipulated levels, this is done on a selective basis, “based more on the whims and fancies of those who are the decision makers in such organisations”. This selectivity in the process of rewards and incentives, which is a feature of all countries in the region, means that journalists are vulnerable to pressures from the commercial and



Justice Katju of the Press Council of India (seen meeting with the leadership of the Delhi Union of Journalists) and his Bangladesh counterpart Justice Das, have supported new standards for entry into journalism (Photos: Sunil Kumar, Sukumar Muralidharan)

advertising departments, often leading to an impairment of the credibility of news gathering.

For South Asia's newer electoral democracies like Afghanistan, Bhutan and the Maldives, the tasks of legislating appropriate job and wage protections for journalists is yet to be taken up. Perhaps there is much that they could learn from the example of the larger states which have enacted laws of varying levels of comprehensiveness, but failed to really address the challenges of implementation.

Ironically, through years of rapid quantitative growth in the media in South Asia, there is widely believed to have been a decline in standards and a fall in public esteem for the practice of journalism. Competition for circulation and television ratings continues to induce serious deviations from basic ethical norms. There is however, little public pressure for rendering journalists a fair deal, so that the information they deliver is – aside from being reliable and accurate – seen to be so.

Public concerns about the quality and integrity of media content have led election authorities in India to maintain a close scrutiny of news coverage, especially during hard-fought electoral campaigns. In December 2012, the Press Council of India (PCI) censured four leading newspapers – three in the Hindi language and one in English – for dressing up paid advertisements boosting particular candidates' image as news items during the 2010 elections to the state legislative assembly in Bihar state. Soon afterwards, the Telecommunications Regulatory Authority of India (TRAI) -- on a mandate from the Ministry of Information and Broadcasting -- began a series of public consultations on possible controls over cross-media ownership. An initial position paper was submitted for comments and certain SAMSAN partners have begun engaging with the process.

Physical security remains an issue in most countries of South Asia. Journalism was a hazardous pursuit through long years of internal conflict in Nepal and Sri Lanka. And now with conflict at an end and processes of political reconciliation underway, journalists are finding that several of the passions of the years of open warfare are yet to

subside. Verbal aggression against journalists who dare to report all sides of a story and stand up for basic norms of fair treatment, continues to be a threat. And if the record of the past is any indication, verbal aggression is normally a precursor to physical violence.

### Continuing safety concerns

Offices of the Tamil daily *Uthayan* in the northern province of Sri Lanka, were attacked twice in quick succession in the year under review. This follows a number of targeted attacks on its staff, which have forced two of them, including a senior news editor who lived out the last years of the Sri Lankan civil war without leaving the office premises, into exile. Classified diplomatic cables unearthed by the citizen journalism website Wikileaks have pointed to the strong possibility that the earlier attacks on the newspaper in Jaffna and elsewhere in the northern province, could have been carried out by commando units reporting to the top military command. That the ongoing attacks could be attributed to the military presence, now even heavier than before in the northern province, has been suggested by a number of news websites.

Nepal's journalists suffered days of trauma in May 2012, as agitations erupted across the nation following a deadlock in the constitution writing process. A clear intent to intimidate journalists was evident in the press releases issued by the sponsors of some of the agitations. Deep divisions on the restructuring of the Nepali state – with some of the parties advocating a federal pattern based on ethnic units and others bitterly opposing it – fuelled violence on the streets. And many of the aggrieved political factions showed little compunction about targeting journalists and particular media organisations that they saw to be holding opposing points of view.

The physical insecurity faced by journalists elsewhere in South Asia though, fades into insignificance in comparison to the situation in Pakistan. The targeted killing of journalists continues with little effort in evidence to check the climate of impunity. In March 2013, in just the one week

prior to the arrival of an international media mission in Pakistan, three journalists were killed in what clearly seemed targeted attacks. The strife-torn province of Balochistan has had the worst record. But other provinces, especially those which have experienced the spillover effects of the western intervention in Afghanistan, have also been hazardous. The challenges posed by criminal gangs and sectarian vigilante squads in the country's principal city of Karachi, have also multiplied enormously over the year.

In June 2012, the government of Afghanistan circulated a draft set of amendments to the media law which was adopted after a five-year long struggle. Though passed by the Afghan parliament, journalists had to fight an arduous battle to safeguard the most salutary provisions of the law against the demands of religious bodies and the insecurities of government officials. Among other things, the amendments now proposed would greatly increase the power of the Ministry of Information and Culture to determine the composition of the regulatory bodies envisaged under the media law. One among the amendments proposes that the Minister would head the High Media Council, which sits above the Media Violations and Complaints Assessment Council, as the guiding hand behind policy. Others propose that the High Media Council itself would have greatly expanded powers, to set policies and determine their mode of implementation.

Heightening political confrontation in Bangladesh created serious difficulties for journalism. These could multiply as elections, due to be held by the end of 2013, approach ever closer. The tribunal set up to bring to justice war crimes committed during Bangladesh's 1971 war of liberation, enjoyed wide public endorsement, but its procedures over the course of the year when it arrived at a number of guilty verdicts, created great disquiet. Mahmudur Rahman, a newspaper editor who was at one time linked to the main Bangladeshi opposition party, has been arrested and faces charges under sedition law for publishing the transcripts of a conversation between the head of one of the benches of the tribunal and an overseas expert on war crimes jurisprudence. His disclaimer of any direct responsibility for breaching the privacy of the judge's conversations, has not won any credibility with the prosecution. Nor has he managed to convince the government that the cause of an open trial demands that the judge make a full public disclosure of all experts that he consults.

In the unsettled situation in Pakistan's frontier regions, officials are known to threaten legal action against journalists using the Frontier Crimes Regulations, a draconian inheritance from days of British colonialism, which still remains on the statute book as a last recourse when customary laws fail. In recent times, prosecutions have been launched against a number of newspapers in Balochistan on charges of carrying statements issued by banned separatist guerrilla armies. The argument that these statements are carried under the extreme duress of possible armed retaliation, have not won these newspapers any manner of leniency from the authorities in the restive province.

Most countries in South Asia continued being hostile terrain for the new media. In Sri Lanka, the offices of a number of news websites were raided and their staff arrested. Computers and other equipment were confiscated. Just the day before the raids, Sri Lanka's government ordered the country's main internet services to cut off access to five Tamil-language news websites. A fortnight after the raids, the Media Ministry issued a directive reaffirming a registration requirement for news websites and adding on the additional requirement of an annual fee.

Though these directives have not been subject to judicial scrutiny, Sri Lanka's Supreme Court warned in September, while hearing a fundamental rights petition by the owners of the websites that had been raided, against any misinterpretation of its earlier ruling in the matter of registration. It also ordered all equipment confiscated from the websites' offices returned within two weeks.

In Bangladesh, a government pressured by religious hardline elements, arrested four young activists on charges of posting "atheistic" content on their blogs. And in India, fear of adverse consequences from a number of exaggerated accounts of communal violence in neighbouring Myanmar – and unrelated outbreaks in the north-eastern state of Assam -- led to a number of websites and blogs being blocked. A cartoonist was charged with sedition amid much public outrage. He was quickly discharged but a number of journalists facing charges of criminal conspiracy under anti-terrorism law have not fared so well.

In India, there were a number of questions raised in public forums over journalistic standards and the need for new modes of regulation over the media. The Chairman of the Press Council of India, Markandey Katju, commissioned an inquiry on the possibility of imposing minimum educational credentials for entry into journalism. This initiative mirrored in some ways, ongoing debates in Bangladesh, endorsed by the Bangladesh Press Council and its chairman Justice B.K. Das, for the need to "license" journalists. Needless to say, journalists' unions and associations in both countries remain committed to maintaining the openness of the profession.

The Maldives and Bhutan are struggling with issues of viability for the independent media, rendered more acute in the former by a government decision to publish advertisements exclusively in an official gazette. As elections approach in the Indian Ocean republic, the media presents a picture of increasing dependence on political actors and businessmen who are often seen to be pursuing their own agendas in terms of news content.

Threats of physical violence and arbitrary application of the law continue to impede the practice of free and fair journalism. To this constant challenge is now added the task that journalists have to take up with determination, of bringing in credible modes of regulation of the media in the public interest. A broader alliance with civil society groups working for basic democratic rights is virtually foretold in the circumstances of South Asia today.





Of the proliferating TV channels, a handful have established successful business models and could survive the withdrawal of donor support (Photo: courtesy AJIA)

## AFGHANISTAN

### Donor fatigue and other looming uncertainties

In an interview with an international news agency in March 2013, Afghanistan's Deputy Minister for Information and Culture, Din Mohammad Mobariz Rashidi, expressed a robust sense of optimism that the media sector in his country would successfully negotiate all the challenges of building peace after the phase of internal warfare has passed. In terms of legal entitlements, the media in Afghanistan, he asserted, was the freest among all in the South and Central Asian regions. The policy response of the Government of Afghanistan in terms of actively promoting the media though, had left something to be desired.

The statistics on the growth of the media since Afghanistan's Taliban Islamic regime was deposed in 2001 are well known and widely shared. What is less well-known is the struggle that journalists continue to wage over protecting newly won rights of free speech. From the point of view of Afghanistan's journalists, the situation is yet not secure enough for the full and free exercise of their rights. But from the point of view of the Afghan government, as Minister Rashidi put it, there had been a failure of policy. The official position of the government of Afghanistan, as

expressed by Minister Rashidi, is that journalists' problems do not arise from limits on freedom of expression. Rather, the problem comes from the media being unable to grasp that Afghanistan is still in a state of war against terrorism, making it an imperative that the reporting function too should comply with certain imperatives of national security.

Restrictions on the entry of private and corporate entities into the media have been rapidly dismantled since 2002. The 2004 constitution bans censorship, though it provides for *post facto* sanctions where principles of the national religion are impugned, or individuals are defamed. In September 2012, Afghanistan imposed a ban on all newspapers entering the country from Pakistan. As an official spokesman said then, Pakistani newspapers had in the months just before, "started an anti-Afghan government campaign". The newspapers, he said, printed propaganda from the rebel Taliban militants that questioned "the presence of foreign troops in Afghanistan" and undermined the authority of the country's duly elected government. Soon afterwards, Afghan police began seizing copies of Pakistani newspapers in English, Urdu and Pashto, at the border crossing between the Pakistani province of Khyber Pakhtunkhwa and Afghanistan's Nangarhar province.

The move was symbolic, reflecting the fraught relationship that Afghanistan has with its largest neighbour.



Print media is hamstrung by poor circulation and an absence of advertising support and could witness a number of closures (Photo: courtesy AIJA).

Total sales of Pakistani newspapers in Nangarhar, just a two-hour drive from Peshawar, the capital of Pakistan's Khyber Pakhtunkhwa province, is estimated at not more than 800 copies. And by far the more important medium for cross-border political mobilisation would be radio and television, over which there are few controls.

The Afghan government action followed a number of editorial decisions by the Pakistan newspapers, which seemingly adopted the language and the idiom of the Taliban insurgents ousted in 2001 but continuing to challenge its authority. For instance, an insurgent attack on an Afghan border post in 2011 was reported by one among Pakistan's English language newspapers as a "martyrdom attack" that had killed a number of "puppets". In fact some Pakistan newspapers are known to carry articles under the credit-line of self-proclaimed spokespersons of the Taliban insurgency.

Again in July 2012, the government of Afghanistan created a flutter in journalism circles when Hussain Yasa, chairman of the Afghanistan Media and Research Centre (AMRC), disappeared from public view. It later emerged that Yasa had been taken into custody by officials of the Afghan National Security Directorate and held for two days before being released without charge. According to security officials, he was detained on charges of spying for foreign agencies. Journalists' bodies in Afghanistan contested this claim since Yasa is a well-known public figure with established credentials as a media commentator. AMRC publishes both an English daily newspaper (*Outlook Afghanistan*) and a bilingual one (*Afghanistani*) in Dari and Pashto.

Relations with the neighbouring states and perceived efforts by some among them to intervene and build constituencies within the media community have been an area of concern for Afghanistan's journalists. Over the course of the year, journalists' bodies have warned on at least two

occasions against an Iranian effort, coordinated by its embassy in Kabul, to build up a front organisation within the media community to promote its special interests. How far this effort really overstepped the bounds of legitimate lobbying is unclear. But in a country that has been in a state of internal warfare for over a decade, every such incident is looked at with suspicion, irrespective of the nature of the players involved.

Danish Karokhel, head of the Pajhwok news agency, has suffered serious intimidation and physical threats through the year under review, following a story put out under his byline on 24 May 2012, which suggested that Iran had earmarked a sum of USD twenty-five million, "for blocking parliamentary approval of the Afghan-US strategic cooperation

agreement". The story, credited to a "knowledgeable source", also reported that Iran had paid a "colossal amount" to a member of the Afghan parliament for opposing the deal, which had been signed by President Hamid Karzai and U.S. President Barack Obama just a few weeks before. The Ministry of Information and Culture soon afterwards brought this matter before the Attorney-General, demanding the prosecution of the news agency and the journalist concerned, for violations of the media law.

Journalists also have had reason for serious grievances at the denial of information by the military forces of the U.S. and the International Security Assistance Force (ISAF) that occupy pivotal positions through the country. In the city of Herat for instance, a conference of governors from the western zone was convened at the ISAF headquarters in May 2012. Few local journalists were invited to this event. The local media associations believe that there was an active principle of discrimination at work, to allow access only to journalists who could be relied on for a positive spin to the story.

Another irritant that cropped up in the course of the year was over access to Afghanistan's two houses of parliament: the Wolesi Jirga and the Meshrano Jirga. When parliament convened after the 2012 summer recess, journalists were told that they would no longer have direct access to the main halls. The press galleries which afforded a view of proceedings were declared out of bounds and a "media pool" room opened within the premises, but at a distance from the halls, where all journalists were expected to gather to view a clearly selective transmission of parliamentary proceedings. The media pool was reportedly set up with a budget of USD two million which journalists regard as completely wasteful since its effect has been little else than affording a means of censorship. For instance, senior journalists from the TV and print media at various times have seen that when major



disputation occurs in parliamentary debates, threatening to descend to uncivility, the media pool feed suddenly goes blank.

Because of their fixed placements and limited number, the cameras in the halls of parliament fail to convey the totality of the proceedings. In August 2012, when the houses of parliament discussed no-confidence motions against the vital ministries of defence and the interior, journalists found that their access to the full proceedings was severely curtailed. Efforts to approach members outside parliament premises are quite frequently thwarted by hostile security guards. Some prominent members of the Jirga, such as the former candidate for the Afghan presidency, Ramzan Bashardost, have supported the journalists' efforts to secure assured access to the proceedings through a press gallery located within the halls.

### Radio station threatened

In July 2012, Killid, an independent radio with a large audience in Kabul and elsewhere, was told not to rebroadcast its report of a gunfight between factions loyal to two members of the national parliament in the town of Pul-e-Charkhi. Two individuals claiming to be from the Ministry of Information and Culture, visited the home of the radio station manager, Najiba Ayubi, on the evening of the first broadcast to convey this urgent demand. Seeing their aggressive attitude, Ayubi's family members refused to let them meet her. But soon afterwards she received a call from the ministry emphasising that the station should stop broadcasting the news.

Another form of censorship was evident when the Ministry of Finance imposed an informal embargo on staff of Tolo TV, a widely watched channel in the country, following news broadcasts on certain deposits being made into the private account of the minister. In response to questions from media associations, Afghanistan's finance ministry spokesperson explained that there was no ban of any sort in force against any news broadcaster. He added however, that no media organisation had the right to "pass judgment" on any individual, leave alone a public official.

Relations between government officials and the media continue in short, to remain prickly. Matters became especially aggravated in June 2012, when the Ministry of Information and Culture issued a notice proposing certain amendments in the law which governs the country's media. Journalists in particular were irked by the proposal to increase the government's participation in four vital oversight and regulatory bodies conceived under Afghan law to operate as autonomous entities. These are the High Media Council, the Mass Media Commission, the independent commission that manages the public broadcaster, Radio Television Afghanistan (RTA) and the Bakhtar News Agency Commission, overseeing the functioning of the public news agency.

The independent commissions for RTA and Bakhtar were the outcome of a long process of negotiation, which saw the Afghan president digging in and refusing to part with

governmental control over the two news organisations. After both houses of the Afghan parliament had voted in a law which granted them a substantial degree of autonomy, the president's office returned the bill for reconsideration, arguing that the government had a legitimate right to control the two news platforms, so that it could get its word out. This led to a prolonged stalemate over the law applicable for the media in the country, only broken in July 2009, when the government agreed to a proposal to put the two news platforms under autonomous management commissions, subject to them having a specified level of representation from its side. Even with this, it did not pass notice that the Afghan president delayed notifying the law till after the elections were concluded that year, and that RTA became effectively a propaganda instrument of his campaign for re-election, rather than a platform assuring fair and proportionate coverage for all candidates.

Aside from oversight bodies for the public news organisations, the law also conceived of two regulatory bodies for the privately owned media: 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 would report. Among other functions, the HMC was mandated with developing a long-term media policy for the country. The law laid down the composition of the HMC with a high degree of precision. Of the 13 members, three would come from the Ministries of Culture, 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, two to experienced professionals in the field of journalism and two to 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 among the members of the HMC would be selected as chairperson by consensus or contest.

The law also specified that the nominees from media 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 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 parliament.

Despite being formally notified for well over three years, the status of application of Afghanistan's media law has remained ambiguous. Its assurances to allow free and open access to information – except where sensitive state secrets are involved or national security may be compromised – are yet to be realised. Journalists have faced serious problems obtaining information that by all criteria, should be in the public domain.

An official communique from Afghanistan's Ministry of Information and Culture in 2010 advanced the claim that the HMC had been constituted and was fully functional with

13 members. But the two media nominees on the HMC were placed there by the ministry and were not acknowledged by journalists as representing them. Afghan journalists have since been working in concert to ensure that the permanent nominees to the HMC reflect their professional values. But the effort has so far produced no results and in May 2012, when the government notified its intention to amend the law to increase its influence over all the media oversight bodies, journalists reacted with extreme disfavour.

The composition and the authority of the HMC continue to be questioned by journalists. As the HMC 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. Matters have not been helped by the proposed amendments to the media law, which have been circulated in draft form and have the impact of doubling the volume of text involved and making it much more complex and thus, prone to conflicting interpretations.

Without the HMC as a body that the journalists of Afghanistan could acknowledge as legitimately constituted authority, the media law will remain an imperfect instrument. This makes it an unlikely instrument to fulfil the diverse objectives which deputy minister Rashidi expects it to fulfil as Afghanistan prepares for the 2014 departure of troops from the U.S.-led international coalition. As stated in his interview, Rashidi expects the media to “get people to think positively, and push out thoughts of war”.

This would seem an especially tall order since the media has, absent any specific rules on eligibility, become an arena where several erstwhile armed groups, now powerful political players in Afghanistan, have entrenched positions. Since these media groups have been set up not on calculations of professionalism or economic viability, but with collateral motives of providing extra traction for the political interests backing them, they will survive as long as the armed groups and political actors remain active and influential in Afghan politics. The more professional media groups, which are not aligned with any political faction, would have reasons to worry, though, about their future survival.

In 2012, as also in the earlier two years, according to the deputy minister, the Afghan media has been bleeding financially. Though statistics are not very easy to come by, it is estimated that in 2012 alone, some five hundred journalists were left without jobs. And the official estimation is that “thousands more” are likely to lose their jobs by 2014. With economic growth being modest in Afghanistan, the corporate sector being non-existent and classified ads yet to become a major mode of communication within civic spaces, news platforms since the ouster of the Taliban-Islamic regime, have depended to an inordinately large degree on donor support for survival. But since the global financial meltdown in 2008, donor support for media development has been under pressure. And with coalition

forces preparing for their final pull-out in 2014, the shrinking volume of international assistance is likely to shift towards security priorities.

### Threats to viability

The risks are especially acute for print media, which never had great diffusion because of Afghanistan’s linguistic diversity and relatively poor literacy levels. *Kabul Weekly*, which was an early success story in the print media domain, was launched in 2002 but then was seen after the 2009 elections to have been editorially opposed to Afghanistan’s president, Hamid Karzai. Since the government and the coalition military forces remain the largest advertisers in Afghanistan, the drying up of government ads hit *Kabul Weekly* very severely, forcing it to shut down in 2011.

Broadcast media may stand a better chance of survival after 2014. A major player here is Tolo News, owned by the Moby group, which in turn has been floated by a family of expatriate Afghans from Australia. Aside from the capital invested by the family which runs a successful business enterprise in Australia, Tolo News has also received a significant volume of assistance from the U.S. Agency for International Development (USAID). Though by now firmly established within the Afghan media landscape, Tolo News is not absolutely certain that it will remain financially secure following the withdrawal of USAID sustenance.

Various surveys and estimates, based on the potential of the Afghan economy and the business advertising likely to emerge, have suggested that certain other channels, such as Shamshad TV, which broadcasts primarily in Pashto, Channel One, which principally broadcasts in Dari, and Arianna TV, which provides roughly equal time to both languages, could survive on their own. Though precise figures of the volume of business that these channels receive are not available, it is believed that within the total Afghan advertising market of about USD twenty million, these channels would find enough space to flourish.

The radio broadcast sector is likely to be severely effected, since these depend to a very high degree on donor assistance and public service advertising by the ISAF and NATO forces and by the Provincial Reconstruction Teams (PRTs) they have sponsored. Many of these FM broadcasters are already in severe financial distress and have downsized staff to a third of previous levels.

Nine journalists’ organisations and campaign groups in Afghanistan, including SAMS partners, the Afghan Independent Journalists’ Association (AIJA) and the Afghanistan National Journalists’ Union (ANJU) have meanwhile, formed an umbrella body to coordinate their activities and campaign more effectively for media freedom and journalists’ rights. The organisers addressed a news conference in January 2013, at which they said that the establishment of the Afghanistan Journalists’ Federation (AJF) would strengthen democracy, independence of media and defend the rights of journalists. Kholwaj Sapai of the AIJA is represented on the AJF, as is Abdul Hameed Mobarez of the ANJU.

The manifesto adopted by the AJF at its founding conference observes that in the eleven years since the collapse of the Taliban Islamic regime, various journalists' organisations and free speech advocacy bodies have been established. Yet, with all the effort that has gone towards ensuring that these rights are respected, there has been little reward. This is in some part because of a lack of coordination.

On account of these problems, the nine bodies had decided to bring their activities under a common umbrella. The AJF is committed, in accordance with its founding charter, to achieving an ambitious set of objectives. As listed in this document, these are to:

- Provide an environment in which journalists' unions and associations cooperate to support freedom of speech and to defend the rights of journalists.
  - Establish coordination against the efforts made by government and non-state actors to restrict freedom of speech and open media activities.
  - Enhance journalists' capacity, communication and advocacy for freedom of speech and open media.
  - Prepare the ground for positive changes in media related laws in the country, especially the laws on mass media, right to information and authors' rights.
  - Ensure the rights of access to information and campaign for achieving this objective through meetings, strikes, sit-ins, protests, press conference, press releases and joint advocacy programs.
  - Coordinate active civil society action against any kind of intimidation, pressure and violence against media and journalists.
  - Design and codify an ethical code accepted nationally by all journalists and media practitioners.
- Celebrate and commemorate all colleagues who have lost their lives in the struggle for the right to information and the right to free speech.
  - Pave the way for ensuring that Afghan journalists are constantly in communication with journalists' associations in various countries and international organization for support and defence of journalists and media.
  - Communicate with national and international organisations to create a regime of fairness in the administration of international assistance for media in Afghanistan.
  - Conduct national and international sessions with the goal of supporting and defending free speech and journalists' rights in Afghanistan.
  - Create and administer a media award for Afghan journalists who have distinguished themselves in coverage of national and international events.
  - Oversee the transition of Afghanistan's media to a state of self-sufficiency.

The federation is controlled by a leading board or council, which consists of one representative from each of the nine participating organisations. Each organisation will introduce its representative to the federation through an official letter and will hold membership for a period of two years. At the end of two years, each organisation could determine if it would like to extend its membership, renew the tenure of its representatives, or opt out. SAMSAN partners, the AIJA and the ANJU, have expressed their hope that the new structure of organising journalists in Afghanistan under the federation will succeed.

## BANGLADESH

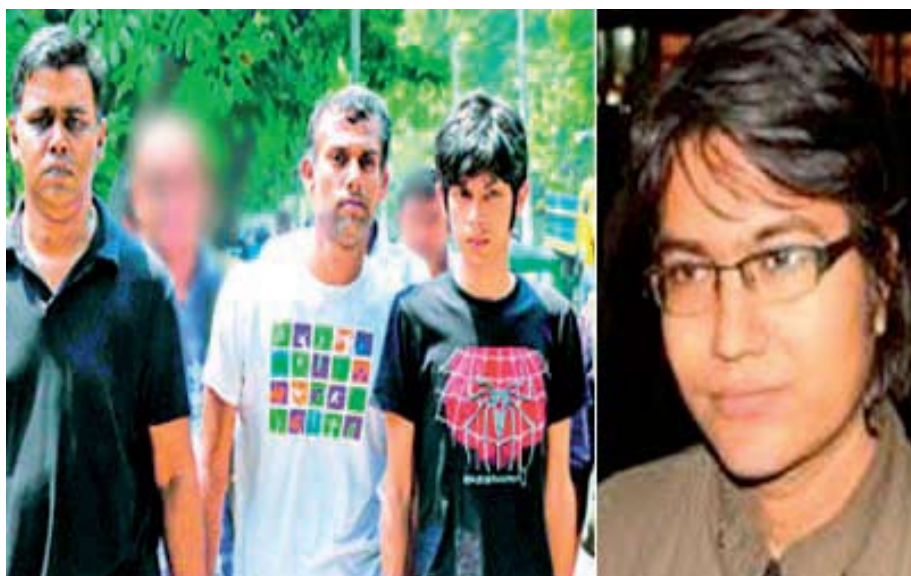
### Journalism caught in intensifying political crossfire

The political atmosphere in Bangladesh is becoming increasingly contentious as the incumbent government reaches the end of its tenure and elections near. At the centre of the controversy is the effort by the Awami League, the party now in power, to fulfil the agenda that has been a constant priority since Bangladesh won its independence in 1971: to bring to justice those guilty of war crimes during the country's nine-month long war of liberation. Part of the agenda of accountability was fulfilled when five former army officers accused of the assassination of Sheikh Mujibur Rahman, leader of Bangladesh's liberation war, were executed in January 2010. Shortly afterwards, the first indictments were issued by the International Crimes Tribunal (ICT) set up in accordance with a 1973 act, for suspected war criminals from 1971.

The course of the ICT has not been smooth. Indeed, its procedures have led to a variety of wilful blindness on the part of some among the media in Bangladesh, eager to see the process concluded swiftly if not fairly. In other sections, the ICT procedures have engendered a degree of dissent and disgruntlement. This rather polarised media response has deepened existing divisions within the country, especially when proceedings within the two benches of the ICT moved towards a decisive phase late in 2012.

In December 2012, sedition charges were laid against *Amar Desh*, a Bangla-language daily published from the national capital Dhaka, after it published what were purportedly the transcripts of telephone conversations and emails exchanged between the head of the ICT and an overseas expert on war crimes jurisprudence. The material was originally published on the website of the London-based weekly newspaper, *The Economist*, and records the head of the first bench of the ICT, Justice Mohammad Nizamul Haq "Nasim", speaking about the undue pressure he faced





In a bid to deflect the challenge from Islamist parties, the Government in April ordered the arrest of four youth activists and bloggers on charges of "atheism" (Photo: courtesy BMSF)

from the Government to conclude the trials swiftly, even at the cost of due process. The rest of the discussions were about professional matters of war crimes jurisprudence. Immediately, there were questions raised about the propriety of an incumbent judge in a sensitive matter receiving advice from an extraneous source without placing it on official record.

Soon after the material was reproduced in *Amar Desh*, the chief prosecutor of the ICT moved the High Court of Bangladesh for action under the sedition law and the country's Information Technology Act, which prohibits the unauthorised recording of private telephone conversations and email messages. Justice Nizamul Haq "Nasim" resigned his position when the controversy erupted. A second bench of the ICT soon afterwards issued an injunction against any further media reporting of the allegedly hacked conversations and messages. A motion by the defence for staying proceedings before the first bench on the grounds that it had been vitiated by advice received from undeclared sources, was denied on the grounds that the recording of the judge's conversations was done through illegal means and could not be taken on record.

*The Economist* meanwhile, declined to identify the sources of the hacked conversations, on the grounds that such information, if revealed, would put these sources in physical danger. It defended the decision to publish the material on the grounds of "compelling public interest" and transparency in the administration of justice. *Amar Desh*, its editor Mahmudur Rahman (who is formally designated as "acting editor") and publisher Hasmat Ali were charged with sedition for bringing the proceedings of the Tribunal into disrepute and seeking to undermine public faith in its proceedings. The High Court called for a report within two weeks on the action the government intended to take against the newspaper. From that moment on, fearing arrest, Mahmudur Rahman confined himself to his office. An

application for anticipatory bail was turned down.

On 3 February 2013, the second bench of the ICT arrived at a guilty verdict against a prominent Islamist politician, Abdul Qader Molla, and sentenced him to life imprisonment. Protests spearheaded by youth groups erupted across the country, demanding that his crimes merited the death penalty. On 5 February, a number of youth groups gathered at Shahbagh Square in the capital city, which they transformed into a two-month long tableau of protest and cultural activism. In the main driven by youth in their twenties and early-thirties – who were not even born at the time of the country's war of liberation – the protests made ample and creative use of the new means of

communication available through mobile phones, blogs and the social media. At some point, the demands escalated beyond accountability for war crimes, to a possible ban on the country's principal Islamist party, the Jamaat e-Islami (JEI), which has been an influential player in Bangladesh politics, with the ability in tight contests, to tilt the balance of national advantage between the two main parties.

On 16 February Ahmed Rajib Haidar, an activist in the Shahbagh movement who ran a blog attacking the religious influence over politics, was hacked to death in the neighbourhood of his home as he was returning from the day's protests. The protesters were quick to blame the Islamist parties for the killing.

*Amar Desh* reported soon afterwards that some of the bloggers active in the Shahbagh Square protests had posted material grossly offensive to the faith of the majority in Bangladesh. This led to calls from the Islamist parties, which have always been deeply sceptical about the war crimes process, for dispersal of the gathering of "atheists" and the arrest and prosecution of the offenders among them. On 28 February 2013, the second bench of the ICT arrived at a guilty verdict in the case against Delawar Hossein Sayedee, a prominent JEI leader. The death sentence he was awarded led to nation-wide protests by the JEI and the prospect of a frontal clash with the Shahbagh demonstrators. The march to Shahbagh that the JEI embarked on was fired on by police, leading to a number of deaths. JEI militants are also believed to have attacked members of Bangladesh's religious minority that day.

There were demands made then for the criminal prosecution of certain newspapers for false and misleading reporting. The Government though evidently irked, did not respond to this particular demand. Information Minister Hasanul Huq Inu did late in February 2013, publicly suggest that three Bangla-language newspapers, *Amar Desh*, *Naya Diganta* and *Sangram*, were spreading propaganda against

the ongoing movement at Shahbagh. This was for him, part of a deeper ideological agenda of the three dailies, which he held to be “ideologically” opposed to the war of liberation. Indeed, the owners and editors of these newspapers he said, were guilty of the crime of “instigation” of the genocide committed during the war of liberation.

The Minister also made an explicit charge that some of the purportedly offensive blog content had been doctored by the Islamist parties with the connivance of sympathetic media organisations. This was, he said, an abuse of the freedom of the press, since the three newspapers seemed to be concocting offensive material which they attributed to the Shahbagh protesters, including the slain Ahmed Rajib Haider. In response to a specific question on the legal options available to the government, the Minister said that all possibilities were being explored.

### Editor, bloggers arrested

Political compulsions dictated seemingly, that the Government should take out an insurance against a possible political backlash from the Islamists. In early April 2013, in an obvious effort to defuse the political potential of outraged religious sensibilities, the Bangladesh Home Ministry ordered the arrest of four young men for their allegedly “atheistic” blogs. Subrata Adhikari Shuvo, Russel Parvez and Mashiur Rahman Biplob, were arrested late night on 1 April and remanded to seven days in custody for interrogation the following day. On 3 April, Asif Mohiuddin was arrested and remanded the day after, to three days in police custody. The Bangladesh Home Minister meanwhile, warned that the Government had a list of another seven “atheist bloggers” who would be closely watched and, if necessary, arrested.

On 11 April, Mahmudur Rahman, *Amar Desh* editor was taken into custody by a team of policemen who arrived at his office early in the morning. He was remanded to thirteen days in police custody, ostensibly for interrogation in three cases that have been filed against him under provisions of law dealing with sedition, cyber-security and abetment to mob violence. The sedition case stemmed from the publication of the purported transcripts of telephone conversations and emails in *Amar Desh* in December. Charges of incitement, in turn, stem from stories published in the newspaper about the allegedly “blasphemous” blog posts put out by youth protestors gathered at Shahbagh square.

When presented before the concerned magistrate for remand, Mahmudur Rahman said that he would not apply for bail since he was sure of being denied. The Government he said, had lost all shame and was embarked on a reign of terror.

Following the closure of its press by the authorities, *Amar Desh* was published for two days from another press in Dhaka city. Late on the evening of 13 April, these premises were raided by a police team which seized printed copies of the newspaper meant for distribution the following day. Some nineteenth journalists of *Amar Desh*, who were working on the day’s edition were also detained and a case



Blogger and youth activist Ahmed Rajib Haider was hacked to death amid charges of atheism as protests swept Dhaka (Photo: courtesy BMSF).

registered against the manager of the press and Mahmuda Begum, the seventy-four year old mother of the editor. At a press conference the following day, the lawyer for the *Amar Desh* editor accused the Government of contempt, since the Supreme Court of Bangladesh had through an earlier order, restrained it from stopping the publication of the newspaper.

Journalists in Bangladesh are disturbed by these developments and by the government’s stated intent to monitor blog content and initiate criminal action against alleged offenders. The politically fraught atmosphere has also led to a number of attacks on journalists which may be targeted or quite possibly opportunistic. There have been few investigations to determine what the reality is. Late on the night of 11 March 2013, the car in which Nayeemul Islam Khan, editor of the daily newspaper *Amader Orthoneeti*, and his wife Nasima Khan, were returning from a late-night social function, was attacked with cocktail bombs near the Mohakhali flyover in Dhaka city. Nayeemul and Nasima Khan sustained splinter injuries on their face and upper body and were admitted at a nearby hospital for treatment. Sources indicated that the incident had all the hallmarks of a planned attack. Nayeemul Khan had been a frequent commentator on the political controversies that were then getting ever more acrimonious and his opinions expressed on television talk shows might well have offended one among the two contending parties.

On 5 April 2013, the Hefajat-e-Islam (HEI), a little known grouping of orthodox religiosity, began a long march from Bangladesh’s eastern port city of Chittagong to Dhaka, to protest what they portrayed as the growing mood of irreligiosity. The day the march departed from Chittagong, Mohim Mirza, a reporter of Ekattor TV, was assaulted as he covered the event. When the march reached Dhaka, with its demands that “atheist” bloggers be given the death penalty and women be confined to their homes in accordance with tradition, at least four journalists assigned to covering the



*Amar Desh* editor Mahmudur Rahman arrested on 11 April; the newspaper's press has since been sealed and efforts to print at another site blocked (Photo: Mainul Islam Khan, BCDJC).

event were assaulted. These included one woman, Nadia Sharmeen, a reporter assigned to cover the event by Ekushey TV, who was seemingly targeted for precisely that reason.

Following this incident in the Motijheel area of Dhaka, Nadia Sharmeen spoke to the media from a hospital where she was taken for treatment. Her purse and mobile phone had allegedly been snatched by the attackers who reportedly told her that it was not a woman's job to cover the rally. Nadia was allowed to go home after treatment, but advised a week's rest to get over the injuries and trauma. A number of other female journalists were also reportedly attacked during the rally, though they opted not to report the matter or identify themselves.

Mohsin Kabir and Khurshed Alam, reporter and cameraperson from SA Television, were assaulted and Khurshed's camera snatched while they were recording an interview with some leaders of the HEI in the Paltan area. Khurshed was admitted to a hospital with serious wounds, while Mohsin was released after treatment. Sohel Rana, a cameraperson with ATN News was also injured in the day's events, when he was attacked with sticks by political activists in front of Notre Dame College. In the Savar area of Dhaka city, TV camerapersons Abul Halim of Baishakhi and Nazmul Huda of Ekushey reported attempts to snatch their cameras as they shot footage of the HEI march being blocked by police.

### Divisions over process

The war crimes process was expected to lay to rest some of the ghosts of Bangladesh's troubled past, but may in fact, have had the opposite consequence, of deepening existing fissures. As reported in the South Asia Press Freedom Report for 2012 (*New Frontiers, New Challenges*, May 2012) the ICT during its early life set down what seemed unreasonable boundaries for media reporting, when it cited Nurul Kabir,

editor of the English-language daily *New Age*, for contempt. The provocation for this was a report titled "A crucial period for International Crimes Tribunal" authored by David Bergman, editor for special investigations, that *New Age* carried on 2 October 2011. The ICT took objection to certain of the points made in the article and issued a notice asking why the writer, along with the editor and publisher of the newspaper, should not be cited for contempt.

Particular sections of the article that found mention in the notice, referred to the public mood which seemingly had prejudged the guilt of some of the individuals up for trial before the ICT, as also the procedural weakness of seeking convictions in capital crimes going back four decades, merely on the basis of single witness testimonies. The article also pointed out that the ICT had

allowed fifteen unsigned witness statements out of the forty-seven that the prosecution had moved for. It raised questions about the ICT's rigour in assessing all witness depositions before purported offences were taken cognisance of.

Kabir presented a detailed response to the ICT on 23 October 2011, speaking of the wide range of issues involved in establishing accountability for crimes committed during the war of liberation. Kabir recalls that soon after he presented his defence, he was complimented by the judges on the wide range of his legal knowledge and the skill with which he had made the case for critical scrutiny over ICT proceedings. However, when the judicial body rendered a final determination on the matter in February 2012, it was in a tone of marked asperity. The three media persons held liable for contempt were discharged, though not without the judicial body observing in its *obiter dicta* that the article in question was indeed contemptuous. The *New Age* editor and the author of the impugned article were issued a grave "caution" by the ICT and told to be more mindful of the spirit and process of the law. In sharp contrast to its tone when hearing Kabir's oral testimony, the tribunal held the editor ignorant of the "procedure of law". Despite this, the ICT observed that the newspaper editor chose to argue his own defence rather than engage an attorney. Though the ICT did not view the journalist's seeming reluctance to express any form of regret with favour, it had decided to discharge him as a gesture of its magnanimity.

Senior journalists in Bangladesh believe that the ICT is a very sensitive process that requires delicate handling by the media. In April 2012, the ICT summoned the editor and a reporter of the Bangla daily *Sangram* after it published a report, sourced to a group of lawyers in the district of Feni, criticising the decision to take on board fifteen witness testimonies gathered by a police official in the trial of JEI leader Sayedee. After hearing their defence, the tribunal ordered the two journalists detained till it rose for the day.



Since the contempt matter was taken up towards the end of the day's deliberations, the total time for which the journalists were detained, did not exceed half an hour. But the ICT was insistent on this symbolic punishment, to underline that it would not brook any challenges to its moral authority.

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

Prior to the most recent charges, Mahmudur Rahman by his own estimation, faced no fewer than fifty-three cases, several of them involving charges by members of the Awami League over articles published in *Amar Desh*. One of these said that several war criminals were sheltering within the ruling party. Charges have also been framed against him under provisions of the law dealing with rioting and obstruction of the police, arising from the demonstration conducted by opposition political parties outside the police station where he was taken after his June 2010 arrest. Even before his most recent arrest, Mahmudur Rahman had been required to appear in courtrooms roughly three times every week in response to various summons.

The official story on *Amar Desh* – that it is in breach of several provisions of the law relating to the newspaper publication -- has convinced very few in Bangladesh. Yet several journalists' groups have refrained from getting involved in Mahmudur Rahman's cause because of a persistent belief that it is less about professional matters and more about politics by other means.

For reasons to do with the easy entry that political and business entities have managed into the media world, there is a debate underway among journalists about the best mode of regulation that the country could adopt. The Bangladesh Press Council (BPC), which was set up in 1974 and went into a period of oblivion before being revived in 1993, has powers of censure and admonishment. It can also act in defence of media rights by intervening when there is ground to suspect *malafide* cancellations of media registrations. Over the years, the council has evolved a point of view which holds that journalism is a profession that requires licensing. The model the BPC had in mind is analogous to the certification of legal or medical practitioners by empowered professional councils in Bangladesh, as also various other countries.

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

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

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

### Conflicting readings

On 27 March 2013, Bangladesh's leading English newspaper, the *Daily Star* in an editorial on the nationwide observance of the day of national liberation, noted that appropriate tribute to the "heroic freedom fighters of 1971" would be the "quick trial of war criminals and execution of the verdicts". "People from all walks of life", it said, "commemorated the valiant sons of the soil, who had sacrificed their lives to liberate the country, with a fresh pledge to resist communal forces that were against the spirit of the Liberation War all along". This attitude of drawing a clear linkage between the spirit of 1971 and the current imperative of completing the war crimes trials as a matter of urgent priority, marks a large part of the media commentary today in Bangladesh. In the political arena it is associated with a partisan tilt towards the Awami League. The Bangladesh Nationalist Party, which burnished its own claims to legitimacy with a rival interpretation of the war of liberation, evidently thinks otherwise. Though careful not to make too explicit a statement of opposition to the ICT, it is quick to make political capital out of any missteps in judicial process.

Competition between business groups is known to fuel a degree of political partisanship, which in turn feeds into the media world, undermining journalistic values of distance and dispassion. The Bangladesh Manobadhikar Shongbadik Forum (BMSF, or the Bangladesh Human Rights Reporters' Forum) has in recent times been mobilising senior journalists in an active campaign to raise public awareness about the growing corporate control of the media. The integration of the media into a wider web of business relations, these activists argue, would seriously undermine its independence. The Transcom Group, which controls *Prothom Alo* and *Daily Star*, the country's largest dailies in Bangla and English, has interests in processed foods and beverages, and electronics and electrical equipment among numerous others. The Basundhara group is involved in cement, real estate and steel. The Destiny group which runs Boisakhi TV channel, built its fortune on multi-level marketing and today faces serious criminal charges over

financial wrongdoing. The Jamuna Group, which publishes the Bangla daily *Jugantor*, has at various times in its existence, had interests in textiles, real estate, chemicals and numerous other sectors. And the ATN group which launched Bangladesh's first satellite TV channel has also ventured into textiles.

"A handful of powerful business groups have been taking control of the expanding media market", says the BMSF: "Corporate groups are demanding relaxation of rules on media ownership and spending vast sums on political donations which are designed to influence policy decisions". A newspaper under the title *Dhaka Tribune* was scheduled to be launched in the year under review. An editor and a number of senior journalists were taken on board with assurances of fair salaries and generous investments in news gathering and investigative reporting. But as the plans were set underway, the editor-designate found the ethos of the new newspaper to be opposed to any form of editorial freedom and unconcerned about fair employment practices. The editor-designate was within three months, unceremoniously ousted from office, putting the prospects of the newspaper's launch under some jeopardy.

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

As the official investigation failed to make much headway, Bangladesh's journalists observed a one-hour work stoppage on 27 February. The demands for a thorough investigation and the swift arrest of those responsible, were made by a broad coalition of media organisations. Failing to get much of a response, the journalists unions began a relay hunger-strike on 2 March 2012.

Dhaka city police for their part, indicated they had a fair idea of the motive behind the crime, but would reveal no details because that, ostensibly, would impede the investigation. A city court meanwhile, issued an order restraining "speculative media commentary" on the matter. This was read by many as an effort to restrain legitimate investigative journalism. At the time that this report is sent to press, there has been no progress in the investigations, at least as far as the public are aware.

On 20 May 2012, Mahfuzur Rahman, chairman of the ATN Bangla group mentioned at a formal gathering in London, that he had evidence about the double murder which indicated that it had nothing to do with journalism. Bangladesh's journalist unions have since demanded that he either make the evidence public or withdraw the statement. As neither side yielded, the journalists organisations announced plans early in September to launch demonstrations outside the ATN Bangla office demanding police interrogation of Mahfuzur Rahman. An effort by Mahfuzur Rahman to secure a judicial injunction was not

entertained and the demonstration went ahead. At the time of writing, the police are yet to reveal how far the investigations have proceeded, despite a public assurance by a senior government official that important information would be made public by 10 October.

On 13 July 2012, Mostafizur Rahman Sumon, a crime reporter with the web-based news portal, *justnewsbd.com*, was picked up in the vicinity of a computer store in Dhaka city, taken to an unknown location by the Detective Branch of the local police and held for two days, during which time he was allegedly tortured. The president and general secretary of the National Press Club, Kamal Uddin Sabuj and Syed Abdal Ahmad, denounced Sumon's arrest and torture in a joint statement. The family of the journalist believes that he was being victimised for his active involvement in protests over the police failure in the Sagar-Runi twin murder.

On the one-year anniversary of the twin murder in 2013, unions and associations in Dhaka observed a day of protest, calling for results that have remained elusive despite judicial scrutiny over the investigation. After the initial failure by local police to identify the murderers or even establish a motive, the investigations were assigned to the Rapid Action Battalion (RAB), an anti-terrorism force believed to have greater expertise. The RAB made nine arrests, of which an estimated four were of individuals suspected to have underworld connections. The most recent arrest, of the security guard at the apartment block where the murdered couple lived, was made in December 2012 and is yet to yield any results. DNA matching has also failed to yield any results. Meherun Runi's brother, a plaintiff in a case before the High Court that is asking for a swift investigation, has been quoted as saying that the case is "going nowhere".

### **The struggle for wages and working conditions**

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

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

and openness.

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

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

### Community radio and the right to information

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

Following the processing of a number of applications, a preliminary list of 116 was selected. After another long process of vetting, the Ministry of Information accorded primary approval to 12 entities for installing and operating community radio stations in April 2010. Another two licences were granted in a second round of approval a few weeks later. By January 2013, 16 community stations, including eight in cyclone-prone coastal areas were operational. By the end of the year, a network of NGO's involved in radio and communications, believes that upto 60 stations could be operational. Though still only incipient, the community radio sector in Bangladesh currently offers



Bangladesh's unions protest outside the National Press Club after a string of attacks on journalists and media in May 2012 (Photo: Sukumar Muralidharan).

more than 120 hours of programming every day, including weather forecasts, news, entertainment, talk shows and economic information.

Most stations are currently funded out of NGO budgets, which in turn are supported by international donors. A small number of radio stations are operated in partnership with development agencies, with the financial and material support of government. Most of the estimated 536 individuals --- predominantly drawn from the ranks of the youth -- are volunteers. With electricity supply being far from assured, expenses of operating a station mount to include investments in captive power generation, which is beyond the means of most broadcasters.

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.

A right to information (RTI) law was introduced as an ordinance issued by the "emergency" regime in 2008. It was subsequently drafted as a formal act and passed by Bangladesh's parliament early in 2009. By global standards, the act is considered rather modest in terms of the entitlements it confers on citizens. The constitution of the bodies that will oversee the exercise of the right and ensure that it is honoured, has also on occasion been a contentious process. As with any legislative initiative that seeks to introduce radical measures of accountability, the RTI process has a long way to travel in Bangladesh. Various civil society actors have been getting involved in the process of raising public awareness of the law. And media practitioners expect that they will also be part of that process of positive change.





Media interest in official press conferences has declined after Government attitudes began hardening (Photo: Bhutan Observer).

## BHUTAN

### Exploring new pathways

In the initial days of Bhutan's transition from absolute to constitutional monarchy, journalists earned encomiums from the government for uncovering serious evidence of wrongdoing at the very top of the official pyramid. Over the year under review, the Bhutanese media served a valuable function of public information in putting out details about the grant of mining concessions in a part of the country, in which a near relative of the Prime Minister was believed to have made windfall gains. This was called in media shorthand, as the Bjemina scam. There were similar *exposes* on the contract awarded for the development of a tourism spot in Phobjika and the procurement procedures of the Ministry of Health, which led to resignation of health secretary Gado Tshering.

Media in Bhutan continues to play a key role in bringing about transparency, informing and educating people, and keeping the government on its toes. However, over the course of the year, as the media delved into stories that pointed towards failures or possible malfeasance, the government seemed to shift its attitude from indulgence to open hostility.

Bhutan's Prime Minister has on a number of occasions referred to investigative news stories in the newspapers, to suggest that the media is trying to bring down his government. In an editorial published over the year under review, one of the country's newspapers, *The Bhutanese*, mentioned that relations between the media and the government are at an all time low. One sign of the growing estrangement is observed in the monthly "Meet the Press",

programme hosted by the government. While at one time, it was an event that journalists looked forward to eagerly, that seems to be less the case now. There seems to be a sense of disenchantment among journalists at the government's reluctance to answer questions on various sensitive issues. There are also well-founded fears that journalists pursuing important investigative stories may be singled out and attacked either by name or by reference to the media they work for, at these monthly briefings.

Survival challenges for the Bhutanese private media appeared harsher this year. A new industry in need of nurturing, Bhutan's media faced both an investment shortfall and an absence of positive support from the government. One of the easiest ways to destroy free media is to hit media houses where it hurts the most: advertisement revenue. And in Bhutan, there are few guidelines on the fair allocation of the government advertising budget. Over 80 per cent of the media industry's revenue in Bhutan comes through public advertisements. This gives the government and the agencies under it, decisive powers over which media outlets survive.

Early in 2012, in a circular that came to public attention in July, Information and Communications Minister Nandalal Rai decreed that all departments and institutions within his jurisdiction would cease advertising in any form in the bi-weekly newspaper, *The Bhutanese*. At the same time, the Election Commission of Bhutan issued a circular, under evident instruction from the Finance Ministry, saying all future election advertisements would be given to only three media platforms: *Kuensel* (a part government-owned newspaper), *BBS* (the state-controlled broadcaster) and *Kuzoo FM*.

Bhutan is entering an election season and polling will take place even as this report is sent to press. The country's incipient media industry had good reason to expect that the elections would provide it an occasion to establish an identity and a presence in civic life. But the decree on the restriction of election advertisement to private papers, since withdrawn, was a serious blow to these ambitions. There is yet no audit available of how the public advertisement budgets and electoral campaign budgets were allocated. For Bhutan's media, it would seem a priority that such an audit is carried out, following which agreed rules on fair advertising policies could be worked out. The media representatives, after years of debate, agreed that government ad placement would be allocated based on equal weightage given to circulation and content of the media outlet. This has not been implemented so far. The decree from Election Commission and Information and Communication Ministry is against this spirit.

Bhutan's media boom since the democratically elected regime under a constitutional monarchy was inaugurated in 2008, is already troubled, with several news platforms dying out. For instance, *Radio High 92.7 FM* went off the air early in 2012, though the media regulator, the Bhutan InfoComm and Media Authority (BICMA), seemingly did not take note of this matter for at least three months.

*Radio High* was launched in August 2010 with thirty employees. Ownership issues of the station were cited as the reason for its closure. Records with BICMA have Ugyen Tenzin as the owner of the radio station. Clause 2.6 (f) of the Broadcasting License Terms and Condition requires a licensee to notify the licensing authority, in writing, in the event of changes in address or management, contact information, operation timings, programme schedule or content, and interruption in broadcasting for longer than two days. These norms seem to have been seriously breached in the *Radio High* case.

Other media companies seemingly have been surviving on debt. Staff at the companies are either paid derisively low wages, or not paid for months. The survival challenge is especially acute with newspapers in Bhutan's native language, Dzongkha, since these lack a committed readership. The *Bhutan Observer* in November 2012 reported: "The private newspapers are disintegrating by the month. Most of them have become smaller and many are fast losing their staff. Meanwhile, senior journalists and editors are increasingly leaving their profession". An editorial in *The Bhutanese* said: "It is important to have reach and circulation, a vibrant democracy also must have space for diversity of views, opinions, criticism, and ideas which is visible in the private media".

There are twelve newspapers, two television channels and six radio stations in the country. Advertisement spending alone is not enough to sustain so many media establishments. The government has turned down requests for financial assistance. "It is something you have to solve on your own," Prime Minister Jigmi Y Thinley said in one of his official press conferences.

## TV licensing norms remain unclear

Despite the uncertainties, the private sector has been making efforts to enter the media industry. A few companies have applied for starting news and entertainment TV channels. However, BICMA stalled the process of licensing private TV operators. After more than a year's delay, BICMA announced in January 2013, that licenses would not be issued till applicable laws are changed. In response, the intending promoter of a private television station has filed a case against the regulator with the appellate tribunal. The promoters say they have invested millions in the process and are incurring major losses with every day that the application is delayed.

Of the four "expressions of interest" (or, EOIs) for starting private television stations, two are believed to have met all the criteria laid down. If BICMA had worked in accordance with the mandate they were given, these two applicants -- Thimphu TV and the Tashi group -- should have been granted their licences between 15 December 2011 and January 2012. In case any applicant requested an extension, the licence should have been granted by May 2012.

The uncertainties over TV channel licensing comes amidst recommendations from media expert for limiting cross media ownership in Bhutan. Today Bhutan does not allow one company or person to own more than one kind of media. As such those running newspapers and radio were banned from applying to run a TV channel. The recommendation was made by the consultant the Government had hired from Singapore, Professor Peng Hwa Ang, who is the director for Singapore Internet Research Centre at the Wee Kim Wee School of Communication and Information, Nanyang Technological University.

The recommendation states that this phenomenon of media cross ownership is observed the world over, and that it would make economic sense for a newspaper owner to also own a radio station. But there are concerns over undue influence over public opinion due to concentration of ownership. In these circumstances, parliamentarians during the ninth session of the house briefly discussed whether the Bhutan Broadcasting Service (BBS) should be privatised. Now the only public broadcaster in the country, BBS gets a level of government support that few other services receive. Tshering Penjore, Member of Parliament, said the second channel of BBS has led to increased expenditure which has in turn increased the subsidy amount to be given by the government. The Labour Minister Dorji Wangdi said privatisation will affect the quality of news and the dissemination of information.

Anonymous bloggers and critical media outlets became the target of government action. In February 2013, state-owned Druknet, the largest internet service provider (ISP) in the country, is believed to have blocked the anonymous blog *Bhutanomics*. The blog continued to be available over Tashi and Samden, the two private ISPs. Though Druknet denied the allegation and the Ministry of Information denied giving any instruction to that effect, *Bhutanomics* maintained that "inability to view our website only through Druknet



Investigative stories in the news media are frowned upon by Government officials, who see them as threatening (Photo: courtesy Tshering Tobgay).

confirms the fact that we are banned. The government has no control over Tashi and Samden”.

A month later, the English language newspaper *Kuensel* wrote, quoting unidentified sources, that the district court in Phuentsholing had ordered the site be blocked in response to a defamation case filed by an individual. If so, the respondent was not given a chance to state his case before the court, nor was the ruling made public. It was rather, only intimated to those expected to carry it out. Some have alleged that Tshering Tobgay, leader of the opposition in the Bhutanese National Assembly is behind the blog, an allegation that he has denied.

In the last week of July 2012, Education Minister Thakur Singh Powdyel accused two reporters from *The Journalist* of improper personal behaviour in investigating a student suicide case in Kamji Middle Secondary School (KMSS). The KMSS student is believed to have committed suicide on 20 May 2012, though the issue actually surfaced only after *The Journalist* ran a story on 17 June. Prime Minister Thinley alleged that the article was “irresponsible” and that “great harm” had been done. Two reporters – Tshering Wangchen and Adarsh Gurung – were alleged to have visited the school dressed improperly and intimidated the principal while gathering information. They were also accused of having smoked inside the school premises.

Three months later, a BICMA investigation revealed no evidence of such behaviour. BICMA’s only caution to the two journalists was that some of the children featured in the story were under the age of sixteen, which made it obligatory under the Journalistic Code of Ethics in force, that parental consent be sought before they were interviewed.

*The Journalist* in July 2012 had filed a request for intervention to the Journalists Association of Bhutan (JAB) on the grounds that the allegations by the minister had irreparably damaged the reputation of the paper. But there was no effort made to secure any manner of redress for the newspaper.

### Invasions in the online space

Bhutan’s online journalism space suffered heavily from hackers over the year. A significant number of websites hosted on Druknet were hacked or defaced over the year, indicating some deep vulnerabilities in local website design and hosting. The websites to suffer included those of newspapers like *Business Bhutan*, *Bhutan Today*, *The Journalist*, and *Bhutan Times*. Currently, Druknet does not seem to use any technology to secure their customers’ websites.

In the first week of January 2013, media were barred from attending the annual education conference held in the southern border town of Phuentsholing. The reason given was the supposed media focus on negative aspects in their news coverage of any event. At the annual conference of Chief District Officers in February 2013, the media were asked to leave when the Election Commission came in to make a presentation related to the 2013 general election. The reason given was that it was an internal consultation. In the same week, during a conference of village headmen, the media were again asked to leave when the land commission officials came to discuss some land swap issues, on the grounds that the matter was a sensitive one.

Bhutan has been dropping in media freedom rankings done by global watchdog bodies. This could be attributed to the restraints imposed on news gathering and reporting because of the heavy reliance on the government and a few corporate organisations for revenue generation, which places them in vulnerable situations.

### Social media gaining users

Social media appeared to be the strongest and most effective in bringing critical reporting and commentary – be it in politics, entertainment or in social causes – into the public realm. The Facebook initiative for rebuilding the Wangdue Phodrang Dzong, a 374-year old monastery and one of the country’s greatest cultural treasures, destroyed by fire in June 2012, drew nationwide attention. In less than 3 days, 24,654, members joined the initiative. The page was not created to collect money but to share updates on donation drive processes and rebuilding plans.

Politicians seem now to have realised the power of social media. Many politicians have their own Facebook and Twitter accounts. Prime Minister Thinley has a Facebook



page while the leader of the opposition and chief election commissioner are known to use both. Most leaders now use Facebook to connect with their voters. After being blocked, the Bhutanomics blog used Facebook to reach its readers inside Bhutan.

The Election Commission of Bhutan (ECB) sensing the possible misuse of social media during the elections, came up with a policy on social media. This move has been undertaken to ensure proper usage of social media by the election officials, political parties, candidates, party supporters, and media houses during or outside the election period. According to the ECB, the objectives behind this policy are to promote responsible communications among electoral stakeholders through cellular technology, to ensure a level playing field for all the contestants and political parties in the use of this technology and to prevent and control any violation of the electoral laws in the use of social media during elections.

The rules disallow individuals from communicating content that incites hate, is defamatory, or is intended to reduce the electoral chances of an opposing contestant or political party. They also forbid the inclusion of rumour and unsubstantiated statements that could mislead or deceive those who receive the message. All media agencies covering the general elections of 2013 were asked in advance to sign a letter of undertaking with the Office of the Media Arbitrator, so that a media permit would be issued by the Election Commission. Media agencies have been enjoined to ensure that their roles are balanced and fair, contributing to free and fair elections.

As in previous elections, the ECB this year too held no special sessions for journalists on covering the polls. However, the Bhutan Media Institute (BMI), in January, announced a training programme for twenty university graduates on covering elections. Media organisations who already are facing a shortage of human resources to deploy in the various stations during elections, welcomed the move. The BMI has worked with prominent agencies like Agence France-Presse (AFP), the Thomson Reuters Foundation, Center for International Media Ethics (CIME) and other agencies to train these graduates.

For the first time, the Bhutan National Legal Institute launched a new law magazine on 21 February coinciding with the birth anniversary of His Majesty the King, Jigme Khesar Namgyel Wangchuck. The program was funded by the United Nations Development Programme (UNDP), the Swiss and Austrian official aid agencies. The law magazine has been circulated directly after launch in twenty-four law schools with permission from the Ministry of Education. Similarly, BBS launched a second radio channel exclusively to run programmes in Dzongkha. Launched on 21 February this year, this 24-hour radio will air programs on current affairs, education and health among others. BBS had last year, launched its second TV channel. The second radio channel is aimed at promoting the national language Dzongkha but questions are raised whether the information shared from the radio reaches the audience because a large

population of the country does not understand Dzongkha. This was apparently observed during the recent election debates, when even contesting members found it hard to speak in Dzongkha. Despite being the national language it is a language that is only spoken sporadically outside north-western Bhutan.

Radio still rules the media market. Despite expanding electricity facilities, people choose to stick with radio for infotainment and updates. Though a few have been switching to television, radio remains dominant. However, radio signals are inaccessible in several of the more remote areas of the country. For instance Dovan (Chhudzom) in southern Bhutan is a place completely isolated from any form of media and people rely on word-of-mouth for news.

### **Unfulfilled promises on transparency law**

Despite much public debate and discussion about the need for a Right to Information (RTI) Bill, no such legislative initiative has been taken during the tenure of Bhutan's first elected government. While taking oath five years back, the Thinley government had promised to have the RTI Act in place within its first tenure. Information Minister Nandalal Rai had declared during the 2010 winter session of parliament that the RTI Act would be ready before 2012. In the 2011 round table meeting with donors, senior minister Yeshey Zimba in response to a query, held out an assurance that the RTI Bill would come in before the end of the current government's term. A draft RTI bill is believed to have been prepared by the Ministry of Information, though the cabinet subsequently decided not to introduce it in parliament.

A five-member research team comprising of students from Columbia University, working under Professor Annya Schiffrin in New York, were involved in preparing the draft RTI Bill. Earlier, a member of parliament from Gasa, Sangay Khandu stirred up a debate by trying to introduce an RTI Bill as a private member's bill during the ninth session of parliament in June 2012. His version of the draft RTI Bill was submitted to the chair of the National Council (the upper house of parliament) on 16 March 2012. The bill died after failing to garner enough support of the committee members to include it as part of the agenda of ninth session. Only eight of the twenty-five members in the upper house supported his bill.

The government's draft RTI bill was released for public discussion and feedback for a week in July 2012. A clause under Section 31 of the draft bill allows denial of information if "the overall harm caused by release of the information would outweigh the public interest in having such information disclosed". While there is a penalty for officials for not providing the required information, the Act itself protects officials not providing information. Officials who deny information would be held accountable for damages and petty misdemeanour. However, another portion of the Act says that no suit should be brought against an official who acted in good faith.

Experts from India, Bangladesh, the U.S., and the World Bank in a consultative meeting held in Thimphu in June

2012 advised Bhutan to adopt RTI as an important tool for good governance, transparency, democratisation and also to prevent corruption. Researchers from Columbia University pointed out that some of the happiest and highest ranked countries on transparency criteria have RTI laws. The experts also suggested that RTI is important as a democracy requires informed citizenry and transparency to hold the government accountable and fight corruption. RTI, they said, ensures public participation in governance.

All media organisations in the country are faced with an acute shortage of trained human resources and are in dire need of special training for employees. A new media study by WEDIA Consultancy commissioned by Bhutan Media Foundation (BMF) in June 2012 noted the lack of professional and technical capacity in Bhutanese media. The study recommends a host of strategies mainly focused on training of journalists to improve professional standards and quality. Shortly after that BMF came up with several training packages for Bhutanese journalists.

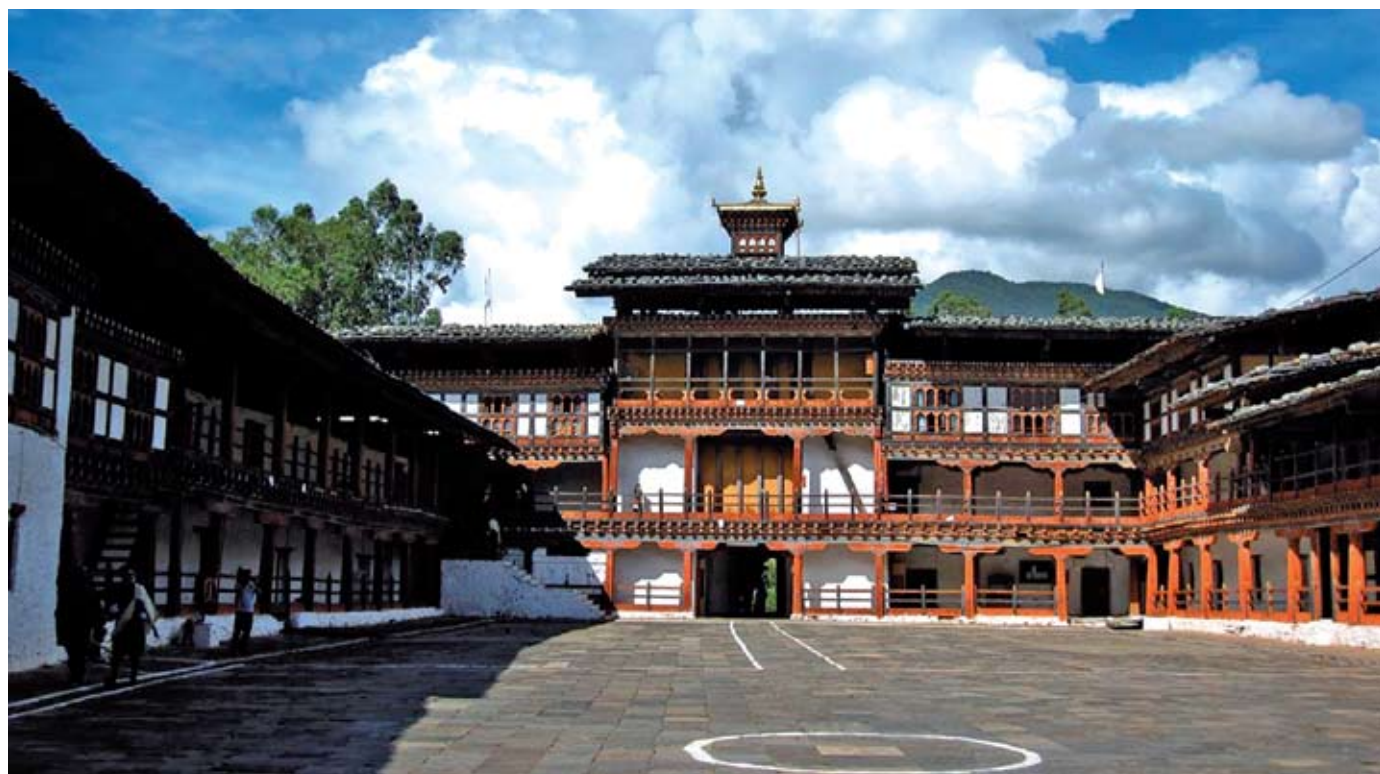
A three-week long training for reporters, editors and marketing managers of various media organisations was held in Thimphu in July-August 2012 facilitated by three national and seven foreign trainers. The training, attended by over a hundred people linked to media, was especially designed to meet the current challenges faced by Bhutanese media professionals. A second two-month long training conducted in October-November 2012 covered photojournalism, infographics, strategies for survival and growth for different media groups, cartoons and illustration, citizen journalism, political reporting,

investigative journalism, radio jockeying, radio station management, and media ethics.

The custom designed trainings are part of the activities implemented under BMF's strategic plan for the period between 2012 and 2016. A group of students from the Royal University of Bhutan (RUB) attended a one-day writing workshop on March 2013 at Royal Institute of Health Sciences (RIHS) in Thimphu. They were trained to write on the events and knowledge creation in their respective colleges for a supplementary page in *Bhutan Observer*. *University Today*, a page in the *Bhutan Observer*, is a joint effort between the RUB and the newspaper, to inform Bhutan's schools and the university system about the work done by colleges under the RUB. University students and teachers can write about research and development in their respective campuses.

In June 2012, the JAB signed a memorandum of understanding (MoU) with the Department of Information and Media (DOIM) for assistance in establishing its office and a press club. Under the MoU, the DOIM approved Nu (Bhutanese Ngultrum) 700,000 (roughly USD 12,500) to JAB for the establishment of its office.

An alert issued by India's Intelligence Bureau in December 2012, naming the BBS as one among twenty-four foreign channels broadcasting anti-India TV shows stirred debate in Bhutan. BBS was one of those alleged to cause communal discord in India. Bhutan's information ministry refuted the claims and the then Indian Ambassador to Bhutan Pavan K. Varma publicly disavowed the report, calling it baseless and inconsequential.



A Facebook campaign for rebuilding the Wangdue Phodrang Dzong, one of the country's greatest cultural treasures after it was destroyed by fire, drew nationwide attention (Photo: Stefan Krasowski (Rapidtravelchai)/ Creative Commons).



Journalism unions met in Delhi in August 2012 to discuss a wide range of professional challenges (Photo: Sunil Kumar, Photocraft)

## INDIA

### New challenges, intensifying struggles

**O**n 18 February 2013, a reporter with *The Hindu*, southern India's largest selling newspaper in the English language, submitted an application to the office of the Lokayukta or anti-corruption ombudsman, in Bangalore, capital of Karnataka state. The application, made under India's powerful Right to Information (RTI) law, sought details of the docket of cases that the Lokayukta had before it at the time. The state of Karnataka had seen three changes of government during the five-year tenure of the legislative assembly, then just drawing to a close. All these had been on account of serious public apprehensions about corruption. The Lokayukta's docket of cases was in this sense, a matter of obvious public importance.

A response was sent in under a month, with the designated official within the Lokayukta office, telling the applicant that as representative of a "corporate body" called *The Hindu*, he was not eligible to receive information under the RTI law. This supposedly, had been the decision of the Central Information Commission (CIC), which is under Indian law, the final court of appeal outside formal judicial processes, in matters involving the citizen's right to be informed.

The CIC ruling cited, it emerged on closer examination, did not quite use the terms attributed to it, though it did seem to uphold the principle that a corporate entity would not be entitled to seek information under RTI. There was an obvious anomaly there, since the applicant in the case

cited, as a private citizen of India, would have been perfectly entitled to receive any information sought, subject only to the exclusions permitted under law. Presumably if the applicant had given his residential address, rather than revealing his identity as chief executive of a firm doing business with the department concerned (the Indian Railways in this case), he would have been perfectly entitled to receive the information.

In another case that may have been relevant, though it was not directly cited, a chartered accountancy firm was held ineligible to apply for information about a competitor's statutory filings before the regulatory authority established by law. Though not interpreted with great finesse, the ruling in this instance, seemed to conform with the principle that the RTI act would not entertain applications for "third party information" that could affect the competitive status of that party.

None of these arguments for information denial had any validity in the matter of a newspaper applying for information of public importance. The Karnataka Lokayukta seemed clearly to have misread the two precedents to deny a newspaper reporter the information he was seeking. There are a number of identifiable reasons why the Karnataka Lokayukta would be held in breach of the RTI's provisions.

#### No basis to deny media information under RTI

There is to begin with, an explicit provision that no applicant under RTI shall be asked the reason why he or she is seeking any information. And then, even if the applicant is required to provide an address, the clear understanding is that this would only be for purposes of facilitating



communication. In no case is the address provided in an application to be basis for identifying whether the applicant is an individual citizen or a corporate entity. Nor can the address provided be used to read any motive into the application. And finally, the constitutional doctrine on freedom of speech in India holds that a newspaper, even if published by a corporate entity, is to be differentiated in terms of its editorial content, from the profit and loss calculus of the company. Granting a newspaper reporter any information does not compromise any other corporate entity's competitive position. It only contributes to a better informed public.

The episode was symptomatic of a deeper issue facing the Indian media over the recent past, an issue which acquired fresh salience over the year under review. In November 2012, two senior editors and news anchors with the leading private broadcaster Zee TV, were arrested on charges of extortion filed by a mining and energy conglomerate, Jindal Steel and Power Ltd. Sudhir Chaudhary, head of Zee News and Samir Ahluwalia of Zee Business, face charges of seeking a lucrative five year advertising deal from the Jindal company, as *quid pro quo* for suppressing news of the possible allotment to the company of coal mining franchises at rates well below fair market value. A member of the Jindal family represents the ruling Congress Party in India's Parliament and the finding by the country's principal audit authority, of possible irregularities in coal mines allotment, led to a stormy political controversy. The two Zee news executives allegedly met the representative of the Jindal family to argue the case for an advertising deal stretched over five years, in exchange for suppressing news on the company's involvement in the coal mining scandal. A recording of the meeting was leaked by the company. The two news executives were arrested shortly afterwards and held for close to three weeks before being released on bail.

The incident led to a great deal of debate within the media community over the direction in which the industry is moving under the relentless pressure of competition and the very real prospect now, of a slowdown in advertising growth. Zee TV belongs to the Essel Group of companies which is a highly diversified business conglomerate. In the media sector alone, Zee is credited with pioneering the cable and satellite television boom in India. It now runs ten news channels in various languages and over seventeen in the sports and entertainment categories. It has an estimated clientele of 10 million households for its cable distribution and also, a satellite direct-to-home venture. Since 2005, it has been a presence in the print media, in partnership with a Hindi-language publisher which has since divested, leaving it sole owner of a newspaper that is printed in five of India's metropolitan centres.

That this incident occurred at a time when public worries about the practice of "paid news" or "cash for coverage" are running high, did little to staunch the rapid erosion of faith in the media. Indeed in December 2012, the Press Council of India (PCI) censured four leading newspapers – three in the Hindi language and one in English – for dressing up

paid advertisements boosting particular candidates' image as news items during the 2010 elections to the state legislative assembly in Bihar state.

### Consultations on cross-media ownership

Under discussion for long, the debate on media regulation has not progressed very much over the last twenty years or more. Another phase of public consultations on the issue was opened by the Telecommunications Regulatory Authority of India (TRAI) on a mandate from India's Ministry of Information and Broadcasting, in the year under review. An initial position paper was released by the TRAI on February 15, inviting public responses. The consultations are at this time, still ongoing.

The Delhi Union of Journalists (DUJ), a SAMSAN partner and constituent unit of the IFJ-affiliate, the Indian Journalists' Union, in its submission to the TRAI, focused on the growing dependence of media revenues on advertising spending. Advertising contributes 66 percent of total revenue in India's print media and over 35 percent in the television sector. In the TV sector, over 90 percent of gross subscriptions paid, goes for carriage rather than content. In a context of economic downturn, with advertising expenses virtually stagnant and the share of the print media possibly shrinking, there could be serious implications for job security and for the continuing well-being of small and medium newspapers. Quality of media content is also likely to be severely impaired, in both print and TV sectors.

The DUJ also pointed out that three media groups in India, which publish the largest circulated English-language dailies, account for over 39 percent of total revenue and 44 percent of total advertising revenue in the Indian print media. The readership of these three papers is not more than 40 million, in India's total newspaper readership of roughly 600 million. Newspaper groups that have around 6 percent of total readership, in other words, dominate the revenue streams available to sustain the print media. Many large publishing groups have diversified into the television, radio, online and outdoor advertising sectors. Repeated recent efforts to legislate a set of norms to preserve media diversity and plurality, have failed to produce results.

Concentration in the media industry is an ever growing reality and the DUJ has warned that India is "heading towards a situation of media monopoly" and urged that this be viewed from a broad public interest point of view. Media growth has been averaging about 15 percent since 2003: more than overall economic growth rate. Increasing competition for advertising revenue has damaged media standards and led to a loss of public credibility. Public scepticism about the media is now at an unprecedented high. Incidents such as the "Radia tapes" (see *Free Speech in Peril*, IFJ's Press Freedom Report for South Asia, 2011, page 22) where senior media professionals were found to be engaged in conversations with an industry lobbyist to "fix" political appointments, have contributed to the growing public scepticism.

The advertisement driven media model is seen

increasingly to be adverse to public interest. Growing monopoly tendencies threaten a further exclusion of the socially and economically disadvantaged. In this light, the DUJ proposed in its submission to TRAI, that “methods of enforcing public accountability on the media industry need to be explored, which are not coercive and which do not threaten article 19 guarantees of the Constitution on freedom of expression”. “Media regulation”, the DUJ has recommended, “needs to target greater inclusion and the possibility of giving voice to the socially and economically disadvantaged as a priority”.

On the proposal of a “negative list” that TRAI has put forward, restricting particular kinds of entities such as political parties and religious bodies from owning media assets, the DUJ counselled caution. The right to free political speech should not be abridged, it argued, but at the same time, religious bodies that feed sectarian prejudices and foster obscurantist beliefs could conceivably be restrained from media ownership.

### Consultation on challenges for journalism

These issues were among the diverse professional challenges that India’s main journalism unions discussed during a day-long consultation on 8 August 2012. The DUJ hosted the meeting. The top leadership of the IJU and other IFJ affiliates, the National Union of Journalists (India) and the All-India Newspaper Employees Federation, participated and spoke. Journalists’ unions from the states of Jharkhand, Orissa and Chhattisgarh, which have faced the additional challenges posed by widespread conditions of armed insurgency, were also represented.

The action plan that emerged seeks to bring the struggle for a new deal for journalists to the very foreground of a public campaign for restoring quality and credibility in the news media. First among the three principal challenges discussed were the threats to the integrity of news gathering and dissemination, as represented currently in the practice of “cash for coverage”. The meeting identified the declining quality of employment in journalism, best represented by the continuing disregard by India’s main news organisations of the provisions of the Working Journalists’ Act (WJA, or the Working Journalists and Other Newspaper Employees, Conditions of Service Act, to render it in full), as one of the reasons for the growing trust deficit in the media. Employment is now predominantly on the basis of short-term contracts, and the statutory recommendations of “wage boards” periodically constituted to determine levels of compensation in the news industry, are for the most part, flouted by even the most profitable news organisations. Insecurity of employment and the decline of collective strength at the work-place, had devalued editorial autonomy and made journalism increasingly susceptible to the pressures of advertising and commercial departments.

Employment contracts, it was reported at the meeting, frequently stipulate that journalists would need to seek prior management consent before joining any union or professional association. This manner of a restriction, it was

agreed, was in violation of international covenants on core labour standards that India is party to, and also contrary to the basic right of freedom of association granted under the Indian Constitution.

Print, electronic and online media have grown rapidly over the last decade in India in a regulatory vacuum. In recent years, civil society groups, political parties and legally empowered bodies such as the PCI and the TRAI, have been joining the debate on regulation, responding to widespread public concerns over media content. Participants at the 8 August meeting identified a number of recent instances when existing laws had been misapplied to harass and victimise journalists who had brought to light important information that served the public interest, while causing some embarrassment and awkwardness to powerful organised groups. The first priority of ongoing debates on regulation, it was pointed out, should be to ensure that the laws are applied consistently and in accordance with the best precedents both in India and abroad, to safeguard the right of journalists to report freely and fairly.

The meeting reaffirmed the longstanding union demand that a fresh review be conducted of the regulatory framework of the Indian media, and that the PCI be reconstituted on a fresh basis, so that it is equal to the complexities of the new media environment. Another priority for journalists’ unions was to intervene forcefully in ongoing litigation over the legitimacy of the WJA and the validity of the most recent wage award for journalists and other newspaper employees. The G.R. Majithia Wage Boards for Journalists and Non-Journalists submitted its report recommending an all-round increase of levels of pay for newspaper workers in December 2010. After due deliberation, India’s Union Cabinet formally approved these recommendations in October 2011. Newspaper enterprises, both individually -- and collectively through the Indian Newspaper Society (INS) -- had meanwhile filed a number of petitions before the country’s highest court, claiming an infringement of their fundamental rights in the statutory wage fixation process. After several procedural difficulties, hearings in this batch of petitions were conducted for two weeks in February 2013.

These petitions, legal experts invited to the Delhi meeting argued, did not put forward any fresh grounds for holding the WJA invalid. Rather, all the pleas advanced by the newspaper industry had been dealt with by Supreme Court judgments in 1958 and 1988, holding the WJA to be entirely consistent with constitutional provisions on fundamental rights. The whole process nevertheless ended in disappointment for India’s journalism unions. On 2 April 2013, the Supreme Court bench that began hearing the matter in February, expressed its inability to continue since the senior of two judges on the bench would retire on 18 April. The matter was on this account posted for hearing on 9 July 2013, before a new bench to be constituted by the Chief Justice of India. Counsel representing the Confederation of Newspaper and News Agency Employees -- a body constituted to deal with the Wage Board process -- argued the case for a quick disposal of the matter, but failed

to win the concurrence of the bench. Unions have been urging the Government of India, as one side in the tripartite wage bargaining process, to show greater seriousness about implementing the wage award. But the Government seems in no state to take on the power of the newspaper industry at a time when crucial elections at the state and national levels are imminent.

### Press Council seeks minimum standards

Part of the general disgruntlement over declining media quality was represented in the announcement by the PCI on 12 March 2013, that it would explore the possibility of having minimum academic qualifications for journalists. The announcement by the PCI put down the lowering of standards in the media to the alleged fact that there was “no qualification for entry into the profession of journalism”. It then observed that “the media has an important influence on the lives of the people” and proposed a three-member committee to inquire into the possibility of enforcing a legal qualification for individuals seeking employment as journalists. The following day, the PCI expanded the committee with the nomination of three more members and enlarged its mandate to consider the quality of instruction imparted in journalism training institutions. The committee is now also empowered to recommend the manner in which the PCI could monitor journalism training institutions to ensure quality and standards.

Journalists in India reacted immediately and overwhelmingly, pointing out that openness was the very essence of the profession and learning on the job, the most effective mode of acquiring its basic skills. To blame a lack of academic credentials for the decline in news standards showed very poor awareness of the circumstances under which journalism functioned. Expenses on training and human resource development had fallen, with several news organisations spinning off these activities as separate profit centres. And another factor contributing to declining standards, was the willingness of news organisations, principally worried about safeguarding profits, to limitlessly accommodate commercial and political pressures.

Beyond the challenges that journalists face on a daily basis, the year under review posed a number of adversities for news reporting that sought to go beyond the routine and uncover information of real public value. Within a milieu of heightened concern over terrorism, journalists faced criminal charges for pointing out with due diligence and concern for all the professional norms, that police investigations were often going seriously astray. Others were directly implicated in terrorism plots.

### The shadow of terrorism

The longest-drawn agony for a journalist in India in recent times was the imprisonment of Syed Mohammad Ahmad Kazmi, arrested on 6 March 2012, on charges of aiding and abetting a bomb attack on an Israeli diplomatic vehicle in India’s capital city. Kazmi was then working for an Iranian news agency in Delhi and also for India’s state-owned TV

channel, Doordarshan, as a news presenter in Urdu language bulletins. His bail application which first came up before the Chief Metropolitan Magistrate of Delhi in April 2012, was turned down on the grounds that investigations were still underway. On 2 June 2012, despite charges still not being laid, the Magistrate extended Kazmi’s remand beyond the ninety days permitted under the special Indian law dealing with terrorism offences.

Bail for Kazmi was finally granted on 19 October 2012, after India’s Supreme Court held that the Magistrate had erred in this respect. Though extension of remand beyond ninety days is permitted even in the absence of a chargesheet, this is not a decision within the jurisdiction of the Magistrate. The competent authority -- in this case the Sessions Judge -- had held Kazmi eligible for bail after ninety days remand. In the circumstances, the Magistrate further erred in granting the police sufficient time to file another application for extension of remand. The whole sequence of events showed how police forces which function with the agenda of securing maximum impact through media coverage, though often in disregard of the law, are able to influence public perceptions and escape serious public scrutiny, even when they victimise innocent citizens.

Following Kazmi’s release, SAMSUN partners in India urged the Delhi Police to follow a policy of full transparency in investigating where the mistakes originated. Information since made available points to the distinct possibility that Kazmi’s arrest was made on unclear and insufficient evidence. Journalists’ unions have also called for rigorous introspection from the media on the coverage of Kazmi’s arrest, which tended to be uncritical and to blazon the police claims as absolute truth.

A substantial part of the case against Kazmi was built on his telephone records, which revealed a number of calls to Iran’s capital, Tehran, around the time that the bomb attack against the Israeli diplomatic vehicle occurred. The DUJ for one, argued that this was in all probability, only about Kazmi attending to his professional responsibilities as reporter for a news agency based in the Iranian capital city. “Journalists have to maintain all sorts of contacts and speak to a variety of sources for their news stories”, said the DUJ. “Such connections for professional purposes should not be misconstrued as active collusion or connivance in dubious activities, including crime”.

K.K. Shahina was another journalist who faced criminal prosecution in a matter related to terrorism. Currently working as assistant editor for the weekly magazine, *Open*, in the southern Indian state of Kerala, Shahina was charged with conspiracy and criminal intimidation of witnesses following a story she wrote for the weekly magazine *Tehelka* in December 2010, casting doubt on the charges of terrorism brought against a prominent Islamic cleric from Kerala state. Facing the possibility of arrest since January 2011, Shahina was granted anticipatory bail by the Karnataka High Court in July 2011. Following summons issued after charges were formally laid against her in January 2013, Shahina appeared



before a court in Somwarpet in Kodagu district of Karnataka, to renew her bail. The courtroom where the bail hearing was scheduled was reportedly besieged by activists of the right-wing political group, the Bajrang Dal, on 22 February, just as Shahina made her appearance. Shahina and a few friends who accompanied her to the hearing, were reportedly threatened by the Bajrang Dal activists, who also insisted that a cameraperson show them the visuals he had recorded, to ensure that they could not be identified in public.

Muthiur Rahman Siddiqui, a twenty-six year old reporter and sub-editor with *Deccan Herald*, the oldest and best-known newspaper in the southern Indian city of Bengaluru (formerly Bangalore), was arrested by local police on 27 August 2012, on charges of involvement in a plot hatched by overseas terror groups to kill a number of well-known public figures in the city. He was held under the Unlawful Activities (Prevention) Act, which allows for detention up to six months without charge. Siddiqui's case was transferred from local police, who report to the state government of Karnataka, to the National Investigation Agency (NIA), a newly created anti-terror agency directly under India's union government, in December 2012. In February 2013, just as his detention was approaching the six month mark, the NIA informed the court hearing the matter, that it had no evidence to bring charges against Siddiqui. Following his unconditional discharge, Siddiqui was released on 25 February. In remarks to the press shortly after his release, Siddiqui spoke of a harrowing time in detention and suggested that media reports at the time of his arrest may have unfairly denied him the presumption of innocence and held him guilty without trial.

The *Deccan Herald* has assured Siddiqui of reinstatement in the job he held prior to his arrest.

### The case of Naveen Soorinje

Naveen Soorinje, also from Karnataka state, was another journalist who went through a prolonged period of incarceration. The reason here was not terrorism, but his purported involvement in mob violence against a group of partying teenagers. Soorinje, a reporter for the Kasturi TV news channel in the district of Mangalore in Karnataka, had filmed the moral vigilante attack of July 2012 after being alerted to possible violence by bystanders and residents of the area. His footage was broadcast over the channel, leading to widespread outrage and the quick arrest of the main perpetrators of violence. In November 2012, when local police filed charges, Soorinje was listed as accused number 44 on the grounds that he had accompanied the attackers to the spot and circulated video



Naveen Soorinje was arrested in November 2012 on charges of involvement in mob violence and then remanded to judicial custody; he only secured bail after three months (Photo: Daya Kukkaje, Daijiworld).

footage which revealed the identity of the victims and exposed the female victims in particular to social ridicule and ostracism.

Soorinje was arrested on 7 November 2012 amid much outrage among local journalists. In a memorandum submitted to local police authorities, the Udupi District Union of Working Journalists pointed out that the incident had led to intense debate within the profession about the manner in which a reporter should go about his job when he is aware of an illegal act being committed. Questions could justifiably be raised about the duty of the reporter in a situation when he or she is witness to an illegal action: whether it is to first inform the authorities of the illegality or to document it. The district union pointed out in this context that neither was there evidence of wrongdoing on Soorinje's part nor of any prior knowledge of the intent to carry out the attack. His reporting, on the contrary, was of direct utility to the officers of the law in bringing the culprits to account.

Yet, bail pleas at the district court and the Karnataka High Court failed. A decision by the Cabinet in Karnataka to drop charges against him was not executed after a legal challenge in the High Court, launched by a person with obvious political motivations. On 18 March 2013, the Karnataka High Court again took up his bail plea on the strength of a letter written by one of the victims, which recorded that Soorinje had actually reached the spot of the mob violence well after the attackers. Even as he filmed the events, Soorinje was reported to have continually remonstrated with the attackers to stop the violence and particularly, to spare the female victims. Following the High Court ruling that he should be released on a bond of INR 500,000 (roughly USD 10,000) and a personal surety of the same amount, Soorinje was released from detention on 23 March.



SAMSN partner, the National Union of Journalists of India carried out a public campaign through the year for a law protecting journalists (Photo: courtesy NUJ/II).

### Media as accessory to mob violence

Quite a different scenario in terms of ethical dimensions, had been enacted in the north-eastern state of Assam shortly before the incidents in Karnataka. Late evening on 9 July 2012, a shocking incident of the public molestation of a young girl by a mob of more than twenty men was captured on video camera by a news channel reporter in Guwahati city in Assam. The video material soon went viral on the web, provoking mass public outrage and questions over the role of the news reporter in the incident.

The Journalists' Union of Assam (JUA), a constituent unit of the IFJ-affiliated IJU, reacted sharply and called on all journalists to "adhere to the norms of journalistic conduct set by the Press Council of India and International Federation of Journalists". Human rights groups in Assam analysed the entire video recording of the incident and concluded that a reporter with the NewsLive channel may have provoked and instigated the attack. The video featured some of the twenty strong mob striking a pose for the camera and at least one occasion when the camera focused on the face of the victim and a microphone was thrust forward and inquiries made about her name and identity. Perpetrators of the crime were also seen brushing the hair off the victim's face so that her identity could be captured on camera.

The news channel management defended the reporter's conduct, on the grounds that his video footage helped local police in identifying the perpetrators of the crime. The management claimed that the reporter happened to be

passing by at the time of the incident and reacted as any newsperson would, summoning the sole cameraman on duty at the news channel's nearby office. The reporter resigned soon afterwards from his job with the channel, owned by a powerful local politician and minister in the Assam state cabinet. He was arrested and put on trial on all applicable charges, but acquitted on grounds that he may have been no more than a bystander.

The incident highlighted how the pervasive spread of new digital technologies and the rapid and largely unregulated growth of the visual media, made a full and authoritative restatement of the norms of journalistic conduct in situations involving crime and the violation of basic human rights, an absolute imperative.

### Kashmir

In the early hours of 9 February 2013, curfew was imposed in several districts of the Kashmir region in the Indian state of Jammu and Kashmir (J&K) and journalists seeking to go to work were told that they could not. It then emerged that an execution had taken place in utmost secrecy in Delhi's Tihar jail, of a person convicted of conspiring in the December 2001 attack on the Indian parliament compound. The formal announcement of the execution occurred shortly after 8 a.m. At around 10:30 a.m., Iftikhar Gilani, a senior journalist with the multi-edition newspaper, *Daily News and Analysis*, was approached by two men as he left his Delhi home for work. He was asked for directions to the residence of the dissident Kashmiri



politician Syed Ali Shah Geelani, who happens to be his father-in-law. Gilani showed the two men to the nearby location of interest, in the belief that they may be from a courier agency. Once there, the two men identified themselves as personnel of the Special Cell of Delhi Police and forced Gilani indoors. A little later, Gilani's wife was also escorted to the flat by two other policemen.

Gilani and his wife were detained for five hours and released only after colleagues intervened at the highest levels of the Delhi Police. During this time, his own home was occupied by personnel of the Special Cell and his children put through considerable trauma. SAMSN partners in Delhi condemned this mistreatment of a journalist, and recalled his seven months of incarceration in 2002 on trumped up charges under the Official Secrets Act. PCI Chairman Markandey Katju, in a strongly worded letter to the Indian Ministry of Home Affairs, characterised the actions of the Delhi Police as "high-handed" and "outrageous" and demanded disciplinary proceedings against the men responsible.

Meanwhile, the curfew imposed in most districts of Kashmir and the retaliatory general strike called by dissident political organisations, paralysed all activity in the region. SAMSN partners in Kashmir reported that journalists who managed to reach their places of work despite these adversities, found that the entire effort was futile, since newspaper publication and local news broadcasts were suspended by policemen who visited their offices and handed out informal advisories. This intervention reportedly came late on the evening of 9 February, when most newspapers were getting ready to print. Internet and mobile phone services in Kashmir were also partly disabled. A semblance of normality was only restored after a whole week.

Journalists in Kashmir nonetheless managed to get the word out and express their unhappiness over the clampdown through a number of channels, mostly involving the social media, another domain where India witnessed intense contention over the year under review. In a domain where rules of participation are loose and undefined, where power and potential are seemingly immense, the official attitude in India seemed to oscillate between extreme and draconian invocations of the law and absolute helplessness.

### **Social media challenges all controls**

On 15 August 2012, as India celebrated the sixty-five year anniversary of its independence, people from the north-eastern states settled in the southern city of Bengaluru -- a major hub of the information technology industry -- crowded in large numbers to the city's railway station, seeking the earliest available passage back home. The following day, despite anxious efforts by government officials and the police to allay fears, a similar mass flight occurred from Pune, Hyderabad and Chennai, all cities with mixed populations and cosmopolitan traditions. Those fleeing these cities booked themselves, for the most part, on trains headed to the city of Guwahati in Assam state,



Syed Kazmi, held over six months on terrorism charges and now released on bail, has launched an Urdu daily in which he hopes to deal with issues of human rights and national security (Photo: *Qaumi Salam*, Delhi).

the economic hub of the eight states collectively known as "north-eastern India".

The mass panic in these cities was caused by SMS messages warning of retaliation for sectarian violence that began in Assam late in July. Four districts of Assam were gutted by mass violence that went on for over a month, between people of the Muslim faith -- deemed to be illegal immigrants -- and the Bodo tribal community which claims original ownership of the land.

The prelude to this unprecedented mass panic was the mob violence on 11 August 2012 in the western Indian metropolis of Mumbai, which followed a demonstration organised by a cultural organisation, the Raza Academy and a newly floated political platform, the Awami Vikas Party, to protest against the violence in Assam. Seemingly without provocation, the demonstration turned violent, with specific intent to target media persons. Three outdoor broadcasting (OB) vans belonging to well-known news channels were set ablaze in the violence which broke out after speakers at the protest meeting denounced the media for their alleged inattention to the suffering inflicted on members of the religious minority in Assam. Three photo-journalists were left seriously injured. Eyewitnesses reported seeing the demonstrators asking for the identity of the media persons present at the spot, before attacking them. The technicians staffing the OB van were asked to step out and flee if they did not want to get burnt along with the vehicle.

A rigorous study by a well-respected film maker and social analyst, showed that the sense of grievance over atrocities on a particular religious community, may have been stoked by manipulated images circulated over the internet, either in gross ignorance or with deliberate intent to foment violence. Following the violence in Mumbai though, the SMS texts warning of severe retribution against people of north-eastern Indian extraction in all cities began circulating, without any source being identified. The Journalists' Union of Assam (JUA), a unit of the IFJ-affiliated Indian Journalists' Union, raised a red flag over this alarming





Muthiur Rahman Siddiqui addresses a public meeting in Bengaluru soon after his unconditional discharge in a terrorism case (Photo: N. Jayaram).

spread of rumour on 16 August and called for responsible media conduct to push back against the tide.

On 17 August, the Indian government ordered a ban on SMS messages directed over the mobile phone network, to more than five recipients. It also issued notices to all internet service providers (ISPs) to block a number of websites held guilty of highly inflammatory content on Assam events. For days after the ban order was issued, mobile phone and internet users remained unsure about its exact scope. An analysis based on best available information, showed that it applied to a number of items – including twitter posts, blogs, URL's and entire websites – which had published content on the ethnic violence in Assam. Many of these dealt with the need for sober assessment of images and words that were being uncritically circulated over the internet. The ban on SMS and the blocking of websites, including social media sites, was in other words, a blunt instrument to deal with the threat posed by rumour, simply because it did not manage to separate posts made with intent to create violence, from those that sought to restore harmony.

On 8 September 2012, police in Mumbai arrested Aseem Trivedi, a cartoonist and anti-corruption campaigner, on charges of sedition and causing insult to India's "national honour". Trivedi was remanded to a week in police custody on 9 September. Following critical remarks by the Home Minister of Maharashtra state and much public outrage, the police on 10 September informed the court that it had completed investigations into a criminal complaint filed in January and had no further need to detain Trivedi. The cartoonist however, refused to apply for bail, demanding his unconditional discharge in all cases. In the circumstances, his remand was extended for another two weeks.

All the grounds for Trivedi's arrest were established by competent legal authorities to be flimsy. India's Supreme Court as far back as 1962, had held the sedition clause of the penal code violative of the fundamental right to free speech, unless invoked to deal with an imminent threat of violence. No such threat of violence arose from the publication of Trivedi's cartoons on a website which was

later shut down. The other laws that Trivedi was charged under -- the Prevention of Insults to National Honour (PINH) Act and Section 66A of the Information Technology (IT) Act – seemed clearly to specify a test of intent as key in their invocation. The accused must in other words, be found to have used words and representations with deliberate intent to cause offence. Here again, most competent authorities concluded that Trivedi's cartoons did not display any clear intent to offend. Rather, they could just as well have been interpreted in substance as holding India's elected representatives guilty of dishonouring the national emblems by their acts of corruption and malfeasance.

Sedition law has all too frequently been invoked to imprison and intimidate journalists in India. In the insurgency affected districts of the eastern state of Orissa alone, four cases of sedition have been registered against journalists in the last few years, mostly to clamp down on public-spirited reporting that exposes serious abuses and deficiencies in local administration. In June 2008, the commissioner of police in Ahmedabad brought charges of sedition and criminal conspiracy against two journalists and the local edition of the *Times of India*, after the newspaper carried a series of reports about his less than distinguished service record. Though granted bail and not imprisoned like their counterparts in Orissa, the journalists were only absolved of all charges in April 2012.

In Trivedi's case, the charge of sedition under article 124A of the Indian Penal Code was withdrawn in quick time. He was released on bail on 12 September, after posting a bail bond of INR 5,000 (roughly USD 100), though he continues to face charges under the PINH Act and the Information Technology Act.

### Moments of grief

Indian journalism suffered a moment of deep grief with the death of photo-journalist Tarun Sehrawat, after he contracted multiple infections on assignment in the Abujmarh region of India's Chhattisgarh state. Sehrawat was on assignment with the weekly news and current affairs magazine *Tehelka* and with his colleague, reporter Tusha Mittal, spent a week early in May in the thickly forested area, believed to be among the main operational bases of the Maoist insurgency that has in recent years been active in parts of Chhattisgarh and neighbouring states. Their account of life in an area that remains for the most part beyond the media gaze, was published in the print edition of the magazine dated 12 May 2012.

Both Sehrawat and Mittal came down with severe infections at about the same time. Mittal recovered after two weeks under intensive care but Sehrawat was hit by a combination of jaundice, typhoid and malaria, and slipped into a coma. He regained consciousness early in June, but suffered a severe cerebral haemorrhage on 10 June. He died on 15 June aged 22, the cause of death identified as cerebral malaria. His death brought home to the Indian media community yet again, the importance of following a safety code when undertaking assignments in hazardous areas.

Raihan Nayum, a twenty-eight year old journalist from Dhubri in Assam was attacked and killed by unidentified miscreants late on the evening of 8 September 2012. A correspondent with a local weekly, Nayum may have fallen victim to the communal tension that had arisen across the state following the outbreak of violence between members of the Muslim community and indigenous tribal groups.

Nanao Singh who worked for India's state-controlled TV broadcaster, Doordarshan and numerous other channels, died of bullet wounds as he covered a public demonstration on 23 December 2012 in Imphal, capital of Manipur state. A number of social and political organisations had been demonstrating in Manipur demanding the arrest and prosecution of an insurgent leader active in the state, for allegedly assaulting a prominent film personality in full public view a few days earlier. One such demonstration was fired upon by the police, apparently with no prior warning. Nanao Singh, according to eyewitness Bijoy Krishna, also a news cameraman, sought to continue filming the events from behind a pillar, but was hit by a bullet in the chest. Police only stopped firing after Bijoy Krishna raised an alarm over his injured colleague. Nanao Singh was then shifted to a hospital but died within an hour.

The All-Manipur Working Journalists' Union (AMWJU) pressured the state administration to order an official inquiry. The report of the official inquiry was submitted on 4 January but as this report is prepared for the press, is yet to be made public

Tonggam Rina, associate editor of the *Arunachal Times*, was shot at and severely injured in Itanagar, capital of the north-eastern state of Arunachal Pradesh, on 15 June 2012. Rina had reportedly faced threats in the weeks prior, over her reporting. One such instance followed her reporting on certain irregularities in the functioning of the public distribution system for food and other essential commodities in the state. There were also threats held out against her after she reported on the factional rivalries within an armed underground group in two districts of the state. The office of her newspaper was ransacked on 16 April 2012 this year and the attackers were still at large when the attempt on her life occurred. Rina had also written and involved herself in local environmental campaigns against a proposal to build a series of giant dams in Arunachal Pradesh. This could have earned her the anger of lobbies that stood to gain from the construction of the environmentally controversial structures.

Again in the north-east of India, a number of newsmen on assignment were attacked during a day-long general strike called on 28 August 2012 by a youth political organisation in the state of Assam. With the intercession of the JUA, one of those injured, cameraman Jayanta Das, was able to get compensation for his losses, which included a phone and a camera that were smashed beyond repair, from an international media support organisation. Other losses suffered on that day, remain unrequited. And in Nagaland state, photojournalist Caisii Mao was attacked on 1 September 2012 while covering clashes between two armed groups belonging to rival tribes in the district headquarters



Tarun Sehrawat, seen at the site of an armed encounter with Maoist insurgents, died of multiple infections contracted on assignment in covering the conflict regions (Photo: courtesy Tehelka).

town of Dimapur. The clashes erupted after a young man belonging to one of the tribes died while in the custody of the other the previous day. Caisii Mao suffered large bruises around his knees and arms and his camera was destroyed in the incident, which reportedly occurred in the presence of security forces deployed to control the protesters.

In Hyderabad, capital of the southern state Andhra Pradesh, a number of media personnel were blocked from covering the session of a global conference on biodiversity addressed by Indian Prime Minister Manmohan Singh. The Andhra Pradesh Union of Working Journalists (APUWJ) a unit of the IFJ-affiliated Indian Journalists' Union, recorded that all journalists carried proper credentials and had been accessing the venue without impediment until 16 October 2012, when the Indian Prime Minister was scheduled to address. Journalists belonging to five media groups were prevented from attending the session, seemingly for no other reason than their news organisations bearing a reference to the regional unit "Telangana" in their names. Telangana is a region of Andhra Pradesh where a political agitation, demanding a separate state within the Indian union, has been underway for several years. The journalists were reportedly told that they were being blocked on grounds of suspicion that they might use the Prime Minister's presence in the biodiversity conference as an occasion for registering a political protest.

The APUWJ condemned the action as reeking of "authoritarianism". Whatever the names of the media organisations concerned, the APUWJ reminded the authorities, there is nothing called a "Telangana media" since the print and electronic platforms concerned reach audiences well beyond the putative borders of this region. This was in the judgment of media freedom experts, a clear instance of prior restraint, when journalists are prevented from doing their jobs on grounds of mere suspicion.

A case of sexual harassment was reported from the Sun TV news channel based in the southern Indian city of Chennai. The person in question had joined the network

in its headquarters in December 2011 as a news anchor and producer. Over time she began to face extraordinary pressures on the job. Refusal to comply led allegedly to the person's probation being extended, her earned perks – such as the annual bonus – being denied, and finally, to her being threatened with “dire consequences” if she went public with the situation she faced. Despite a time-honoured convention that women would not be put on shifts at odd times of the 24x7 news cycle, she was soon afterwards assigned as anchor for the 6 a.m. news bulletin, requiring her to report at work an hour ahead.

After repeated protests failed to fetch any relief, the person on 19 March 2013, filed a complaint of sexual harassment with the nearest police station. Her two immediate seniors, were soon afterwards arrested and charged under the law applicable in the state of Tamil Nadu. But shortly afterwards, the complainant began receiving threatening telephone calls. A male colleague who had supported her struggle against harassment was placed under suspension. On 25 March, when she reported for work at her appointed time, she was not allowed to anchor the assigned noon news bulletin. A day later, one of the men named in her complaint rejoined Sun TV after securing bail. She was served an order of suspension the following day.

Gender equity and fairness are issues that the Indian news media still needs to address seriously. This was evident in the dismissal in early April 2013, of two senior programme executives from the public broadcaster All India Radio, after complaints received from no fewer than twenty-five female staff over a period of two years.

### **An uncertain period ahead**

In term of its immediate prospects, the Indian news industry faces a number of uncertainties. Industry fortunes went into freefall with the global economic meltdown of September 2008, but recovered within a year with strong stimulus measures kicking in. Advertising growth in the Indian economy picked up momentum in the following years, but in 2012 may have hit a slump. Projections show that the growth rate has fallen from the buoyant double digit figures of the years following 2003, to a relatively modest single digit.

Credibility issues remain to be addressed. The growth in numbers of TV news channels has not contributed clearly to a diversity of choices. Meanwhile, the entire system of ratings which determines the allocation of advertisement monies between channels, has come under a cloud. In August 2012, a leading news channel, NDTV Ltd, filed suit for USD 1.4 billion against a TV ratings agency for allegedly falsifying records in exchange for a monetary consideration. NDTV, a news broadcaster in Hindi and English, claimed that Television Audience Measurement, a joint venture of the global market research giant A.C. Nielsen, had caused it losses to the tune of USD 800 million by deliberately understating its viewership numbers. The petition that NDTV filed in the Supreme Court of New York, read like a catalogue of corrupt practices that could cause serious long-

term damage to the public interest. At the time of writing, the respondents in the case had successfully obtained a ruling from a lower court, ordering that the case be heard in an Indian court. NDTV had announced that it would contest this ruling, on the grounds that the lower court had not considered its case in all aspects.

Debt incurred in a phase of rapid expansion began causing acute distress to the Deccan Chronicle media group through the year under review. Hyderabad-based Deccan Chronicle Holdings Ltd (DCHL) publishes four newspaper titles – *Deccan Chronicle*, *Asian Age*, *Financial Chronicle* and *Andhra Bhoomi* -- from various Indian cities. It also held a franchise to field a team in the lucrative Indian Premier League (IPL) cricket tournament, currently in its sixth season. The IPL franchise was sold under the pressure of the company's estimated debt of INR 50 billion (just under USD one billion). Creditors had meanwhile filed suit in the Andhra Pradesh High Court for recovery of loans and the company had submitted a corporate restructuring plan, which proposed among other things, the spinning off of printing and publishing entities as a separate unit. The union representing the DCHL's one thousand print media employees threatened a strike in December 2012 over the annual bonus remaining unpaid. Security of employment for the staff of this print group remains in serious jeopardy.

By far the greater misfortunes, verging on catastrophe, were suffered by journalists who had taken employment in a clutch of media companies promoted or taken over by the Saradha group of finance companies in the state of West Bengal. By the middle of April 2013, around the time that the state and many other parts of India were celebrating the dawn of a new year, no fewer than three daily newspapers – *The Bengal Post* and *Seven Sisters Post* in English, *Azad Hind* in Urdu and *Prabhat Varta* in Hindi – announced their closure, along with weekly magazines in Bengali and Urdu, and a number of news and entertainment channels, all under the management of the Saradha group, whose promoter had by then fled. The meltdown of a company that had mobilised savings from across the state with assurances of healthy returns -- and then ventured recklessly into influence peddling by buying up a number of media assets -- illustrated all that was wrong with the recent phase of unregulated media growth in India. The number of journalists left without a job by the catastrophe, could approach a figure of eight hundred. Along with all other staff in the Saradha group, the number thrown out of employment could reach a few thousands. At the time of this writing, agents who had been tasked by the Saradha group to mobilise savings across the state, had laid siege to governmental offices in the capital city of Kolkata, demanding the arrest of the promoter and the quick implementation of a bailout plan. With several thousands having trusted the shifty promises made by the company and invested their life savings in its instruments, the financial meltdown of the enterprise is likely to snowball into a major political controversy.

Top industry spokespersons at a conference hosted by India's leading chamber of commerce in March 2013,



admitted that the media industry faces a massive deficit of reliable data. “Numbers are supposed to be the foundations of rational business decisions but how can we make decisions when professionals in the business of numbers can’t get their numbers straight?” asked the Rupert Murdoch owned Star TV’s Chief Executive for India, Uday Shankar. “As a TV executive, I am surprised sometimes how I am even able to function. I do not know enough about my viewers – in fact I don’t even know how many of them are there. There are 140 million cable and satellite homes but the measured universe is 62 million households. The country’s

premier media agencies can’t even seem to agree on a fact as basic as the size of the advertising market”.

As it enters a phase of more moderate growth and a possible shakeout of unviable entities, the Indian news industry would perhaps discover that the opacity that has been a matter of principle with it – aiding in the evasion of statutory responsibilities such as the payment of fair wages – is really a self-defeating strategy. Regaining public credibility could also mean accepting certain norms of transparency that so far, the industry has been keen only on enjoining on others.

## THE MALDIVES

### Journalists become targets of contentious politics

**O**n 14 April 2013, the Civil Court in the Maldives handed down its ruling in a suit alleging discriminatory treatment that Raajje TV, a privately owned broadcaster, had brought against the office of the President. The Civil Court held the complaint valid and censured the office of the President for excluding the broadcaster, which is independently owned but closely aligned in editorial policy with the opposition Maldives Democratic Party (MDP), from press conferences and official functions involving President Mohammad Waheed.

The judge who heard the case ruled that material presented by the respondent established the facts cited in the Raajje TV petition: that it faced a constant lack of cooperation from the office of the President. Though the person handling media relations for the office of the President made a case that Raajje TV did not meet criteria on reporting standards to qualify for official invitations, the Court held that the office of the President was a public institution that “served the people”. It was therefore, obliged to follow constitutional principles of fair and equal

treatment of all. Media freedom and free speech moreover, were fundamental rights under the constitution of the Maldives, the Court held.

Apart from arguing about a lack of professional standards, the office of the President also sought to argue that some of Raajje’s actions, such as shooting without due authorisation at particular spots within the Presidential compound, had posed a serious security hazard. This alibi too was disregarded by the Court. Raajje TV’s case won valuable support from the Maldives Media Council (MMC), a regulatory body formed under national law, which on the basis of its own evaluation, recommended that the charge of discrimination would stand. The Maldives Journalist Association (MJA), a SAMSUN partner, had led national and global professional organisations in demanding that the office of the President restore all rights of access to Raajje TV.

On 5 February 2013, the Civil Court had similarly held that the Maldives Police had violated constitutional assurances in denying Raajje TV access and withholding cooperation in news stories. This ruling was given following a lawsuit filed shortly after it became declared policy for the Maldives Police, that Raajje TV would be denied access and turned away from all its official events. In July 2012, Raajje TV had filmed footage of police personnel engaged



Journalists in the Maldives took out a protest march in February after three serious incidents of violence (Photo: courtesy MJA)

in the pilferage of fuel from the tanks of parked motor vehicles. This was interpreted as a deliberate effort to bring the country's law enforcement agency into disrepute since the story had not been cross-checked with police sources. Following its finding that the channel was broadcasting "false and slanderous content" which had the immediate consequence of lowering it in public esteem, the Maldives Police contested the Raajje TV lawsuit by arguing that it was at liberty to decide who should be invited to its official events. In striking down this claim, the Court observed that any such liberty granted to an institution of the government, could lead to "chaos and infringement of social harmony".

In the context of the political tensions that boiled over with the regime change of February 2012, when President Mohammad Nasheed yielded his position to Vice President Waheed in the midst of a police rebellion, these rulings by the Court came as important victories for media freedom. The resignation of Mohammad Nasheed as President in contentious circumstances led to a sharpening of partisan divisions within the media, with a number of state institutions declining to participate in or cooperate with news coverage in Raajje TV. In a tit-for-tat response, the MDP took to voicing its opinions only to news media that it was sure would adopt a favourable editorial policy. Some text messages received on the mobile phone of Defence Minister Mohammad Nazim on the day of the regime change, became a contentious issue at some point. On 28 August 2012, the Maldives Broadcasting Commission (MBC, which is a regulatory body not to be confused with the Maldives Broadcasting Corporation which is the media operator) demanded that Raajje TV should issue an apology, for the illicit broadcast of messages that were received on the Defence Minister's phone.

In August 2012, even as the MJA reported that the office of the President of the Maldives and the Maldives Police Service had discontinued participation in news stories and features carried by Raajje TV, opposition leader Mohamed Nasheed was reported to have pointedly disregarded assembled journalists and granted an exclusive interview to Raajje TV after returning from an overseas visit. The growing polarisation, according to the MJA, was also evident in media coverage of political events, such as public meetings and rallies. By October 2012, the Maldives Police Service had decided on its own, to end its boycott of Raajje TV. This proved a rather half-hearted decision though, and it required the judicial ruling that came a few months later, to further underline that this was the right way to go.

### **Arbitrary rules on satellite uplink**

Earlier, there were concerns over the delay in granting satellite uplinking permission to Raajje TV, limiting its reach to merely 20 percent of the population of the widely spread Maldives archipelago. The broadcaster had applied for satellite uplink permission in mid-June 2012 and been assured that its request would be processed in accordance with established rules. Later, the Communications Authority

of the Maldives (CAM) pleaded that it would only be able to grant a temporary licence for uplinking, for possibly a period of six months. On 1 July though, the CAM informed the Raajje TV management that their application for a satellite uplink would not be granted, ostensibly because broadcast policies were "under review".

The MJA expressed its concern over the delay, citing it as a breach of the guidelines for permitting plural sources of news and opinions for the people of the Indian Ocean republic. The CAM was quick to respond to these statements of concern, permitting Raajje TV in early July 2012, to uplink for a period of six months. In welcoming the grant of permission, the MJA and its partners in South Asia and beyond, called for a clear statement on the norms that would govern the use of the broadcast spectrum to provide ample room for multiple voices and opinions.

Of the four TV broadcasters operating in the Maldives, one is controlled by the Maldives National Broadcasting Corporation (MNBC), an autonomous body established under law. Though mandated to function independently, the MNBC is believed by opposition parties and independent journalists, to be biased towards the government that came to power on 7 February 2012, after a police revolt toppled an elected president. Of the private channels, two are owned by businessmen with known links to the current regime, according to sources in the Maldives.

Another challenge to media freedom arose over the year in the Parliamentary Privileges Act, passed by the Maldivian parliament, or Majlis, in December 2012, but effectively vetoed when President Waheed returned it for reconsideration. In passing the act afresh by sufficient votes to override the presidential veto, the Majlis sent out a clear message that it intended the bill to become law without further delay. The MJA from the time that the bill was first introduced, has been arguing that certain of its clauses could contravene constitutional guarantees on press freedom. Section 17(a) of the act empowers the Majlis or one of its committees to summon anyone to "give witness or to hand over any information" of interest. Section 18 (b) states that any person who does not answer questions after being summoned by a parliament committee would be deemed in breach of privilege, and sentenced to six months in prison or fined between MVR (Maldivian rufiya) 1,000 (roughly USD 65) and 3,000 (USD 195).

Under article 28 of the Maldives constitution every citizen enjoys the right to freedom of speech and expression and nobody "shall be compelled to disclose the source of any information that is espoused, disseminated or published by that person." The MJA has petitioned the High Court of the Maldives to hold these two specific articles of the Parliamentary Privileges Act invalid on the grounds that they could lead to the violation of this salutary provision of the constitution. As this report is prepared for press, the MJA is in process of preparing for the first hearing of this matter in the High Court. The matter is not trivial, as Midhath Adam, an editor at DhiTV and senior MJA activist found on 13 November 2012, when he was summoned by Privileges

Committee of the Majlis for questioning on matters of editorial policy.

Processes of accountability for attacks on journalists and the media, also made some headway, though sporadically. In October 2012, the Maldives' Criminal Court held eight men guilty of a violent attack on the premises of Villa TV (VTV) in March the same year, and sentenced them to seven years imprisonment. The attack came as part of a cycle of protests launched by the MDP on 19 March 2012, when the Majlis was expected to commence its first session after the change of regime the previous month. The VTV studio and broadcast station came under attack when the protestors were forced back by police contingents deployed around the Majlis building. Eyewitnesses reported seeing and hearing MDP activists instigating groups of toughs bearing sticks and stones to storm the VTV building.

VTV is owned by one of the major tourism industry entrepreneurs of the Maldives, currently a Majlis member from the Jumhoree Party (JP), Gasim Ibrahim. He has since the regime change of February 2012, been in coalition with the party of President Waheed and is expected to contest the presidential elections scheduled in the Maldives for September 2013.

### **Tit-for-tat violence**

Before the judicial verdict convicting the attackers at VTV, a similar action in the cycle of violence had occurred at the Raajje TV premises. On 7 August 2012, amid a sequence of verbal attacks on the channel, the studio and broadcast facilities of Raajje TV were attacked, leaving vital equipment badly damaged and forcing the channel off the air for several hours. This occurred just when the TV station was being described, along with former president Nasheed, as an "enemy of the state" by a senior police official and a reporter had been attacked while covering street demonstrations.

Another disturbing pattern of violence which kept recurring as the political polarisation deepened, involved targeted attacks on individual journalists, including by officers of the law. On 9 June 2012, two reporters of the Raajje TV channel were taken into custody while covering a demonstration by the MDP. Police claimed that the arrests were made because the newsmen were obstructing them in their duty. But Raajje TV management said that the journalists were arrested while filming footage of the police physically assaulting a demonstrator. The MJA reported three journalists being attacked on 11 July 2012, while covering an MDP protest calling for early elections in the country. Murshid Abdul Hakeem, a reporter with the Sun Online news service received head injuries after being hit by a battery thrown by the MDP protesters. During the course of the same demonstration, Raajje TV cameraman Mohamed Shanoon and Minivan Daily reporter Ahmed Haisan were attacked by riot police.

On 20 February 2013, Rilwan Moosa, a cameraman with the VTV station in the national capital Male, was attacked while covering a protest demonstration organised by the opposition MDP. Almost as a reflexive act of vengeance, on

22 February, Ibrahim Waheed Aswad, news head of the Rajje TV channel was hit on the head with an iron rod near the artificial beach area in the Maldivian capital city of Male. He suffered serious injuries to the head and face and had to be transferred immediately for critical medical treatment to the Sri Lankan capital city of Colombo. He has since been declared out of danger, but continues – as this report is written – to be under rehabilitation therapy.

Just a little while before this incident, two women in senior editorial and reporting functions in the Maldives Broadcasting Corporation (MBC), Aishath Liza and Aminath Saani, were assaulted in the city and a packet full of a corrosive industrial fluid thrown at them. Both suffered burn injuries, including to their faces. The MJA has recorded a number of threats being made against these journalists through social media sites, SMS messages and other modes of communication, just prior to these attacks. The MJA described these attacks as "violent attempts" to curb press freedom and prevent journalists from free and fair reporting of ongoing political events, including frequent rallies and protests organised by both the ruling party and the opposition.

That there was yet no lesson learnt from this cycle of attacks and retribution, was evident on 27 March 2013, when Sun Online journalist Ahmed Afiz was first stopped from taking pictures outside the Justice Ministry Building, which is freely accessible to the public, and then arrested. Although Afiz showed the police his press card, they demanded that he display the identity prominently on his body. They ignored his explanation that displaying a press identity could put him in danger of attack, especially in an environment where criminal elements were present. He was released from police detention a few hours later.

On 5 June 2012, Ismail Khilath Rasheed, a blogger and campaigner for religious tolerance and alternate sexualities, was stabbed and seriously injured near his home in Male. Rasheed survived the attack, reportedly because his assailants had missed severing an artery by a few millimetres. He has since recovered and gone into exile. A former newspaper editor, Rasheed was dismissed from his position in 2010 on account of his views. He then became an avid blogger campaigning for dearly held causes. His blog was shut down late in 2011 on orders from the Ministry of Islamic Affairs. A minister condemned the attack on him in June 2012, but added that Rasheed could well have anticipated that he had become a red rag for religious fundamentalists. The Maldives, he said, was not a "secular country". Talking about religious beliefs with excessive freedom could elicit disagreements from a number of people, some of which might potentially be expressed in violent actions.

Events over the year under review suggest a number of lines of action for journalists and media professionals in the Maldives, for ensuring better conditions of work. Building up a sense of professional identity is among the foremost tasks envisaged. Journalists in the Maldives suffer from a serious degree of uncertainty about their jobs. There are few professional training institutions and no specific procedures



followed in the recruitment of journalists. Guarantees of job security are non-existent, with the result that a media professional could be fired at any time, at the whim of his or her management.

A closely related issue is that of minimum pay. There are no standard norms governing levels of compensation in the industry. Equal pay for equal work is a distant ideal. A reporter working for the state-owned media may receive double the wages and salaries as a private media counterpart. The jobs may involve the same effort and skills: indeed, if anything the private media reporter may be required to put in greater effort in most circumstances. Journalists are as a rule hired as full time employees, who have to be on call all twenty-four hours. There is no proper overtime scheme.

The working environment for journalists leaves a great deal to be desired. The absence of physical facilities such as separate toilets is a disincentive especially for women, who seek greater participation now in the media.

The MJA also believes that an insurance scheme for journalists is an absolute necessity. State-sponsored insurance covers all citizens, but this scheme called

“Aasandha” only covers certain types of contingencies. Physical hurt and other forms of loss caused to a journalist on assignment are not covered and as a consequence, if a media person is injured on the job, the medical expenses would have to be covered out of his or her earnings.

There are cases where the family members of journalists are harassed for reasons to do with media content. These contingencies also need to be covered appropriately. The challenges are enormous since the media, especially print, is going through straitened financial circumstances. This is a crisis that in part originates from the decision of the Government of the Maldives to stop publishing commercial ads in newspapers and to open a special gazette where these would be aggregated. This has compelled media organisations to depend on politicians, which in turn has created an environment for polarisation.

Maldives Media Council (MMC) and Maldives Broadcasting Commission (MBC) are doing some programmes to develop media. But these programmes are not implemented at an institutional level due to low budgets and other financial factors.

## NEPAL

### Unsettled political times

The year under review saw the democratic transition experiment launched amid much hope in 2005 ending indecisively with Nepal’s Constituent Assembly – elected in 2008 – deadlocking over the future contours of the constitutional order in the country and failing to reach agreement when its term ran out in May 2012. There followed a long stalemate with the country’s principal political actors failing to agree on the best caretaker arrangement to oversee fresh elections. A consensus of sorts was finally attained in March 2013, with the incumbent Chief Justice being sworn in as caretaker Prime Minister on the assurance that he would revert to his judicial office after elections were concluded. Though initial expectations were that the election would be held in June, resistance from several political parties has since emerged, suggesting its possible postponement.

The dissenting political parties allege that the agreement to appoint Chief Justice Khilraj Regmi as caretaker Prime Minister and schedule elections for June was not arrived at in a democratic spirit. Rather, they accuse the four principal political parties behind the agreement – the United Communist Party of Nepal (Maoist), the Nepal Congress, the Communist Party of Nepal (United Marxist-Leninist) and the United Democratic Madhesi Front – of carrying out a virtual *coup d’etat* and forcing a narrowly based decision on all others.

Unsettled political times represent moments of danger for journalists. In the final days of the Constituent Assembly

in May 2012, political groups across the country took to the streets as part of their effort to push the constitutional process along a direction of their choice. With evidence clearly emerging as the session of the Constituent Assembly dragged on that it was headed towards a potentially fatal deadlock, the streets of Nepal became arenas for fierce political mobilisation. On 20 May 2012, it was anticipated that all the political forces with deep stakes in the outcome of the debate on the federation idea would carry their battle to the streets. Just one day prior, two journalists suffered serious assault. Hari Sharma, a correspondent for the *Annapurna Post*, was attacked by agitators demanding a federal state recognising the distinct Tharuwan ethnic group. And the same day, Ram Rijhan Yadav, Press Advisor to the Nepali prime minister, and a former journalist and member of the FNJ, was attacked in Anamnagar, Kathmandu.

As the newly constituted “Joint Struggle Committee” of a political alliance calling itself the Nepal Federation of Indigenous Nationalities (NEFIN) sought to press the case for a federal political order, the streets of the Kathmandu valley were paralysed and journalists seemingly became particular targets of violence. On 20 May 2012, the first day of a three-day agitation programme launched by NEFIN, the Federation of Nepali Journalists (FNJ), an IFJ affiliate and SAMSUN partner, assembled a grim catalogue of no fewer than eighteen journalists in various parts of the country being attacked and suffering injury. In most of these cases, the professional equipment that the journalists had, such as cameras and motorcycles, were also seriously damaged. Another seventeen journalists reported being harassed or impeded in their work.



The effort to stop the prosecution of Dekendra Thapa's killers led to a mass upsurge among journalists and civil society groups in Dailekh district in far-western Nepal (Photos: Prakash Adhikar, FNJ).



On the second day of the agitation, no fewer than eleven instances were recorded of journalists being attacked and their professional equipment, such as cameras and motorcycles, being vandalised. The next day, FNJ recorded one attack on a journalist and a van belonging to a media house being stopped and its occupants being robbed of their personal belongings.

In western Nepal, around the same time, in separate adversarial mobilisations over the issue of federation, there was a shutdown that continued for weeks together. To begin with, a group demanding a unitary state much like the current political dispensation called for a general strike. In response, a political group demanding a state that empowered the Tharuwan ethnicity as a separate state within a federation, summoned its faithful out. The consequence was a prolonged paralysis of normal life in the western region.

The FNJ reported a clear intent to intimidate journalists in the press release issued by the sponsors of the agitation in Nuwakot district in the central region of Nepal, which charged a senior federation official, Dhruva Rawal, with biased and negative reporting, explicitly holding him responsible for any harm he may come to. Certain of the attacks were clearly attributed to particular political factions. For instance, the 21 May attack on Deepa Ale of Sagarmatha Television In Nepalganj in the western plains (or *terai*) region, was carried out by the Tharuwan Joint Struggle Committee, which had been campaigning for a separate state in the region. Ale suffered serious injuries around her eyes and her motorcycle was badly damaged.

There were also efforts to stop the distribution of newspapers, as in Narayangud of Chitwan district on 21 May, when a van carrying the *Gorkhapatra* daily was stopped and vandalised. That intent was also apparent on 24 May, when activists of the Broader Madhesi Front burnt copies of *Kantipur* and *Annapurna Post* – Nepali and English language newspapers published by two major media groups – in Biratnagar district in the eastern *terai* region.

### Dealing with a legacy of strife

FNJ accused the Nepal government and the police force of remaining “mute spectators” to the attacks on the press and demanded due compensation for all the journalists who suffered injury and loss. If the issue of crafting a constitution for the future governance of the country proved contentious, the reckoning with a conflicted past proved no less so. Early in January 2013, police in the district of Dailekh in the far-western region of Nepal announced that they had arrested five political cadre for the murder in August 2004 of Dekendra Thapa, a journalist with Radio Nepal who was then posted in the district town. Reports from the FNJ indicated that following the arrival of a new superintendent of police in the district, Lachhiram Gharti was arrested on 3 January on the basis of a complaint filed by Thapa’s wife in 2008. Gharti’s confession led to the arrest of Harilal Pun Magar, Bir Bahadur KC, Nirak Bahadur Gharti Magar and Jay Bahadur Shahi on the evening of 5 January. Four of those arrested were cadre of a breakaway faction of the United Communist Party of Nepal (Maoist), while one belonged to the mainstream of the party – the UCPN(M) – that then headed the Nepali Government. At the time of the murder, all five were associated with the ongoing Maoist insurgency.

Thapa was an active member of the FNJ and also closely associated with human rights and other civic advocacy work in the district. He was abducted from his home on 26 June 2004 and declared to have been executed on 11 August by the local leadership of the Maoist insurgency. Faced with widespread public outrage, the central leadership of the Maoist insurgency had issued a statement regretting the murder and terming it “contrary to official policy”. Despite this admission of error and regret, the Nepali government since the comprehensive peace accord (CPA) of 2006, made no attempt to bring to book those guilty for the murder.

The January moment of accountability for Thapa’s murder proved all too brief. Within days of the arrests being made, the investigation was ordered stopped by Nepal’s Prime Minister and UCPN(M) leader Baburam Bhattarai,



Sushila Devi Singh, mother of the journalist Uma Singh who was murdered in Janakpur, was honoured by the FNJ at the World Press Freedom Day, 2012 (Photo: Ananta Nepal, FNJ).

on the grounds that a crime committed during the war years should be dealt with through a Truth Commission, rather than under ordinary criminal law. On behalf of the International Media Mission to Nepal, the IFJ addressed an open letter to the Nepal Prime Minister, urging that he allow the law to take its course, while agreement remained elusive on the constitution of a Truth Commission. The letter reminded Prime Minister Bhattarai of the meeting held with him in February 2012, when the serious challenges that Nepal's journalists faced were discussed, all of which were identified in consultation with the FNJ and other local partners. Among the urgent priorities mentioned, was the need to address the climate of impunity that still prevailed, close to six years since the Maoist combatants and Nepal's mainstream parties concluded a Comprehensive Peace Accord (CPA). The Mission had at that meeting, focused on a number of cases of journalists who had been killed after the CPA, and identified specific areas where investigation and prosecution had been inadequate. At the same time, the problem of impunity, the Mission reminded Prime Minister Bhattarai, had roots in a time from before the CPA and included journalists who were killed during the decade-long conflict which ended with the informal ceasefire that followed the popular uprising (or *Jana Andolan*) of 2005.

Given all these considerations, the Mission was greatly encouraged to hear that police in Dailekh district had arrested five suspects in connection with the murder of Dekendra Thapa. Yet, this sense of satisfaction proved short-lived, because of the Prime Minister's personal instruction to the police to halt the investigation, on the grounds that a murder which occurred during the conflict should not be subject to ordinary criminal jurisdiction. The Mission, the FNJ and all local partners, while recognising that there was a political consensus in Nepal on the need for a Truth Commission to deal with abuses that occurred during

the conflict period, noted that there was no agreement, despite the passage of over six years since the CPA, on the constitution of such a body, its mandate or the modalities it would follow.

The IFJ and other members of the Mission pointed out that in the context that prevailed, halting a process initiated under ordinary criminal law would send all the wrong signals and deeply erode the confidence of Nepal's journalistic community in the ability of the emerging political dispensation to protect their rights. The FNJ had in this context, repeatedly emphasised that the media community was in need of positive assurances that their safety would not be jeopardised in the intense political controversies that had gripped Nepal since the breakdown of the Constituent Assembly in May 2012. The prosecution of those accused of Dekendra Thapa's murder was in this regard, one among many steps needed to advance the transition to a political order in which freedom of expression and a free press were recognised as basic democratic entitlements. Nothing, the Mission pointed out, could be calculated to more seriously undermine the confidence of the media community than halting legal proceedings against the alleged murderers of a journalist.

Little effort was made seemingly, to calm the situation in Dailekh. Even as journalists in association with civil society organisations in the district town mobilised to demand justice for Dekendra Thapa, political cadre associated with those taken into custody for his murder began a sustained programme of threats and intimidation. Soon afterwards, some twenty-two journalists from the district, all members of the FNJ, were forced to flee to safety in other parts of the country, because of the climate of fear created.

### Unsettled conditions on the border

The legacy of Nepal's decade long conflict brought up frequent tensions through the year under review. Following the publication of a story in a Kathmandu daily on 20 August 2012 on a war-time atrocity of 2003, in which soldiers of the Nepal army are believed to have killed some nineteen individuals on suspicion of involvement with the Maoist insurgency, Kathmandu-based journalist Ganesh Pandey received threats by email over a period of five days from a person who identified himself as Gyanbhi Gurung. The article concerned was published in the *Samacharpatra* and underlined the need for accountability for the war-time atrocity, known locally as the Doramba incident.

Unsettled conditions have led to the breakdown of law and order on Nepal's open borders with India. The brutal murder of Uma Singh, a journalist based in Janakpur town, right next to the border, has served as a constant reminder to Nepal's media community of the rapid transition from the days of insurgent warfare to outright criminality. Though a few convictions have been handed down for the killing, the main plotters still remain at large, reportedly in neighbouring districts of India. Uma Singh's mother meanwhile, continues her vigil for justice for her murdered daughter.



On 14 December 2012, a journalist Suman Malla, station-in-charge of Radio Mugu in the mid-western region of Nepal, was arrested at his office and taken in for questioning by local police, a few days after his station broadcast a news item on weapons smuggling in the region. The district administration apparently claimed that the arrest was made after Malla refused to clarify certain aspects about the news broadcast. The FNJ called on the district administration to explain its actions which in its words, constituted a serious assault on the “right of a journalist to report on matters that concern the general public”. Nepal’s national law, the FNJ pointed out, allowed for various other means through which government authorities and the general public could seek redress for grievances occasioned by media reporting.

This manner of intimidation by local authorities remained a hazard for journalists all over the country. On 15 August 2012, Hemanta Poudel, editor of the daily *Sudur Sandesh* in Kailali district in the far-western region of Nepal, was threatened by the local superintendent of police through a subordinate official. This followed the publication by *Sudur Sandesh* a few days before, of a report on smuggling across the nearby border with India and the possible involvement of senior police personnel.

Aside from the breakthrough that was quickly followed by a setback in the prosecution of the killers of Dekendra Thapa, an important blow against impunity was dealt when the main accused in near-lethal assault on the young journalist, Khila Nath Dhakal on 5 June 2011, surrendered before the district court in Morang on 30 April 2012. Parshuram Basnet, vice-chairman of the youth affiliate of one of Nepal’s mainstream parties, the Communist Party of Nepal (United Marxist-Leninist), was widely recognised to have ordered the attack. He had been a fugitive from justice since the incident, which led to the young journalist being hospitalised for over a month with serious fractures and head injuries. Accompanied by cadre of his youth party, Basnet surrendered before the district court and was released on bail. No further progress has been registered in terms of his prosecution under the law.

In terms of the defence of working conditions and professional rights, Nepal’s journalists made little progress in the year under review, partly because of the unsettled political climate. There was on this account, no real consolidation on the important judicial breakthroughs made in 2011, when the Supreme Court of Nepal had ordered state-owned media channels to show greater seriousness in implementing the statutory requirements on minimum wages embodied in the Working Journalists’ Act.

For Ram Prasad Dahal, a leader of the IFJ-affiliate and SAMSAN partner, the National Union of Journalists of Nepal (NUJ-N), the year brought an important breakthrough, which could set a precedent for similar cases in future. Dahal’s services as chief reporter with the *Rajdhani* daily were terminated in March 2005, following which he filed a writ petition with the Court seeking remedy. He argued that he had been sacked because of his political beliefs and opposition to the absolute power held by the Nepali

monarchy at the time. In October 2006, the Court found that Dahal had been dismissed in bad faith and without adequate cause and ordered Mahendra Sherchan -- Chairman of Utkarsha Publications and owner of *Rajdhani* – to reinstate Dahal and pay him compensation and back wages owed.

The ruling was not honoured and in taking up the matter again in early 2012, the Labour Court imposed a two month prison sentence and a fine of NPR 5,000 (approximately USD 60 at prevalent rates) on Sherchan. Non-compliance by the media house led to further Court ordered penalties, including the freezing of its assets. Dahal meanwhile, chose not to pursue the Court order on his reinstatement since he had secured employment elsewhere. On 18 July 2012, Dahal met with the Chairman of the Utkarsha Publications, in the presence of officials from the Bagmati Regional Labour Office in Kathmandu. The amount decreed by Nepal’s Labour Court, as compensation for unfair dismissal, was paid to Dahal after the meeting. The settlement came after the Court stipulated that the media group’s assets would be attached in the event of continuing non-compliance.

This event was recognised as a major accomplishment for press freedom, journalistic integrity and independence in Nepal by all IFJ affiliates and SAMSAN partners. There are valid reasons to hope that as far as the judicial interpretations of Nepal’s labour laws and the Working Journalists’ Act are concerned, the principles applied in Dahal’s case will become a part of established law in Nepal.

## PAKISTAN

### Uniting for safety and security

The Pakistan Federal Union of Journalists (PFUJ) and the International Federation of Journalists (IFJ) concluded a nation-wide mission on press freedom with a meeting in the federal capital city of Islamabad early on 5 March 2013. The meeting was held under the banner “Protecting Our Journalists: Safety and Job Security”, against the grim background of three colleagues being killed in just the few days preceding. Those three killings provided an overview of the range and variety of hazards that journalists face in Pakistan.

On 25 February 2013 Khushnood Ali Shaikh, the chief reporter of the state-controlled news agency, the Associated Press of Pakistan (APP) was killed in Karachi, the capital of Sindh province when he was struck in a hit-and-run incident with a car. Shaikh had been receiving threat calls demanding a ransom of fifty thousand rupees in the local currency (PKR 50,000 or roughly USD 500), failing which he was threatened with the abduction of his child. He had informed his union, his employer and the police of the threats. He relocated to Islamabad for a while and only returned to Karachi when he thought that the threats had



International mission members Kanak Dixit and Christopher Warren (right and third from right), Press Council chairman Raja Shafqat Khan Abbasi (third from left) with the PFUJ leadership and a European Union representative (Photo: courtesy PFUJ).

abated. Returning to Karachi, he found the threats resuming. It is believed his death was no accident, that indeed, he was deliberately targeted. Though investigations are yet to establish the true causes at this point, Shaikh seems to have fallen victim to the rampant criminalisation that menaces the lives of all citizens in Karachi. Indeed, Pakistan’s largest and ethnically most diverse city has become an arena of politicised crime, in which the competition between parties representing different sectarian interests has seriously eroded the security scenario.

Two days afterwards, in Miranshah, the headquarters of the North Waziristan agency in the Federally Administered Tribal Areas (FATA), journalist Malik Mumtaz Khan, on his way home, was gunned down by armed men waiting in a vehicle with tinted windows. The manner in which the hit was carried out, suggested the possible involvement of one among the many militant groups that have emerged in Pakistan’s northern province of Khyber Pakhtunkhwa (KP) and the FATA, since these became one of the main staging posts of the U.S.-led, “global war on terror”. Khan had been a journalist for 15 years and had worked for TV news channel GEO and the Jang newspaper group. A respected tribal elder in a region where clan animosities often lead to violent attacks, Khan was not known to have any such enmities. He had been elected president of the Miranshah press club just weeks before his murder. The Tehreek-e-Taliban Pakistan (TTP) which is reflexively identified with any atrocity against civilian life in KP and the FATA, denied involvement in the killing. There is at the time this report is prepared for press, no real understanding within the local journalistic community, of what could have been responsible for Malik Mumtaz Khan’s killing.

On 1 March 2013, Mehmood Ahmed Afridi, a correspondent for the newspaper *Intikhab*, was killed by motorcycle-borne gunmen in Kalat, in the southwestern province of Balochistan. Fifty-six year old Afridi had worked as a journalist since 1995 and was president of the Kalat press club. Colleagues said Afridi had been waiting outside a public telephone booth when two men on a motorcycle stopped and shot him four times before fleeing from the spot. He was in all likelihood a victim of the growing violence of the insurgency in Balochistan which pits a number of groups fighting for independence, against the military, para-military and security agencies of the Pakistan state. This conflict which was already proving a rather complex maze to negotiate, because of the multiplicity of militant groups in the fray – some of them working undercover for the official agencies – has become ever more difficult with the entry of a sectarian element, notably with an extremist group that has been targeting a minority denomination of Islam with acts of extreme violence in recent times.

This category of hazard was represented in the 10 January 2013 twin blasts in the city of Quetta, provincial capital of Balochistan, obviously intended to kill at random and with maximum impact on public morale. The blasts took place on Alamdar Road in Quetta at a snooker club and followed a familiar pattern, of one bomb going off -- and after a delay of a few minutes, when first responders including journalists were expected to gather -- another more lethal one being detonated. In all forty-two people were killed in the immediate aftermath of the twin blasts, including Imran Shaikh, a cameraman with Samaa TV and Mohammad Iqbal, photographer at the News Network International (NNI). Mohammad Hasan, photographer with the Independent

News Pakistan (INP) and Saifur Rehman, a senior reporter with Samaa TV, were seriously injured, the latter dying of his wounds a few days later.

### Political transition gives hope

Hopes are running high in Pakistan following the smooth transition from an elected government to a caretaker arrangement that will oversee the national elections scheduled for early-May, marking the first time in the country's history that an elected civilian government has completed a full term in office.

Soon after this transition, a suicide bomb attack on an election rally in the city of Peshawar, provincial capital of KPA, killed fifteen or more, among whom was Tariq Aslam, news editor of the Urdu-language daily *Pakistan*. Azhar Ali Shah of the same newspaper and Ehtesham Khan, a reporter for Express TV, were seriously injured, though they were soon afterwards reported to be out of danger. Yet one more time, in a reprise of an appeal that has been made at various times over the years since 2000, the PFUJ urged media owners and managements in Pakistan to ensure that all staff deployed in coverage of mass political events, especially in the violence prone regions, are adequately briefed on emergency safety drills and procedures. Yet again, the PFUJ underlined that media managements should respond constructively to the longstanding demand for compensation where journalists are killed or injured on the job. The shameful situation of news gathering equipment being insured while journalists have no such cover, the PFUJ said, could not continue much longer.

Two distinct phases can be identified in this story of multiplying hazards for journalists in Pakistan. Between the beginning of 2000 and the end of 2012, the PFUJ has

identified eighty-four journalists being killed. The seven who have been killed between the beginning of 2013 and the time this report is prepared for press, bring that grim tally to ninety-one. Confining ourselves to the statistics of the first twelve years of the century, we get a figure of a journalist being killed every 52 days. This broad statistical average speaks eloquently of the hazards that media practitioners in Pakistan face. A finer breakdown would show how this is really a story of rapidly accelerating dangers.

Between the beginning of the year 2000 and the end of 2006, eighteen journalists were killed in Pakistan: three every year, or one every 122 days. Since then, till the end of 2012, sixty-six journalists have been killed, or eleven every year, one every thirty-three days. Taking the few months that have lapsed in 2013, though this would be considered too short a time to make a realistic comparison with the two earlier periods, the prognosis appears rather grim for media practice in Pakistan.

The rising hazards since the beginning of the century are of course, integrally connected to the 2001 incidents best remembered today as 9/11, when Pakistan became the main staging post of a global war led by the U.S. The considerable aggravation of the situation since 2006 is about the strategies adopted by successive Pakistan governments to contain the eruption of disruptive forces, failing one after the other. Initial efforts by the Pakistan federal government to work a peace agreement with the self-governing tribal groups in the FATA were rewarded with a fair measure of peace and stability. But from about 2002, the situation began getting turbulent. Following an effort by the Pakistan army to pacify the tribal belt with a display of overwhelming force, another attempt at a truce began in 2005. By about 2006, this effort too was seen to be unraveling.



PFUJ's national meeting at Islamabad on 5 March drew wide participation (Photo: courtesy PFUJ).



Compelled to take notice of the rising dangers, Pakistan's parliament on 4 March held a special session of an *ad hoc* committee on journalists' safety, to debate possible means of improving the situation. In depositions before the committee, the PFUJ suggested the appointment of a special public prosecutor to deal with attacks on the media. It also put forward a firm proposal for legally mandated insurance cover for all journalists. And till such time that comprehensive insurance coverage becomes available, compensation should be afforded by the government for the families of all media workers killed, and medical coverage for those injured. Pakistan's parliamentarians by all accounts, took the issue of safety for journalists with a high degree of seriousness. Attiya Inayatullah, a member of the *ad hoc* committee, seemed particularly responsive to the demands of the media community and was especially sharp in upbraiding the Federal Ministry of the Interior for having dispatched a relatively low-ranking officer of the director-general rank, rather than the secretary, to the committee hearings.

In KP and the FATA, there are continuing legal and financial hazards, which could be summed up in the words of a recent PFUJ document as follows: "*for the more than 400 journalists working in KP and the FATA, employment conditions are unsatisfactory. Most newspapers do not provide letters of*

*employment or IDs showing that the journalist works for a media organisation. Salaries are meagre, leaving journalists unprotected legally, financially and physically*".

That situation continues to prevail. In fact, it has been aggravated considerably since these observations were recorded. The PFUJ is stepping up efforts to organise journalists' unions in the KP and FATA. There are at present two unions in KP, which is a conglomerate of twenty-five districts. The Khyber Union of Journalists (KhUJ) based in the provincial capital of Peshawar and the Abbotabad Union of Journalists (AUJ), based in the second largest city of the province, are both affiliated with the PFUJ. In the troubled FATA, the Tribal Union of Journalists (TUJ) is the single most important body of journalists, though it is not an affiliate of the PFUJ, because of the constitutional position that the PFUJ can affiliate only local units in centres where newspapers are published and relevant national laws are applicable.

The FATA in this sense, has a unique status within the federal political system, since by agreement between the political leadership of Pakistan from the time of the state's creation and local tribal notables, national laws are not operative here. The legal framework for the administration, rather, is the quaintly named Frontier Crimes Regulations, promulgated over a century back by the British imperial



Journalists stage a sit-in protest in Islamabad after the 10 January twin bombing in Quetta (Photo: courtesy PFUJ).

rulers in India and designed to safeguard local tribal autonomy while securing the broader interests of stable borders that the central administration required.

By virtue of this, the law that safeguards journalists' rights to fair wages and working conditions, the Newspaper Employees (Conditions of Service) Act of 1973, or NECOSA, has no legal force in the FATA, though there are now, some long overdue signs of change. In October 2011, the federal government in Pakistan, in consultation with the provincial government of KP and local notables, decided on extending the national law governing political parties to the FATA. This was considered a move of historic consequence, since it could potentially bring a region regarded as a buffer zone between autonomous political entities, without a right to the practice of ordinary politics, into the mainstream of competitive democratic politics.

### Legal protection for journalists

The PFUJ now demands that all parts of the country with normal political activity, should also afford all necessary assurances of media freedom. This means that NECOSA could soon be extended to the FATA, perhaps in time for upcoming elections to the national and provincial assemblies. This may possibly correct one of the ambiguities in the position of journalists in the FATA. The TUJ has more than 300 journalist members and began a process of internal democracy in 2007, which brings it closer in conformity with the PFUJ practices. Other towns in KP province – such as Swat, Kohat, Charsadda, Mansehra, Dera Ismail Khan and Mardan – also have unions, which could potentially be affiliated with the KhUJ. They cannot be directly affiliated because these towns do not have two local newspapers, which is a requirement under the PFUJ statute.

Another form of association for journalists in the FATA has been the press club, of which the region has twenty. Because of unsettled conditions though, many journalists have been relocated from their original places of work. Several have clustered in Peshawar and this has meant that the press clubs and unions in their home districts have become dysfunctional because of non-participating membership. In the complex administrative hierarchy of KP and the FATA, it is often difficult to understand where journalists who face continuing attacks, should go for justice. In the catalogue that the PFUJ has assembled, KP and the FATA account for a total of thirty-one journalists killed.

The track record for journalists' safety in Balochistan, the largest province of Pakistan in geographical terms has been dismal, with thirty-two journalists killed in the reference period beginning 2000. What is even more alarming about Balochistan, is that the death toll has rapidly been rising in recent years, to the extent that within a country that is increasingly being seen as the most hazardous place to be a journalist, Balochistan figures as absolutely the worst region.

The intensity of the threat in Balochistan could be estimated from the fact that in the six months preceding the publication of this report, six journalists have been killed in the province. There have been a number of cases

in recent times of the twin bomb strategy being deployed to create maximum havoc, or an initial bomb attack being prelude to a larger and sustained armed offensive designed to cause maximum damage to all who assemble at the spot to either render succour to the injured or report for the local community. The groups that threaten journalists include the militant Islamic group Lashkar-e-Jhangvi which operates throughout Pakistan with varying degrees of local patronage, alongside several others that are specific to the Balochistan context, such as the Balochistan Liberation Army (BLA), Balochistan Liberation Front (BLF) and Balochistan Liberation Youth Front (BLYF). There are in addition, a number of agencies of the Pakistan state, and organisations enjoying overt and covert assistance of the intelligence agencies, which are active hazards for free and fair reporting.

In a typical case involving the conflicting pressures imposed on journalism in Balochistan, the BLA would issue a statement claiming an attack on an armed patrol of the Frontier Constabulary (FC) – the principal police agency for the region -- that killed a number of its personnel. The FC would then, on being contacted by local journalists, entirely deny the content of the statement. This would put the journalist in a virtually impossible position. Sub-editors who try to render militant releases in to accepted journalistic usage, are also threatened, since these groups are typically known to demand that press releases be published unabridged. Every group demands top priority in news coverage on every media platform. No amendments are entertained in statements even when compelled by the needs of space.

Even when newspapers have a well-declared policy of retaining front-page space for news of national and global importance, insurgent groups are known to insist on their material being featured in this prime space. Balochistan's journalists worry that such a demand if granted in one instance, would lead to a long line of applicants demanding similar treatment. Political activists belonging to national parties such as the Pakistan Peoples' Party (PPP) and the various factions of the Pakistan Muslim League (PML), are also known to pressure and intimidate journalists. There have been cases of these political activists forcing their way into newsrooms and occupying journalists' work-spaces to pressure them into complying with particular demands.

Reporters in the field are moreover disadvantaged by their inability to control editorial priorities and choices, which are typically in the hands of staff based in cities like Karachi, Lahore and Islamabad. And with all the hazards they face, journalists do not have the benefit of insurance, nor are their families assured of any manner of compensation in the event they fall victim to violence. In Balochistan's recent troubled history, there has been only one case of a journalist being granted compensation: Abdul Haq Baloch's family was given a sum of PKR 1 million (just under USD 10,000) after he was killed in the district of Khuzdar. Journalists believe that media owners too have been indifferent to their needs and their families'.





A series of safety workshops across the country have sought to keep journalists abreast of best practices (Photo: courtesy PFUJ).

### Basic skills deficit

The journalistic veterans who lead PFUJ in the provinces and at the federal level, believe that media organisations have in the recent boom years, been recruiting people with little experience in the profession and with limited knowledge of how to deal with hazardous situations. This rather exploitative business strategy is compounded when they put pressure on staff to reach “breaking news” spots, without even the most cursory assessment of the risks involved.

Journalists working in rural areas do not have any kind of salary. And they are the people most at risk. The quarters from which the dangers arise are often unpredictable. While the insurgent groups which operate outside the political and legal process are a constant threat, another category of danger is believed to stem from armed groups operating under the patronage of the state. During its last mission to Balochistan in October 2011, the PFUJ team met with the Inspector-General of the FC, Major-General Obaidullah Khattak, who is mandated with overall operational responsibility for security in the province. The PFUJ listed the various incidents of journalists being killed and then identified a number that had occurred in areas in Balochistan where no militant organisation operates. There was an onus of proof on the security agencies, the PFUJ has

warned, to establish that they are not involved in these killings.

The other serious issue that confronts journalism in Balochistan is about fair reporting. Underground organisations are by definition, operating without any manner of legal rights. But their actions have the potential to affect public life for better or for worse, as when one of them declares a general strike and warns that anybody seen in a public space on the day would be fair target for retaliatory action. There are other kinds of statements issued by banned organisations which particularly target individuals or communities. And still others where they seek glory for carrying out some particularly violent act against civilian life.

Balochistan’s journalists have faced all these dilemmas over recent years of violence and turmoil in the province. Their cause was not assisted when the Chief Justice of the Balochistan High Court in Quetta, Qazi Faiz Issa, rendered a formal judicial ruling that journalists reporting on banned organizations would be liable to imprisonment of up to six months. A PFUJ delegation met him soon after this ruling was given, to argue that journalists who face the daily hazards of reporting on events in a region of violent conflict, are often compelled to do things that they would



not otherwise be in agreement with. While this dialogue was underway, the Chief Justice of Pakistan, Iftikhar Hussain Chaudhary visited Quetta and made a public statement in support of the Quetta High Court ruling. There are as this report is being sent to press, an estimated sixteen cases registered against newspapers in Balochistan for reporting militant groups' statements and press releases.

Karachi, Pakistan's largest city and capital of Sindh province, has witnessed endemic violence since the 1980s, which was to begin with, mostly sectarian and marked by mob actions. Since then, the scenario has been transformed, with targeted killings becoming increasingly the norm. In the first two months of 2013, there have been 473 killings in Karachi, of which 80 percent are estimated to have been specifically targeted. Overall, 70 percent of the killings would be with outright criminal motives and the others would be originating in sectarian and personal animosities. The land mafia is significant and active in Karachi, and sections of the police force are believed to be in collusion. The mafias are also linked to drugs and arms. There are political, sectarian, criminal and gang wars. The Inspector-General of Police for Sindh Province, Farooq Leghari, recently said in testimony before the Supreme Court that 1600 criminals were possibly employed within the police force. The law enforcement agencies lack the will to control the killings and several of the targeted killings are carried out by hired killers.

With its huge population of roughly 20 million, and localities segregated by community and ethnicity, Karachi is also an easy place to hide for militants and criminals from all over Pakistan. The security situation is far different in Karachi than in Balochistan, KP or the FATA. Elsewhere, in the assessment of a local journalist, the conflict is focused and involves identifiable antagonists. Karachi has imported into its confines all the conflicts and tensions from all of Pakistan, aside from having several that are uniquely its own.

The media in Karachi, as elsewhere in Pakistan, is free to report. As a city with the largest media community in Pakistan, Karachi has succeeded in ensuring that individual reporters are not hemmed in by any advisory or restriction. However, as a matter of practical necessity, journalists have to be extremely careful about reporting on militant groups. "You can be marked. You also have to be careful in regard to the intelligence agencies, and even the political parties and their links to the underworld and militant groups", said a journalist who met with the media mission to Pakistan in March 2013. "The sheer power of certain politicians, such as the President, means that journalists have to deliberate carefully before mentioning his name. Business tycoons, who also invariably happen to be politically influential, rarely come in for criticism".

As elsewhere in Pakistan, the arrival of television news channels has taken the consumption of news to a different plane in Karachi. The city's media community think that in the days of print journalism, the visibility of journalists was considerably lower, as too were the risks they were compelled to take as part of their job. There is also more

opportunity in the liberalised media environment, for illicit cash hoards to be laundered by investing in television. In securing this measure of legitimacy, the TV news operator also gains political power that serves to protect his other business interests.

This ethically unsound culture also infects the manner in which media houses engage journalists. Owners often get away with only issuing identity cards to journalists. With no assured monetary compensation for effort, the journalist is compelled to work several jobs, because of which he or she is likely to face multiple kinds of threats. "Every journalist is doing multiple jobs, the same television journalists could be reporting for Geo, Khyber and NNI news agency", said one of the journalists who spoke to the recent media mission to Pakistan. This also increases the dangers of the reporter using journalism as a 'badge' to be active in other areas of interest.

### Editorial functions undermined

The PFJ is concentrated on the protection of journalists and the defence of their rights. Editors and owners' groups mostly discuss revenues and advertising, including when they approach government authorities. These include the Council of Pakistani Newspaper Editors (CPNE), the All Pakistan Newspaper Society (APNS), and the Pakistan Broadcasters Association. The CPNE is said to be controlled by owner-editors, so that they rarely send working editors to important meetings. Some media groups were quite proactive in fighting for press freedom, and also for socio-political causes – such as Geo on the Hudood Laws. However, the owners seem to have decided to go for more social causes, such as Geo being engaged now on an education campaign. The Jang Group has kept up its *Aman ki Asha* campaign for India-Pakistan friendship, and the attacks on this from the other media houses has ceased. The primary fault of the media groups is the undermining of the role of working editors. Members of the APNS are also members of the CPNE, and they tend to put a higher priority on the former organisation which fights for economic benefits, rather than the latter which is the designated custodian of editorial freedom.

Advertising, including by political parties and government, continues to be a source of leverage. However, government activism is now at a relatively low ebb, while commercial advertisers – from the telecom, real estate and multinational business sectors -- are important enough to stifle some reporting. Political parties are a new entrant here. The upcoming election campaign is widely expected to be a bonanza for media houses, print and electronic, because the trend is towards massive paid advertising by political parties. During this time, there is expected to be much pressure on individual reporters.

What has changed for journalists is that direct government pressure is much less now than in the 1980s. The threat now comes from non-state actors and intelligence agencies. One suggestion was that during President Pervez Musharraf's tenure between 1999 and 2008, the pressure was from the government, but now it is from elsewhere,

mainly from political parties, which are believed to maintain “intelligence” on journalists. There is a particular focus on Karachi because it is the media hub. There is outright killing to “stop the voice” but also economic arm twisting. And even if the influence of government advertising has diminished, it still amounts to about 30 percent of the print advertising market.

Media houses are also seen to have little interest in the training of journalists. Most journalists working for television are on contract without job security, and the number in permanent positions within print media has also shrunk sharply. The training of journalists is also affected by the fact that there is little sense of history, of the struggles of the Pakistani media for freedom and there is also little chronicling of the evolution of the media. There are also concerns about the plethora of journalists’ associations that have sprouted, including associations of reporters, photographers, desk editors and so on, mainly because this is seen to be a way of seeking and gaining access to a variety of perks.

Militant groups follow journalists very carefully, to see what is reported and how it is reported, and those who cross the red line can be challenged. Security is now such a concern that journalists make it a point to move in groups when going out on reporting assignments. It helps to move as a group with Sindhi, Pashto and Urdu-speakers in the group so that encounters with different groups can be handled. Regardless of beliefs or affiliation, journalists are profiled by militants according to name, especially in the context of sectarian violence in Balochistan and Sind. Journalists in the field are forced to work for more than one employer. As a result, when a journalist is enmeshed in trouble, or becomes target of physical attack, there is no sense of loyalty among the employers to come out in support. Professionalism is also compromised because journalists are asked to double as advertising agents for their media houses.

There are no controls on cross-ownership of print and electronic media. That battle was lost in 2005, it is said, even though the PFUJ warned that it would create monopolies with the ability to blackmail the government of the day. Cross-ownership is found across the spectrum, including Geo, Express, Dawn, Duniya, KTN-Sindh, Apna TV, Aaj, Nawa-i-waqt, and others.

### Reign of impunity

One of the most chastening realities of life in Pakistan is that no incident of a journalist’s killing, barring the abduction and subsequent murder of the U.S. national Daniel Pearl in 2002, has ever been taken to court. In very few cases has the first information report (FIR) recording the occurrence of a crime and opening investigations, been registered with the police. This is almost always because of the climate of fear and intimidation that prevails. After the killing of the Geo News reporter Wali Khan Babar in 2011, five possible witnesses were killed in what seemed to be targeted attacks in the city of Karachi.

In the abduction of Hayatullah Khan in 2005 and his subsequent killing after six months in captivity, a judicial commission of inquiry was appointed which submitted its report to the governor of KP. This report has never been made public. Hayatullah Khan’s killing had stirred up widespread anxiety and resentment because it occurred after a series of his reports had called into question official government versions of events in the FATA and KP, and suggested that foreign forces were operationally more active in the region than the government was prepared to accept. The Judge Sardar Mohammad Raza has given a few interviews since his report was submitted, which have not indicated much about what his findings were. The report submitted in 2007, still remains confidential.

The inquiry report into the killing of Syed Saleem Shahzad, submitted in January 2012, observes how deeply traumatic the incident was. It was not just Shahzad’s family and the community of journalists that was left “in a state of shock”, but also “the public at large”, since the “net of suspicion was cast, amongst others, on institutions of the state itself”. On the basis of its extensive interviews and investigations, the Justice Mian Saqib Nisar commission concluded that “in all probability, the background of this incident is provided by the War on Terror”. This conclusion is warranted by the fact that as an “investigative reporter, Saleem’s (sic, Shahzad’s) writings probably did, and certainly could have, drawn the ire of all the various belligerents in the War on Terror – the Pakistani state, the non-state actors such as the Taliban and al-Qaida, and foreign actors”.

Any one among these diverse elements could in the assessment of the commission, have “had the motive to commit the crime”. As a journalist, Shahzad was clearly “in contact with all of these”. The commission does not rule out the possibility that the “incident” may have been linked as some witnesses asserted, to the “subsequent drone attack on Ilyas Kashmiri”, an Islamic militant working in Pakistan’s northern areas, and notified as a high-value target. Indeed, Kashmiri had been reported dead at various times in the past, until an interview that Shahzad did with him in 2010 established quite firmly that he was alive and active in the insurgency in Afghanistan and the wider region.

The Nisar commission allowed for the possibility that there may have been some agencies interested in determining Kashmiri’s whereabouts and could have picked up Shahzad for that reason. The drone attack that killed Kashmiri took place four days after Shahzad’s murder. With a surfeit of hypothesis before it, the commission admitted that it had been “unable to identify the culprits”. With this admission of failure or inability, the commission urged “the competent authorities to continue all investigations in the ordinary course of the law”. Certain of the commission’s findings on the functioning of the state agencies were welcomed, such as its recommendation “that the balance between secrecy and accountability in the conduct of intelligence gathering be appropriately re-adjusted, with



Participants at the safety workshop for journalists in Multan (Photo: courtesy PFUJ).

the aim of restoring public confidence in all institutions of the state". There was also a firm conclusion that the more important agencies, such as the Directorate of Inter-Services Intelligence (ISI) and the Intelligence Bureau (IB) be made "more law-abiding through a statutory framework carefully outlining their respective mandates and role; that their interaction with the media be carefully institutionally stream-lined and regularly documented; that all the Agencies be made more accountable through effective and suitably tailored mechanisms of internal administrative review, Parliamentary oversight, (and) that a forum of Human Rights Ombudsman be created for judicial redressal of citizens' grievances against Agencies, particularly the grievances of the Press against attempts to intimidate, harass and harm them".

Though this was not within its mandate, the commission also recommended "that the Press be made more law-abiding and accountable through the strengthening of institutions mandated by law to deal with legitimate grievances against it". Certain observers held that this recommendation, made without context, may be unwarranted since it addressed a separate set of issues altogether. Like much of the official commentary in South Asia on rising atrocities against journalism, this seemed suspiciously to be about blaming the messenger.

The Nisar commission report met with a subdued reaction in Pakistan, given the delicate state of the relations between the country's most vital institutions. There was broad public approval though, for its proposal to bring the intelligence agencies under some form of parliamentary oversight.

### Rising defaults on fair wages

Recent years have seen rising defaults by Pakistan's media industry on assurances of fair wages and working conditions held out under national law. For Pakistan's journalists, the NECOSA is a basic charter of rights, which recognises fair wages and working conditions as an absolutely vital part of the guarantee of media freedom. Yet the minimum wage levels specified under national law are rarely paid and the assurances of job security have remained largely, unfulfilled. The media boom of the last decade may have benefited some journalists who enjoy a high public profile. But the majority remain poorly paid and insecure in their terms of employment. In the last three years especially, even the payment of regular salaries has become a rarity in several media houses which continue to face the consequences of shrinking advertising spending and economic slowdown.

The PFUJ won a significant victory when the Supreme Court of Pakistan in 2012 directed the body charged with implementation of statutory wage scales, to submit a report on the level of compliance in the news industry. It is learnt that since then, a number of newspaper groups have begun implementing the Seventh Wage Award. Some newspaper groups have sought to neutralise the financial benefit accruing to journalists by withdrawing other allowances that were negotiated through the decade of stalemate over the implementation of the award. The decade that has been lost to litigation of course, cannot be regained. And Pakistan's journalists believe that an Eighth Wage Board has long since fallen due, to be set up with a time-bound mandate and the prior understanding that no further litigative delays will be permitted.



## SRI LANKA

### Media freedom vital in winning the peace

Within the wider landscape of diminishing hopes, marked by the fading of early optimism of a peace dividend accruing from the end of Sri Lanka's civil war in May 2009, the country's media practitioners continue to face formidable difficulties. In the months that followed the end of the war, overt measures of coercion seemed less conspicuous, with political and financial power being deployed to silence dissent. That may have changed in the year under review, with violence against journalists and the media becoming a disturbingly recurrent phenomenon.

Just before dawn on 13 April 2013, the office and printing press of the Tamil newspaper *Uthayan* in Jaffna, capital of Sri Lanka's northern province, came under attack. According to information received from SAMS partner, the Free Media Movement (FMM), three armed men arrived and began firing at random. Staff who were organising the day's edition for distribution, scattered in panic. The armed

intruders who remain unidentified as yet, then went to the printing shop, fired at some of the vital equipment with obvious intent to disable it, and set fire to both newspaper bundles and some of the machinery. *Uthayan*, which is the largest circulated Tamil newspaper in the northern province, principal theatre of the country's quarter-century long civil war, has been the target of violence for several years, with eight workers being killed since 2005.

Ten days before the most recent attack, the *Uthayan* distribution office in the northern provincial town of Kilinochchi had come under attack. Six masked men on 3 April forced their way into the office premises of the newspaper as the day's edition was being prepared for distribution. They carried cricket stumps which they used to beat up newspaper staff and damage office property, including a vehicle that had just brought the day's edition from Jaffna.

*Uthayan's* well-established editorial stance tilts strongly towards the Tamil demand for political autonomy. It is owned by E. Saravanapavan, a Member of Parliament from the Tamil National Alliance (TNA), who said shortly after the 13 April attack, that the chief editor of the newspaper had written to top police officials of the northern province



Aftermath of the 13 April attack on the *Uthayan* office in Jaffna (Photo: courtesy FMM).



after the incident at Kilinochhi, requesting urgent security measures. He received no response. Furthermore, the single police officer provided to the newspaper for security since an especially violent attack in 2006, proved to be ineffective, although he was on the premises when the later incident happened. The FMM pointed out in a statement released on 13 April, that “the burning of the *Uthayan* printing press and other attacks on the Tamil media ... suggests a pattern of violence that is deliberate and that powerful political elements and the security establishment are aware of but are choosing to ignore”.

The effort to silence *Uthayan* after the country’s long civil war was formally declared over in May 2009, the FMM said, was “a direct attack on post-war democracy and media freedom in the country, aimed at suppressing the dissemination of important information and diverse views among the public”. The FMM warned of the “serious implications of such actions for peace and reconciliation”. It demanded that “the government take appropriate action to prevent armed individuals and groups from committing violence in the north, in an area that has the highest military presence in the country”.

The TNA has been leading national reconciliation efforts since a quarter-century long civil war between government forces and the Tamil separatist guerrillas based in the north ended in 2009. In elections to the national parliament and local bodies, it has demonstrated strong support among the people in the northern province. *Uthayan* was attacked a number of times during the civil war and since. In May 2011, one of its staff reporters, S. Kavitharan, was beaten up in Jaffna city by unidentified assailants. In July 2011, shortly after a strong showing by the TNA in local bodies elections in the north, the *Uthayan* news editor, G. Kuhanathan, was beaten with iron rods and left with near fatal injuries in a Jaffna street. Kavitharan and Kuhanathan have since been granted political asylum abroad.

The April 2013 incidents were the latest in a long sequence of targeted attacks on the staff and premises of *Uthayan* in Jaffna city and elsewhere. In January 2006, S.S. Sukirtharajan, a reporter for *Sudar Oli*, a newspaper from the same group, was shot dead in Trincomalee in the eastern province, in evident retribution for his role in exposing the possible involvement of Sri Lankan armed forces in the execution-style killing of five Tamil students. In May the same year, two employees were killed in an armed attack on the *Uthayan* premises in Jaffna that may have had Kuhanathan as target. Later that month, a delivery van belonging to the newspaper was attacked and its driver killed. Another attack on the *Uthayan* office occurred in August 2006. And in April 2007, S. Rajeevarman, an *Uthayan* reporter in Jaffna, was shot dead after reporting on disappearances in the northern province.

In January 2012, a diplomatic cable from the U.S. ambassador to Sri Lanka at the time came to light, recording a 4 October 2006 conversation with Basil Rajapaksa, brother of the president and his officially designated “senior adviser”. Basil Rajapaksa is described as speaking with

“surprising candour” and admitting that a Special Task Force comprising elements of the Sri Lankan military and police, may have carried out the execution of the five students in Trincomalee. Basil Rajapaksa’s candour in identifying the agency responsible for this atrocity, must be counted as a rare interlude in recent diplomatic history, though he was evidently banking on confidentiality. In the course of the same conversation, Basil Rajapaksa is also recorded telling the U.S. ambassador that two close allies of the President – Douglas Devananda and Vinayagamoorthy Muralitharan (*alias* “Colonel” Karuna) – were posing problems in the northern and eastern provinces, by letting their armed cadre loose. The August attack on the *Uthayan* premises, said Basil Rajapaksa, was probably the work of Devananda’s political party, carried out in all likelihood with the support of elements from the Sri Lankan Navy.

### Official sponsorship

Following the April 2013 attacks, there has likewise been some informed speculation in Sri Lanka’s many news websites, that commando squads reporting directly to the top military command in the northern province may have been responsible. Investigations so far have uncovered little of substantive value in terms of evidence or clues about the possible perpetrators.

In July 2012 the Government of Sri Lanka (GSL) announced a “National Action Plan” (NAP) to give effect to the recommendations of a commission on national reconciliation. The Lessons Learnt and Reconciliation Commission (LLRC) as it was called, was appointed with a presidential mandate a whole year after the war’s end. Despite early scepticism about its terms of reference, the hearings of the commission did manage to unearth some important – if partial details – about civilian suffering in the north of the country in the last years of the war. In a report running to over 400 pages, submitted in November 2011, the LLRC had no more than two pages that were of direct relevance to the media. But the few recommendations that it did make in this respect, were deeply consequential.

The commission had recommended steps to prevent attacks on media personnel and institutions, the investigation of such events from the past and deterrent punishment where appropriate. It also urged the restoration of full rights to free movement for media personnel and the enactment of a right to information (RTI) law. Despite the very clear action points laid down in the LLRC report, the NAP set down no time-line for the passage of an RTI law and probably glossed over the need to dispel the climate of impunity for attacks on the media. Neither was there any mention of the need for a regime of transparency and the assurance of free movement for media persons.

There is at this time a degree of confusion over the nature of the relationship between the NAP and an earlier action plan announced in December 2011, titled the National Action Plan for the Protection and Promotion of Human Rights (referred to commonly as NHRAP). The





SLJA and FMM leadership took out a march in January to protest the continuing reign of impunity (Photo: Sampath Samarakoon, Vikalpa Sri Lanka).

latter programme of action was evolved by the GSL as part of voluntary commitments made at the Universal Periodic Review (UPR) of Sri Lanka at the U.N. Human Rights Council (UNHRC) in May 2008. Key commitments under the NHRAP that have a direct bearing on media freedom, include the enactment of an RTI law within a year, a review of the Official Secrets Act within six months, and comprehensive legislation on internet access within a month. None of these commitments has been met. If anything, there has been a contrary trend, with the introduction of an arbitrary rule for registration of news websites, establishing a *de facto* norm of restraining the freedom of expression without a clear legal or constitutional mandate.

Towards the end of September 2012, the GSL declared the closure of the Menik Farm camp for internally displaced persons (IDPs) in Vavuniya district in the north of the country. Vavuniya is one of four districts in the Vanni region, which bear the worst scars of the war's last phase. In the months after the end of the war, Menik Farm had 300,000 inmates, vulnerable to the elements, deprived of basic amenities and unsure about life beyond the perimeter of the camp. From the early part of 2010, the GSL began allowing IDPs housed in the camps that were beginning to earn worldwide notoriety as internment centres, to return home. This was heralded in official statements as the beginning of a rapid process of normalisation. But more sensitive elements within the Sri Lankan media found on tracking those who were seeking to rebuild their lives that they had little to return to. They lacked the resources to begin life afresh after the devastation inflicted in the last phases of the war and they had no clear idea of the lands they had tenure over, when intensive military colonisation in the north and the east had been adopted as a part of the national security strategy.

By September 2012, fewer than 1,200 remained in Menik Farm. Though officially portrayed as an important milestone, in the prevalent mood of scepticism, the closure of the camp was seen as a cosmetic makeover in preparation for the Universal Periodic Review to be undertaken in the U.N. Human Rights Council session, beginning end-October. Beyond the propaganda mileage gained in the rapid downsizing of the IDP camp from its maximum expanse in the post-war months, there were questions posed about the quality of life assurances that the GSL was extending to the resettled population.

Soon after the GSL announced its intent to close down Menik Farm, a news team from the English language daily *Ceylon Today* travelled to Vavuniya district to record the last days of post-war resettlement. The team had much to say about the state of uncertainty that Menik Farm inmates went back to, even when they were able to run the gauntlet of the heavy military presence and find their last place of settlement. It also found that “unearthing information in the interest of Sri Lanka’s war-displaced (could) prove daunting”. The obstacles that the news team faced as it went about the job of documenting the closure of Menik Farm, were narrated in first person in the following terms in the 29 September 2012 edition of the newspaper:

*What is going on in a little-known place named Seeniyamottai in the Mullativu District is a well-guarded secret, with different agencies offering different interpretations. Often, the answer is to declare that they are not authorized to speak to journalists, unless papers are processed through the one powerful agency, Ministry of Defence, permitting officials to speak.*

*There was no expectation of a cordial welcome on our part, but it was made very clear that the new resettlement*



*initiative was to be a hush-hush operation, at least for the time being. We were rudely told that there was nothing for anyone to see inside a welfare camp and we should not be 'overly curious.' Facilitated largely by the military, it bore all signs of a camp that is still being set up.*

*"Go elsewhere. .. There is nothing for you here," a junior officer on duty told us. The style of operation, the refusal to share any information, was in contrast to the government's lofty claims of transparency and accountability in the resettlement process, and to the many assurances offered to us in Colombo that 'there are no IDPs now. Feel free to visit any place.'*

*The journey and the information blockade in Seeniyamottai demonstrated that though it is now post-war, resettlement, like many other issues connected to the concluded war, still remained taboo a topic. So, Seeniyamottai saga was not up for discussion. There was no surprise when we were denied entry into the new 'welfare' village. If the relocated are to be believed, there is very little welfare within the site, with no water, electricity or even cooked food being available. Wednesday's rain caused the IDPs to get drenched in their new-found home, with tents being scarce.*

Similar experiences were narrated by a reporter for the news portal Lankastandard ([www.lankastandard.com](http://www.lankastandard.com), posted 30 September 2012) from an expedition into the Vanni to determine how true the official narrative on resettlement was:

*Suriyapuram camp which is situated in close proximity to the Security Forces Head Quarters in Mullaitivu is guarded by a group of army personnel and the media is not allowed to visit the IDPs, in fear of the facts being reported.... When The Lankastandard visited Suriyapuram camp in Nandikadal on Wednesday September 26, 2012 to report on the efficacy of the 're-settlement' programme of the IDPs and the progress thereof, the army stops us in our tracks. The military personnel at the check point told us we could not proceed unless we had either the permission of the District Secretary Mullaitivu or the Civil Affairs Officers of the Security Forces Headquarters Mullaitivu... My photographer and I who were in Mullaitivu on Wednesday and Thursday were stopped from entering the Suriyapuram camp in Nandikadal by the army officers on guard. This was the camp where the last batch of IDPs from the Manik Farm was brought to although the government claimed they were re-settled in their villages... Not only did they stop us from entering the Suriyapuram camp, they threatened us not to write anything detrimental to them... One of the army officers inside the makeshift camp shouted at me to leave the area immediately and warned me not to write anything against the camp and the IDP grievances but to 'mind my own business'*

A more detailed account, though similar in all essential respects, is available from another news team that went into

the northern districts to report on the resettlement process, published on 29 October 2012 at the Srilankabrief website ([www.srilankabrief.org](http://www.srilankabrief.org)). Clearly, there is abundant basis to believe that even with the best of intentions to report on the state of post-war rehabilitation, the media would face active impediments from the security forces and other state agencies.

### **Falling short on reconciliation imperatives**

This is one important respect in which actions by the Rajapaksa regime fall short of LLRC recommendations. With Devananda and Karuna still being indispensable allies of the President and key to sustaining the fortunes of the ruling coalition in the northern and eastern provinces, media freedom bodies in Sri Lanka think there is little possibility of any manner of accountability being enforced for the attacks of the past. Since the U.S. ambassador's cable was leaked, a number of media platforms in Sri Lanka publicised its contents. Among all these, Devananda has chosen to file a defamation suit against *Uthayan* alone.

Progress in the investigation of *Sunday Leader* editor Lasantha Wickramatunge's murder in January 2009 and the disappearance of cartoonist Prageeth Eknaligoda in January 2010 has been negligible. Despite occasional statements from investigation agencies that dramatic discoveries were imminent, hearings in both these matters have repeatedly adjourned with the police reporting nothing of consequence. Meanwhile, efforts by journalists through professional bodies – including SAMSAN partners, the FMM and the Sri Lanka Journalists' Association (SLJA) – to highlight the issue of impunity have been likened by official spokespersons to high treason.

Two media personalities are identified as particularly abusive in their public commentary over state-controlled channels. Hudson Samarasinghe, chairman of the Sri Lanka Broadcasting Corporation, runs a daily radio talk-show where he is known to be relentless in pursuit of supposed enemies of the nation, sparing no epithet in his condemnation. And so too is Mahinda Abeyundara, former editor of *Dinamina*, who now enjoys a regular spot in talk-shows hosted by ITN.

It is a particularly alarming feature of the current state of the media in Sri Lanka, that the parliamentary opposition, which has the unabridged right under the constitution to call into question this manner of management of the air-waves, has chosen to opt out. Late in September 2012, a meeting of the Parliamentary Committee on the Media Ministry adjourned within half-an-hour without any discussion, since the members were not presented with an agenda and could find no issues to talk about. The opposition leadership argues that it is under no obligation to stand up for media freedom when it gains little time or space in the media. Ranil Wickramasinghe, leader of the opposition in parliament, recently attracted criticism when he called on the public to boycott all state-owned media. He followed up with an exhortation that the public should boycott all media platforms that are seen to uncritically



Posters created during Black January protests commemorate the journalists killed and attacked during the war years (Photo: Sampath Samarakoon, Vikalpa Sri Lanka).

parrot the line of the regime, singling out the Maharaja media group which has broadcasting interests in Sinhala, Tamil and English. He remains unrepentant about this seeming rabble-rousing since the political opposition he claims, is doing all it can to bring about a degree of sanity in governance. But the media for narrow commercial reasons has given it little traction. Indeed, the media has in his portrayal, become a willing tool in the hands of the current regime, indulging its every whim.

The opposition seems to have responded with a strategy that utilises online resources to counter-attack. And news websites hosting content on Sri Lanka have been subject to arbitrary rule changes and frequent obstruction in recent months. In December 2011, the Media Ministry introduced a rule requiring the registration of all websites hosting news content on the country. An FMM petition challenging this notification under fundamental rights clauses, was dismissed by the Supreme Court in May 2012 on grounds that the websites had themselves complied with the registration requirement and the petitioners had no *locus standi* in the matter.

**Offices of news websites raided**

On 29 June 2012, Colombo city police raided the offices of two news websites, SriLanka-X-News and SriLanka Mirror,

took into custody all the staff present and impounded all their equipment. A team of approximately twenty-five law enforcement officials arrived at the shared premises of the two websites that morning. All media workers present were detained within the locked premises for three hours and questioned by the police, following which they were taken away to the headquarters of the Crime Investigation Department (CID). Computers and other equipment were confiscated.

Concurrently, the police also raided the residence of Ruwan Fernandez, formerly with the SriLankaMirror and then editor-in-chief of SriLankaXNews. Fernandez is a close political associate of the opposition politician Mangala Samaraweera and his websites are in all but name, associated with Sri Lanka’s principal opposition, the United National Party (UNP). Just the day before the raids, Sri Lanka’s government had ordered the country’s main internet services to cut off access to five Tamil-language news websites: TamilWin, Athirvu, Sarithan, Ponguthamil and Pathivu. SriLankaMirror was one of five websites blocked by the government in November 2011, following a directive that all websites carrying news and current affairs content on the country should be registered. It was subsequently unblocked on condition that it would not provide links to any unregistered websites.

It was noted at the time that the June 2012 crackdown on news websites occurred soon after the government ordered the dissolution of the elected governing councils in three provinces of the country, including the politically sensitive east. The raids on independent media may have been part of a strategy to curb critical commentary during the campaign and run-up to fresh elections in these provinces. A fortnight after the raids, the Media Ministry issued a directive reaffirming a registration requirement for news websites and adding on the additional requirement of an annual fee.

Though these directives have not been subject to full judicial scrutiny, Sri Lanka's Supreme Court warned in September, while hearing a fundamental rights petition by the owners of the websites that had been raided, against any misinterpretation of its earlier ruling in the matter of registration. It also ordered all equipment confiscated from the websites' offices returned within two weeks. Website staff taken into custody meanwhile had been released after a day in detention, on the orders of a city magistrate. Samaraweera believes on the evidence of the most recent hearings of the case in the court, that the prosecution is not keen to pursue the case since it could potentially prove embarrassing. Indeed, the Supreme Court had been visibly disdainful of the prosecution case that the warrant for raiding the website offices had been granted on the grounds that they had been guilty of violating the "majesty of the presidential aura" (in Sinhalese, "*rajakeeya mahima*").

The day that the website offices were raided by police, Shantha Wijesooriya, a journalist working with Sri Lanka-X-News was in a busy marketplace attending to routine chores, when a group of toughs approached with evident intent to snatch him and bundle him into a waiting van. Wijesooriya managed to evade his intending captors and run to safety. He spent the next two weeks in hiding in numerous places in Colombo city and its suburbs, before securing passage out to the relative safety of another South Asian country. The reasons for the attempted abduction remain obscure. Reports in the Colombo press after the event suggested that Wijesooriya was seen to be a person with inside knowledge of the manner in which the opposition websites were sustained.

Gnanasiri Kothhigoda is another journalist who fled into exile in the year under review. Kothhigoda took over leadership of the SLJA after Poddala Jayantha's departure. In January 2012, Sri Lanka's journalism unions and associations decided to commemorate the many colleagues who had fallen while doing their jobs, through the civil war and beyond. January was chosen since several serious attacks on journalists had occurred by coincidence or otherwise, during that month.

The GSL began a campaign of pre-empting this planned observance by attacking the organisations that were behind it, through every available forum, including the state-controlled media. Well after the "Black January" observance was over, Kothhigoda became a particular target of attack. On 22 March 2012, the state-controlled ITN channel carried

a news item claiming that it would soon be exposing a "traitor", while showing his pictures in the background. The anchor-person referred to a number of journalists forced into exile by the climate of intimidation as "media traitors" and crudely suggested that Kothhigoda was through his news reporting in Colombo, aiding the cause of secession espoused by sections of the Sri Lankan Tamil diaspora.

The following day, Kothhigoda took up the matter of the threatening tone of ITN's coverage with Sri Lanka's Media Minister. The minister then reportedly called up ITN's director for news, Sudarman Raddeligoda, and obtained an assurance that the attacks would cease. Yet the attacks continued. The ITN news director, it may be added, was an unsuccessful candidate for the general elections to Sri Lanka's parliament on a ticket granted by the ruling party.

Following this, Kothhigoda was told of unknown people visiting his village near Colombo and asking about him. He was advised to leave home and seek safe refuge. On 15 June 2013, Kothhigoda appeared for an asylum interview at the Swiss embassy in Colombo. As he was awaiting the outcome, he found that certain threatening movements were being made around his home by unknown persons riding motorcycles. Having failed to get a response from the Swiss embassy, Kothhigoda wrote to the Asian Human Rights Commission (AHRC), based in Hong Kong, seeking some form of assistance. A staffer of the AHRC then came to Colombo to escort him to Hong Kong.

On 4 November 2012, Kothhigoda received a communication addressed to his home in Sri Lanka, telling him that his Swiss asylum application had not been granted. He appealed this decision immediately on knowing of it. Later that month, he was informed of his appeal being accepted, following which he was asked to appear in the Swiss embassy in Colombo for having his visa stamped. Kothhigoda was accompanied to Colombo by an AHRC staffer to complete these procedures. He obtained his visa and left Sri Lanka on 1 December 2012, arriving in Switzerland the following day.

### **Press Councils Act revived**

The media community in Sri Lanka is also concerned at the revival of the long dormant Sri Lanka Press Councils Act of 1973. This is an act which incorporates several harsh provisions, including the power to prosecute under criminal law for any perceived violation of the laws in force. Since the law was revived two years back, the body has remained fairly dormant and the President's efforts to bring on board a number of journalists have failed because most have declined the invitation. The nomination of Ariyananda Dombagahawatta apparently changed the equation since he was the first journalist with a public profile who signed up with the newly revived Press Council. The Committee on Public Enterprises of Sri Lanka's Parliament recently went into the whole question of the expenses incurred in maintaining the Press Council and suggested that it be shut down. But the administration is unlikely to heed this directive since it needs to keep the body in existence for the



punitive power it can exert over the media.

The self-regulatory body set up by the newspaper industry, the Sri Lanka Press Complaints Council (SLPCC), meanwhile has enjoyed a reaffirmation of commitment by its stakeholders, though a withdrawal of donor support in the next two years could imperil its continuing relevance. Despite being under-resourced in relation to the Press Council – it works with three complaints officers as against the sixteen full-time staff that the Press Council employs – the SLPCC is seen to be a more credible body, because it enjoys the confidence of the newspaper industry.

Provincial journalists, whose role would be especially crucial in the post-war context, continue to suffer from unequal wages and working conditions, seriously impairing their motivation and commitment. They find themselves marginalised in terms of information sources and ignored by main governmental agencies, which only feel obliged to talk to the Colombo media. A right to information legislation is particularly important for this category of media professional, who have special reason to insist that this recommendation of the LLRC be implemented with appropriate seriousness.

The tenuous financial state of the Sri Lankan media makes it vulnerable to advertiser pressures. The situation is not helped in any way by the weighty presence of the government and its agencies in the world of ad spending. According to a recent estimate by the Sri Lanka Press Institute (SLPI), government sources account for 16 percent of total advertising spending in the country. And with the significant ownership that the government has in the media, it absorbs an even larger part – estimated at 38 percent -- of ad expenditure. To this source of power may be added the influence acquired by the creeping takeover of public institutions such as banks, by the current administration. A number of media institutions have become vulnerable to government diktat for this reason and some of them have had to accommodate pressures for effecting changes at the top of the editorial hierarchy.

In June 2012, Lalith Allahakoon, editor-in-chief of *Ceylon Today* was abruptly relieved of charge by the newspaper management. Four among his colleagues resigned in protest against this seemingly arbitrary decision by the owners. Full editorial control at this point passed to Hana Ibrahim, who was already designated editor, though under the oversight of the editor-in-chief. There was much adverse comment, especially since Ibrahim has a professional profile that includes work with international press freedom bodies. She had also served in the elected position of FMM convenor for two years. The *Ceylon Today* editorial team took a while reconstituting its professional capacities. Despite the turbulence, the editorial team today insists that there was no other motive for the changeover than the need for improved oversight of published content. Press freedom bodies in Sri Lanka were reluctant initially to take a stand in this matter but came around within a week, to a mild deprecation of the *Ceylon Today* management decision.

*Ceylon Today* is owned by Tiran Alles, a businessman with

interests in a variety of sectors and a longstanding political profile. Though once associated with the opposition politics of Mangala Samaraweera, and instrumental in propping up the candidacy of the former Sri Lanka Army commander, General Sarath Fonseka, in the presidential contest of January 2010, Alles has since parted ways. Samaraweera who then headed a dissident faction of President Rajapaksa's Sri Lanka Freedom Party (SLFP) has since merged his unit into Wickramasinghe's UNP, to be part of the mainstream opposition. Alles has stayed outside this arrangement and kept faith with Fonseka, in a political formation that is part of the opposition, but regarded by the UNP as a tacit ally of the Rajapaksa regime.

These pressures originating within the interface between media ownership and active politics, have been transmitted into the community of journalists, often causing serious schisms within the ranks. On 8 July 2012, *Ceylon Today* ran an editorial titled "When Media Freedom is Abused". With Ibrahim now holding editorial authority, the tone and content of this leader was easily and accurately, attributed to her. Referring to the June raids on the offices of two websites associated with the political opposition, the editorial commented:

*... lost in the blanket vilification of the government action is a simple, yet disconcerting reality – the misuse and abuse of media freedom by a significant segment of the online media community, to hurt, vilify and defame others under the guise of unfettered journalism. ... (If media, online, print or even television, is to be treated with dignity and respect, it also needs to accept that media freedom is not so much a right as a responsibility... that demands that we abide by an ethical code.. a responsibility that demands we ensure news and views published, telecast or broadcast are unbiased and impartial, not distorted, skewed or part of a slander campaign... Unfortunately, this was a responsibility missing in web journalism....*

Despite Ibrahim's background in working on press freedom issues, this editorial provoked a reaction of outrage from the opposition press. In a letter addressed to the Asia programme coordinator of the New York based Committee to Protect Journalists (CPJ), Samaraweera accused Ibrahim of "negative, inflammatory and inaccurate reporting". Under Ibrahim's editorial guidance, said Samaraweera, *Ceylon Today* and its associated Sinhala-language newspaper *Mawbima* had "taken a stoic position to defend the Sri Lankan government's illegal action against the websites, in some cases going beyond the call of duty to report, and descending to actually provoking further action and arrests against journalists at the website and its administrators". The two newspapers, he continued, had "failed to publish a single statement issued by foreign governments and the UN expressing concern over the raid, in its print edition".

Independent journalists in Sri Lanka admit in moments of candour, that much of the material that is published on opposition websites would not meet professional standards. Samaraweera though, is convinced that the standards that these websites have set are considerably superior to

those of state-owned media. Few would disagree. And this is an ethical conundrum that underlines yet again, the longstanding SAMSIN insistence that state-owned media in Sri Lanka should be transformed into public service media.

### Chopping and changing editors

FMM activist Sunil Jeyasekara, who worked as deputy editor of *Irurasa*, the Sinhala language weekly published by the *Sunday Leader*, came to accept the many months of salary denied as a consequence of the financial distress the group was going through. He continued working out of a sense of commitment, but was told in July 2012 by the group chairman, that his services were no longer needed. It is not clear if the termination of his services then had anything to do with a number of hostile articles that the *Sunday Leader* published around the same time, about the FMM.

Frederica Jansz, editor of the *Sunday Leader* was forced to resign at the end of September, within months of the newspaper passing into the ownership of a stockmarket investor. Asanga Seneviratne, who now owns a substantial stake in the newspaper, insists that he only came in to retrieve the *Sunday Leader* from a precarious financial situation. Jansz was in this account, instrumental in bringing him in as an investor and was paid a substantial commission as part of the deal. When Seneviratne later decided to switch the editorial management, he paid Jansz an agreed amount as severance pay.

In July 2012, Jansz called up the Defence Secretary to verify information gathered on the change of duty rosters

in a scheduled flight of the Sri Lankan national airline, to accommodate a family intimate of his in bringing home a pet dog from Switzerland. The call quickly descended into bitter acrimony. A few days later, Jansz called up the Defence Secretary again to inform him that the *Sunday Leader* was not carrying the story, though not because the facts were in question. Again, the Defence Secretary erupted in anger and intemperate abuse. The *Sunday Leader* carried the transcript of both conversations prominently on front page the very next week, causing great public outrage.

After Jansz resigned her editorship, the *Sunday Leader* appeared at a hearing in the Press Council on 18 October 2012 and acceded to a directive to publish an apology to the Defence Secretary. This first exercise of authority by the Press Council could have long term consequences for the Sri Lankan media. Aware of the inherent dangers, Sri Lanka's media community is seeking to reaffirm its commitment to the self-regulatory body set up by the newspaper industry, the Sri Lanka Press Complaints Council. This is a body that faces a possible existential threat on account of a withdrawal of donor support. However, the current management of the body, which comes under the Sri Lanka Press Institute, is positive about keeping it running, and even renewing its relevance. The plans, which include the transformation of the SLPI into an international training hub with all appropriate certifications, are credible, though they could well come to nothing without the unconditional support of the media industry and broader civil society.

## Annexure: List of Media Rights Violations, May 2012 to April 2013

### AFGHANISTAN

#### Death and fatal injury

**11 July 2012:** Abdul Hadi Hamdard, a reporter and presenter for a television station in Helmand province, was killed in a road-side bomb in Girishk while returning home from work. One other person in the vehicle was killed and two were injured in the explosion which was reportedly triggered by the Taliban insurgents.

#### Physical attack and extra-legal harassment

**24 February 2013:** Seven media workers covering the aftermath of a terrorist attack in the eastern province of Nangarhar were attacked by security forces. Among those attacked were Zhwandoon TV channel reporter Zyar Khan Yaaz and the cameraman of Pajhwok Afghan News Agency, Babrak Amirzada.

**18 February 2013:** Hamid Obaidi, editor-in-chief of *Jawan-e Faal* in Kabul received telephonic threats that his paper would be forced to shut down, after running a story on extortionate rates and practices by parking lot managements in a busy part of Kabul city.

**16 January 2013:** Security forces assaulted several media workers who gathered at the site of a suicide bombing attack. Azadi Radio reporter Sayed Sabawoon and his son Parwiz, a photojournalist, were beaten by security forces. Gholam Hussain who reports for the German public broadcaster Deutsche Welle and the daily *8 AM* was also attacked, his camera taken away and all photographs deleted. Azadi Radio reporter Hamida Osman was verbally abused and threatened as was Kawoon Khamosh of Channel 1 TV.

**3 January 2013:** Ahmad Yaza Shirzad, BBC reporter based in the northern city of Kunduz reported receiving a series of telephonic threats after attending a public meeting at which he challenged government officials who were critical of the conduct of the media, to use channels of grievance redress established by law rather than issue public and private threats to individual journalists and media organisations.

**6 December 2012:** Rahmatullah Nekzad and Mustafa Andaleeb, news reporters for the Associated Press and Reuters reported being beaten by police in Ghazni while gathering information on an explosion that occurred within the city. The two were making inquiries near the site of the explosion and taking some photographs when they were stopped by the police and forcibly restrained from continuing.

**1 December 2012:** Zabihullah Alam, a reporter with the Bakhtar news agency was beaten by unknown armed assailants and robbed of his money and mobile phone while returning from an assignment late in the night in the Qualacha area of Kabul.

**23 October 2012:** Akbar Rustami, a reporter with the *Hashte Subh* newspaper was threatened and abused by police personnel as he interviewed street vendors in Kabul city about allegations that police were extorting large sums of money from them to allow them to ply their trade.

**28 October 2012:** Mohammad Hassan Sardash, a reporter for Ariana TV in Maimana city was abused by President Hamid Karzai's security guards when he sought an interview with the president who was visiting the city to meet with the families who had lost loved ones in the suicide bombing two days before.

**26 October 2012:** Mohammad Ayub Amini, news cameraman for Aina TV and Ghulam Sakhi, photographer for the media section of Faryab Province Police Headquarters, were injured in a suicide bomb attack in Maimana city on the occasion of the Eid-ul Adha festival. The attack killed an estimated forty worshippers at the city's main mosque. Both the camerapersons suffered shrapnel injuries and had to be treated over an extended period in local hospitals.

**6 October 2012:** The manager of a local radio station, Radio Irshad was fired at and narrowly escaped being injured as he was on his way home in Sholgar district of Balkh province. Prior to this attack, the radio station had been receiving threats over telephone.

**14 September 2012:** The Paktia Media Center was attacked by the Provincial Council President Shaista Jan Ahad and his associates. According to Lemar Niazi, who manages the media centre and also publishes a local journal, the attack was completely unprovoked.

**10 September 2012:** Abasin Zaheer, a reporter with the Pajhwok Afghan News Agency was threatened with serious legal consequences by the director of the Afghan Parliament secretariat when he took up the matter of restricted access to journalists of the proceedings of the two houses of parliament.

**28 August 2012:** A Kabul Municipality official assaulted Tolo TV cameraman Jawid Arezomand while he was filming street flooding and road closures in the city. The official who was identified in a formal complaint made by the journalist, struck the reporter, abused him and reportedly threatened to kill him.

**25 July 2012:** Cameraman Haji Fahim of Arezo television was shot and his motorbike stolen as he was driving home with family members in the northern city of Mazar-e-Sharief. Fahim suffered two bullet wounds on his arm and was hospitalised for treatment.

**14 July 2012:** Reporter Yasir Sharifi of the weekly magazine, *Killid*, was threatened by police in the eastern province of Nangarhar as he was taking photographs in the Ghosta district. He was detained for a brief while and his photographs all deleted.

**2 July 2012:** Mohammad Reza Wahidi, owner and managing director of Radio Nasim in Daikondi province, was threatened by local police as he sought to take pictures of several arrests being effected on a street. He was reportedly told to desist when he started taking pictures of the arrests which were being made at 4 in the evening.



**3 June 2012:** Sediqullah Afghan, a reporter for Radio Yawali in Kandahar, reported being threatened by a police officer while interviewing a woman during a Mother's Day event sponsored by the provincial government. The journalist was allegedly threatened because the woman he was interviewing had no authority to enter the provincial government building.

**31 May 2012:** The home of Pajhwok Afghan News Agency reporter Abdul Maqsood Azizi was attacked by militant elements who fired rockets and extensively damaged his living room. Though nobody was injured since the living room was not in use, the financial damages were extensive.

**29 May 2012:** Unknown assailants attacked the studio and facilities of Radio Dunya based in Charikar. One station employee was injured in the grenade attack, which caused damage to the building and equipment of the radio station.

**22 May 2012:** The Paktia Media Centre and a local magazine, *Afghan Nang* were shut down by the director of the Department of Information and Culture in Paktia province after the magazine carried a satirical article.

### Legal and police actions

**27 February 2013:** Radio Voice of Qualat staff were detained four hours and the station's broadcast stopped for that length of time on orders of the governor of Zabul province. Station director Timor Shah Shahzada and a reporter were detained after they broadcast the report of a public demonstration in which the governor was accused of corruption. The office of the governor denied involvement in the incident and suggested that personnel of the International Security Assistance Force (ISAF) which funds the station, may have been responsible.

**5 February 2013:** Partaw Naderi, a writer, commentator and poet, was summoned by the Attorney-General's office to explain an article published in August 2011 in which he allegedly questioned the process by which President Hamid Karzai was elected. Journalists' unions condemned the summons, which has since been challenged in the Afghanistan Supreme Court.

**19 September 2012:** Saba and Setara, two privately owned TV broadcasters, were referred by the media oversight body within the Ministry of Information and Culture, to the office of the Attorney-General, on charges of allegedly violating the media code. The managements at the two broadcasters said that they were not given a hearing and only came to know of the charges when the news was broadcast over the government-owned TV channel.

**9 May 2012:** Noorin TV presenter Nastoo Naderi, who hosts a program called *Sar Zameen-e Man*, was released after eighteen days in detention on charges of insulting the mayor of Kabul city. He was summoned to the Attorney-General's office on 21 April and placed under arrest. The charges against him are still under investigation.

## BANGLADESH

### Death and fatal injury

**16 February 2013:** Ahmed Rajib Haidar, a youth activist who ran a blog attacking the religious influence over politics, hacked to death in the neighbourhood of his home as he was returning from protests at Dhaka city's Shahbagh square, demanding accountability for the war crimes accused from the country's 1971 war of liberation.

**15 June 2012:** Jamal Uddin, a reporter of the daily Bangla language newspaper *Gramer Kagoj*, was attacked by a group of assailants with sharp weapons and killed in the Sharsha area of Jessore district in the Khulna Division of south-western Bangladesh. Local drug dealers had reportedly threatened Jamal Uddin for his reporting on their activities, in the days leading up to the murder.

### Physical attacks and extra-legal threats

**14 April 2013:** Reporters Ahmed Zaif of the Bangla daily *Prothom Alo*, Moloy Kumar Dutta of the news agency, Bangladesh Sangbad Sangstha, Protik Chakrabarty of the *Daily Star*, Sujan Mondol of the online news service benews24.com and Dulal Samaddar of the Dhaka University journalism department, attacked by youth cadre of the ruling party after going to the university campus to report on allegations of extortion.

**6 April 2013:** Nadia Sharmeen, a reporter with Ekushey Television, attacked by activists of the Islamist group Hifazat-e-Islam, in the Motijheel area of Dhaka city, her purse and mobile phone snatched. Mohsin Kabir and Khurshed Alam, reporter and cameraperson from SA Television, assaulted and a camera snatched while they were recording an interview with some leaders of the Islamist party in the Paltan area. Khurshed admitted to hospital with serious wounds. Sohail Rana, a cameraperson with ATN News attacked with sticks by political activists in front of Notre Dame College. TV camerapersons Abul Halim of Baishakhi and Nazmul Huda of Ekushey reported attempts to snatch their cameras as they shot footage of the Islamic party's march being blocked by police in the Savar area in Dhaka city.

**5 April 2013:** Demonstrators from an Islamic opposition party begin a long march to Dhaka from the port city of Chittagong, where they assault Mohim Mirza, reporter of Ekattor Television.

**11 March 2013:** Nayeemul Islam Khan, editor of the daily newspaper *Amader Orthoneeti*, and his wife Nasima Khan, attacked with cocktail bombs as they returned home in their car after attending a social event in Dhaka. Nayeemul Khan and his wife suffered splinter injuries and were treated at a local hospital.

**22 February 2013:** Ten journalists were injured when activists of the Islamic political party, the Jamaat-e-Islami and its student wing, the Chhatra Shibir clashed with police in the national capital Dhaka, after Friday prayers were concluded. GTV reporter Masudur Rahman, Independent TV cameraperson Nurul Islam, Maasranga TV reporter Abdullah Tuhin, *Amar Desh* photographer Mir Ahmed Miru, Ekattor TV reporter Arifuzzaman, Sangbad reporter Sayeed

Bablu, and freelance journalist Aminul Islam Bhuiyan were injured in various parts of Dhaka city. At least six journalists were injured in Chittagong, when a procession of Islamists shouting slogans against the Shahbagh square protests attacked them after Friday prayers. Photographers of *Jugantor* and *Inqilab* dailies, camerapersons of the Maasranga, ATN Bangla and ATN News TV channels, and the correspondent of *Banik Barta* received injuries.

**13 July 2012:** Mostafizur Rahman Sumon, a reporter with the web-based news portal, justnewsbd.com was arrested in the vicinity of a computer store in Dhaka, taken to an unknown location by the Detective Branch of the local police and held for two days, during which he was severely tortured.

**16 May 2012:** Police baton-charged a demonstration of the opposition Bangladesh Nationalist Party, injuring at least five journalists who were covering the event.

**14 May 2012:** Abdullah al Mamun, local correspondent of the Bangla daily *Kaler Kontho*, was assaulted by the nephew of a leading politician and minister in the Bangladesh government in Pabna district, allegedly in retaliation for stories published on his involvement in possible corruption.

### Legal and police actions

**11 April 2012:** Mahmudur Rahman, editor of the Bangla language daily *Amar Desh*, arrested from his office and remanded to thirteen days in police custody, ostensibly for interrogation in three cases filed under provisions of law dealing with sedition, cyber-security and abetment to mob violence.

**3 April 2013:** Asif Mohiuddin arrested and remanded to police custody on charges of posting “atheistic material” on his blog.

**1 April 2013:** Subrata Adhikari Shuvo, Russel Parvez and Mashiur Rahman Biplob, arrested late night and remanded to seven days for interrogation the following day on charges of offending Bangladesh’s majority religion with “atheistic” blog posts.

## INDIA

### Death and fatal injury

**23 December 2012:** Freelance news cameraman Thangjam Nanao Singh who worked for India’s state-controlled TV broadcaster, Doordarshan and numerous other channels, died of bullet wounds as he covered a public demonstration in Imphal, capital of Manipur state. Nanao Singh was hit by police bullets as a demonstration, one among many that had been going on demanding the arrest of an insurgent leader active in the state, was fired upon.

**8 September 2012:** Raihan Nayum, a 28-year old journalist from Dhubri in Assam was attacked and killed by unidentified miscreants. A correspondent with a local weekly, Nayum may have fallen victim to the communal tension that had arisen across the state following the outbreak of violence between members of the Muslim community and indigenous tribal groups.

**15 June 2012:** Photo-journalist Tarun Sehrawat died of multiple infections contracted on assignment in the Abujmarh region of India’s Chhattisgarh state. Sehrawat was on assignment with the weekly news and current affairs magazine *Tehelka* and with a reporter colleague, Tusha Mittal, spent a week early in May in the thickly forested area, believed to be among the main operational bases of the Maoist insurgency that has been active in parts of Chhattisgarh and neighbouring states in recent years. He came down with serious infections soon after returning to Delhi where he was based. He was 22.

### Physical attacks and extra-legal threats

**9 February 2013:** Iftikhar Gilani, a senior journalist with the multi-edition newspaper, *Daily News and Analysis*, was held within the residential premises of his father-in-law, a dissident politician from Kashmir and his wife and children were also held under police watch for about four hours as curfew was imposed in Kashmir and a media crackdown ordered following the execution of a one-time militant on terrorism charges.

**16 October 2012:** Police in Hyderabad city in Andhra Pradesh state blocked a number of media personnel from covering a session of a global conference on biodiversity, addressed by Indian Prime Minister Manmohan Singh, seemingly for no other reason than their news organisations bearing a reference to the regional unit “Telangana” in their names. Telangana is a region of Andhra Pradesh where a political agitation, demanding a separate state within the Indian union, has been underway for several years.

**1 September 2012:** Photojournalist Caisii Mao in Dimapur district of Nagaland was attacked while covering clashes between two armed groups belonging to rival tribes. The clashes erupted after a young man belonging to one of the tribes died while in the custody of the other the previous day. Caisii Mao suffered large bruises around his knees and arms and his camera was destroyed in the incident which occurred in the presence of security forces deployed to control the protesters.

**28 August 2012:** A number of journalists were assaulted as a day-long general strike called by a youth political organisation in Assam turned violent. Amulya Kumar Nath, correspondent of the Newslive TV channel in Goalpara district in the western part of Assam, was attacked and his camera snatched. Two other journalists, Jayanta Kumar Das of Prime News and Raju Sahu of the DY 365 TV channel were attacked at Barpeta Road and their motorcycles and cameras damaged. Dibyajyoti Nath, Ankur Das, Sourav Borkotoki and Amarjyoti Talukdar - all Tezpur based journalists -- were assaulted by the sponsors of the general strike in the Bhojkhowa area where they gone for coverage. Joyjyoti Gogoi a reporter for Newslive in Sivsagar district was badly injured when police used batons to control a protesting crowd.

**11 August 2012:** Photojournalists Vivek Bendre of *The Hindu*, Prashant Sawant of the *Sakal Times* and Atul Kamble of *Midday* were seriously injured in mob violence in the

western metropolis of Mumbai. Journalists were targeted by a crowd that had assembled at an open field in the south of the city, to protest against the killing of members of the religious minority in recent communal violence in the north-eastern Indian state of Assam and the Republic of Myanmar. Three outdoor broadcasting (OB) vans belonging to well-known news channels were also set ablaze in the violence which broke out after speakers at the protest meeting reportedly denounced the media for not being attentive to the suffering inflicted on members of the religious minority.

**15 June 2012:** Tonggam Rina, associate editor of the *Arunachal Times*, was shot at and injured in Itanagar, capital of the north-eastern Indian state of Arunachal Pradesh. She was taken to a local hospital for treatment and recovered swiftly under treatment. Her campaigning journalism for environmental causes may have attracted the enmity of powerful lobbies seeking to build a series of dams along the rivers through flow through the state of Arunachal Pradesh.

### Legal and police actions

**12 January 2013:** K.K. Shahina was charged with criminal conspiracy and intimidation of witnesses for a story published in the weekly magazine *Tehelka* in December 2010, which appeared to cast doubt on the prosecution of a prominent Islamic cleric and political figure on terrorism charges. Shahina has since secured bail from the district court in Kodagu, Karnataka state, where the case is being heard.

**7 November 2012:** Naveen Soorinje, a reporter with the Kasturi TV news channel in Karnataka state in southern India was arrested on charges of involvement in a mob attack on a gathering of teenagers in the city of Mangalore in July. He was held for three months and released on bail on 23 March 2013.

**8 September 2012:** Cartoonist and anti-corruption campaigner Aseem Trivedi was arrested on charges of sedition and bringing symbols of national honour into disrepute after he published a number of cartoons on his website using the national flag and a depiction of the Indian parliament building to satirise widespread political corruption. He was discharged in the sedition case after five days in detention but still faces charges under the law preventing insults to national symbols.

**27 August 2012:** Muthiur Rahman Siddiqui, a journalist based in Bengaluru (formerly Bangalore) in the southern Indian state of Karnataka, was arrested on charges of involvement in a plot hatched by overseas terror groups to kill a number of well-known public figures in the city. He was released after six months in detention when investigators recommended that all charges be dropped.

**17 August 2012:** The Indian government ordered a ban on SMS messages directed to more than five recipients. It also issued notices to all internet service providers (ISPs) to block a number of websites held guilty of highly

inflammatory content on ongoing events in the state of Assam, where communal violence had led to several deaths.

## THE MALDIVES

### Physical attacks and extra-legal threats

**5 March 2013:** Murushid Abdul Hakeem from sun.mv and VTV cameraman Rilwan Moosa were attacked by an angry opposition mob while covering an event.

**22 February 2013:** Violent attacks carried out against Maldives Broadcasting Corporation (MBC) deputy editor Aishath Liza, reporter Aminath Saani, and RajjeTV news head Ibrahim Waheed (Asward) by protesters belonging to a political party. Asward was transferred to Sri Lanka for medical attention after suffering serious injuries.

**16 February 2013:** a VTV cameraman Rilwan Moosa was attacked by opposition protesters belonging to a political party.

**7 August 2012:** Raajje TV studios in the national capital Male attacked and main broadcasting facilities briefly disabled by cutting of vital wires and cables.

**20 July 2012:** a senior official working at Maldives Broadcasting Corporation (MBC) news and current affairs department was attacked verbally and physically by a group belonging to a political party.

**10 July 2012:** Dhitv presenter Mohamed Ameeth was attacked by a group of protesters from the opposition Maldives Democratic Party.

**11 July 2012:** Sun Online reporter Murushid Abdul Hakeem was attacked by a group belonging to a political party. Raajje TV cameraman Mohamed Shanoon and Minivan Daily reporter Ahmed Haisam were attacked by riot police.

**5 June 2012:** Blogger Khilath Rasheed was stabbed and seriously wounded.

### Legal and police actions

**26 March 2013:** Sun Online journalist Ahmed Azif was arrested briefly by police who first stopped him from taking pictures outside the Justice Ministry building.

**3 February 2013:** VTV Online news editor Adam Haleem was summoned to Judicial Service Commission (JSC) and was asked to reveal his source of information.

**13 November 2012:** DhiTV Editor Midhath Adam was summoned to Parliament's Privilege Committee to question on editorial policy.

## NEPAL

### Death and fatal injury

**11 September 2012:** Chandan Nepali, correspondent for Radio Sky in Murbhung, Gulmi in Nepal's western region, found dead with deep head wounds. Investigations have since made little headway.

**6 July 2012:** Santosh Gupta, managing director of Birgunj based Bindas FM, in the central region was found dead in Musouriya village in a neighbouring state of Bihar in India. The management of Bindas FM allege that Gupta went to



Bihar after an unidentified person called and requested he come to him talk about advertising for the FM station.

### Physical attacks and extra-legal threats

**27 April 2013:** Ganesh Basnet, News Editor of *Rajdhani* daily and an FNJ councillor, injured as the motorcycle on which he was returning home was hit repeatedly by a car with seeming intent to kill or seriously injure him. Basnet only escaped by driving his motorcycle onto the pavement for pedestrians after being hit three times.

**29 January 2013:** Cadres of the Young Communist League (YCL) assaulted and seriously injured a number of journalists who had gathered to cover an event involving three senior leaders of the United Communist Party of Nepal (Maoist), including Prime Minister Baburam Bhattarai. Immediately afterwards a number of photojournalists who had recorded the incident were threatened. Six journalists were injured including Bhola Thapa and Motiram Timilsina. Krishna Neupane of the local radio station Grace FM was seriously hurt and had to be transferred to Kathmandu for treatment.

**23 January 2013:** Following explicit threats from local political cadres that they would meet the same fate as journalist Dekendra Thapa, murdered in 2004, 22 journalists from the far-western district of Dailekh fled the area and took refuge in the national capital of Kathmandu and other places. This followed an agitation launched by journalists and civil society groups that Thapa's killers, arrested by a newly appointed police chief in the district, should be prosecuted under applicable criminal law. Six journalists were injured during a clash between the cadres of the ruling parties and the opposition.

**13 September 2012:** Shiva Dotel, editor of the daily, *Nepali Express*, was manhandled and attacked by a police team near Tribhuwanchowk of Nepalgunj, in Banke district in the mid-western region. There was no apparent provocation for the attack, which resulted in Dotel sustaining serious head injuries that required seven stitches.

**2 September 2012:** Ganesh Pandey reported receiving death threats over a period of five days after a story was published under his byline in the *Samacharpatra* daily on 20 August, in which the need for accountability for the war-time atrocity, known locally as the Doramba incident, was underlined. Elements of the Nepali army are believed to have had a role in the incident, which resulted in the death of nineteen civilians.

**25 August 2012:** Functionaries of the Nepal Communist Party (Maoist) beat up and injured Nabin Rijal, a former vice-president of the FNJ's Dailekh district chapter in the mid-western region. Rijal suffered serious injuries on the head and back as a result of the attack.

**2 July 2012:** Death threats were issued to two journalists from the daily *Nigarani*, following which the office of the paper in Urlabari, in Morang district of Nepal's eastern region, was vandalised. This followed a story published in the daily about a dispute between two groups of Maoist cadre in the region, which turned violent and led to the death of two of them.

**14 June 2012:** Arjun Bhattarai of the *Naya Karnali* weekly in Kalikot in the mid-western region of Nepal reported receiving death threats. The telephone calls also involved threats to burn down the office he worked in.

**21-22 May 2012:** A series of attacks on journalists occurred over a three-day agitation called by a political group campaigning for a federal constitutional structure. On 21 May, targeted attacks were registered against Prakash Adhikari, correspondent in Chitwan district for Sagarmatha Television, and Radheyshyam Khatiwada in the same district. In the Lalitpur borough of Kathmandu city, Rameshwar Sapkota, Dharmendra Sapkota, Pratikshya Sharma and Mukti Shreshta – all of Mountain Television – and Ashok Tuladhar of *Abhiyan* daily, were assaulted. Tuladhar sustained serious head injuries. Also attacked in the same area were Nabaraj Shreshta and Nirmal Wali, both of whom work for News 24 Television. In another part of Kathmandu, the motorcycle belonging to reporter Pawan Barsha Shah of *Karobar* daily was vandalised. On May 22, Dhruva Basnet of Star FM was also manhandled by protestors at Bhaktapur, the eastern suburb of Kathmandu city. In the Koteswor area of the city, a vehicle belonging to Mountain television was attacked and badly damaged and some of the staff travelling in it reported that their personal belongings were stolen. Dinesh Gautam, a journalist affiliated with Citizen FM was attacked and his motorcycle seriously damaged by protesters in the Boudha area of Kathmandu district while he was taking photographs of the demonstrations at 8:30 am.

**20 May 2012:** Dinesh Gautam, a journalist affiliated with Citizen FM, was attacked and his motorcycle seriously damaged by protesters in the Boudha area of Kathmandu district while he was taking photographs of demonstrations at 8:30 am.

Rajan Parajuli, journalist affiliated with Antenna Foundation Nepal, was physically assaulted and his motorcycle set ablaze although he made all efforts to establish his identity by displaying his press card to the protestors at Kupondole, in the Lalitpur borough of Kathmandu city.

Radheshyam Dahal of Sagarmatha Television; Shakti Karki and Prakash Kattel of the *Road Map* weekly; and Biku Tamang, a freelance journalist affiliated with Federation of Sports Journalists, were all roughly dealt with in the Lalitpur neighbourhood. The two motorcycles they were travelling on were both attacked and damaged. Biku Tamang suffered injury in the process.

Upendra Sharma, editor of *Muktipatra* weekly, was also stopped from proceeding for news coverage and his motorcycle vandalised.

Rajesh Rai and Shambhu Kumar Prasai, both journalists affiliated with *Gorkhapatra* daily, and Bijay Chamling, affiliated with *Rajdhani* daily, were assaulted by demonstrators in Chabahil, Kathmandu.

YP Ghimire, camera-person for Himalaya Television, was attacked and his motorcycle set ablaze in Gwarko, Lalitpur.

Dipendra Karki, journalist affiliated with *Karobar* daily, was dealt with very roughly by demonstrators and his motorcycle vandalised in Kupondole, Lalitpur.

A number of other cases of journalists being attacked and newspaper delivery vehicles being damaged by the protestors have been recorded. Newspapers have also been set ablaze and broadcast centres attacked. Specific cases of assault have been reported by the following journalists: Prakash Guragain, Rohit Bhandari, Kabita Adhikari, Mangal Lama, Shambhu Dungal, Saral Gurung, Satish Subedi, Akkal Kunwar, Punya Dhamala, Nabraj Chalise, Ram Subhak Mahato, Kesab Niroula, Govinda Pariyar, Ganesh Niroula, Dhruba Bhattarai, Suresh Nepali and Damodar Guragain.

**19 May 2012:** Hari Sharma, a correspondent for the *Annapurna Post*, was attacked by agitators demanding a federal state of Tharuhat in the western town of Nawalparasi. The same day, Ram Rijhan Yadav, Press Advisor to the Nepali prime minister, and a former journalist and member of the FNJ, was attacked in Anamnagar, Kathmandu.

### Legal and police actions

**14 December 2012:** Suman Malla, Station In-Charge of Radio Mugu in the mid-western region of Nepal, was arrested a few days after his station broadcast a news item on weapons smuggling in the region. The district administration apparently claimed that the arrest was made after Malla refused to clarify certain aspects about the news broadcast. Observers saw in the arrest a clearcut intent to intimidate and silence.

## PAKISTAN

### Death and fatal injury

**29 April 2013:** Arif Shafi, a freelance journalist, was among ten people killed in a deadly bomb attack on an election rally in Peshawar. Shafi, 37, had served as trainee reporter at *The News International*. He then joined a local radio station and worked on special assignments for various other radios. He had also served some time at Pajhwok Afghan News Agency in Kabul as an editor on its English desk. Just days before his death, he had got a fresh contract from Pajhwok and was due to leave for Kabul on 1 May.

**16 April 2013:** Tariq Aslam, news editor of the daily *Pakistan* is one among fifteen killed in a suicide bomb attack on an election rally in Peshawar. Azhar Ali Shah of the same newspaper and Ehtesham Khan, a reporter for Express TV, suffered serious, though not life-threatening injuries..

**1 March 2013:** Mehmood Ahmed Afridi, a correspondent for the newspaper *Intikhab*, was killed by gunmen travelling by motorcycle in Kalat, in the southwestern province of Balochistan. Afridi, 56, had worked as a journalist since 1995 and was president of the Kalat press club.

**27 February 2013:** Malik Mumtaz Khan, a journalist of fifteen years service who worked for the TV news channel Geo and the *Jang* newspaper, was gunned down by armed

men waiting in a vehicle with tinted windows in Miranshah, North Waziristan, in the Federally Administered Tribal Areas (FATA).

**25 February 2013:** Khushnood Ali Shaikh, chief reporter of the state-controlled Associated Press of Pakistan (APP) wire agency was killed in Karachi, the capital of Sindh province when he was struck in a hit-and-run incident with a car. Shaikh had been receiving threatening calls and had relocated to Islamabad for a while. The threats resumed after he returned to Karachi.

**12 January 2013:** Saifur Rahman, senior reporter with Samaa TV, died of serious injuries suffered in twin blasts in Quetta on 10 January.

**10 January 2012:** Imran Shaikh, cameraman with Samaa TV, and Mohammad Iqbal, photographer at the news agency NNI died of injuries sustained in a twin bombing at a recreational facility in Quetta.

**22 November 2012:** Saqib Khan, a photojournalist with the Urdu newspaper *Ummat*, among those injured in a bomb attack on a place of worship in Karachi, dies while being taken to hospital with symptoms of shock, apparently of a cardiac arrest

**18 November 2012:** Rehmatullah Abid, a senior journalist working with the Dunya News TV Channel, fired on and killed instantly by armed men on motorcycle, in the Washood Area of the Panjgur district, some 600 kilometres away from Quetta, provincial capital of Balochistan.

**7 October 2012:** Mushtaq Khand, a reporter for Dharti TV, killed while covering a public meeting organised by the ruling Pakistan People's Party (PPP) in Khairpur, in the south-eastern province of Sindh, when gunmen opened fire, killing upto seven people and injuring several, including journalists Faheem Mangi, Allah Dad Rind and Mukhtiar Phulpoto

**29 September 2012:** Television reporter Abdul Haq shot and killed by unknown gunmen when leaving the Khuzdar Press Club in the evening. Haq had worked for ARY TV Channel for seven years and was also General Secretary of Khuzdar Press Club.

**28 May 2012:** Abdul Qadir Hajizai a journalist with the privately-owned Baloch language TV channel WASH, killed by armed men on a motorcycle while heading home in the Basima area of Washik district in Balochistan.

**18 May 2012:** Razzaq Gul, senior journalist and reporter with Express News in Turbat city in the Kech district of Pakistan's Balochistan Province, seized from his home in the evening and found dead the following day in a part of the city, bearing marks of severe torture and fifteen bullet wounds.

**7 May 2012:** Tariq Kamal, a reporter with a Sindhi language daily published in Pakistan's southern city of Karachi reported missing along with a friend, and found dead bearing multiple wounds and marks of torture, on 9 May. His friend also was killed along with him. Kamal's family reported that he had left Karachi for another town in Sindh province on 3 May to follow up what he described as an "exclusive" news story. He was reported missing after his

family failed to establish telephonic contact for well over 24 hours.

### Physical attacks and extra-legal threats

**26 November 2012:** Hamid Mir, well known news and talk-show anchor on the Geo TV channel reports finding explosives under his vehicle in the federal capital city of Islamabad. The explosives reportedly failed to detonate because of faulty wiring.

**8 November 2012:** Media persons arriving at the Karachi headquarters of the Pakistan Rangers – a paramilitary force tasked with internal security and border patrol duties --- to cover the aftermath of a truck-borne bomb attack, were attacked by Rangers personnel who prevented them from recording events and even broke some of their equipment. Among the journalists injured in the incident were Aatif Hussain and Shakeel Baloch from Aaj TV, Naseem Adil of Samaa TV, Mehmood Riyaz from Hero/Express TV and Babar Saleem from Dunya TV.

**28 June 2012:** Offices of Aaj TV in the southern city of Karachi attacked by four armed men who opened fire at the main gate, injuring two employees of the private TV channel. Tehrik-i-Taliban Pakistan (TTP), an Islamist militant umbrella group based in Pakistan, claimed responsibility for the attack. In a phone call to AAJ News, TTP spokesperson Ehsanullah Ehsan threatened attacks against other Pakistani television channels that did not feature the Taliban point of view.

**28 May 2012:** The house of Irshad Akhtar, President of the Turbat Press Club in Balochistan, was fired upon. No one was injured in the attack.

## SRI LANKA

### Physical attacks and extra-legal threats

**13 April 2013:** The office and printing press of Tamil newspaper *Uthayan* in Jaffna came under attack just before dawn. Three armed men arrived and began firing at random. They then went to the printing shop and fired at some of the vital equipment, before setting fire to newspaper bundles and some of the machinery.

**3 April 2013:** The distribution office of the Tamil newspaper *Uthayan* in the northern provincial town of Kilinochchi on came under attack by six masked men who forced their way into the premises as the day's edition was being prepared for distribution. They carried cricket stumps which they used to beat up newspaper staff and damage office property, including a vehicle that had just brought the day's edition from the northern provincial capital of Jaffna.

**15 February 2013:** Faraz Shaukataly, a reporter with the *Sunday Leader* newspaper on was shot at by three armed intruders at his home in Colombo city. He suffered injuries in the neck and was rushed to intensive care in a local hospital. Shaukataly had been engaged in a number

of investigative stories involving revelations of possible wrongdoing by senior public figures in Sri Lanka. There are also suspicions that he may have been marked out after a story was published under his byline on the country's casino industry.

**October 2012:** A number of newspapers and news websites, including *Ceylon Times*, *lankastandard.com* and *srilankabrief.org* reported that their correspondents assigned to do stories on the status of internally-displaced persons (IDPs) in the war-ravaged north of the country, were obstructed and spoken to very harshly by Sri Lankan military personnel.

**5 July 2012:** Shantha Priyadarshana Wijesooriya, reporter for online news portal *SriLankaXNews.com* reported an attempted abduction by three persons in a Colombo suburb. He escaped this attempt but left the country for safety in another South Asian countries soon afterwards.

**15 June 2013:** Gnanasiri Kothhigoda, president of the Sri Lanka Journalists' Association appeared for an asylum interview at the Swiss embassy in Colombo following a number of verbal attacks on him by Government spokespersons. He also reported seeing threatening movements by unidentified persons near his home, with probable intent to attack or abduct him. After a short stay for his own safety in Hong Kong, he left for asylum in Switzerland on 1 December 2012.

### Legal and police actions

**18 October 2012:** *Sunday Leader* ordered by reconstituted Sri Lanka Press Council to apologise for stories published earlier in the year in which the Defence Secretary in the Government of Sri Lanka was quoted speaking abusively to the then editor of the newspaper, Frederica Jansz.

**13 July 2012:** Ministry of Mass Media and Information announces a registration fee on news websites and an annual fee for renewal of registration. According to a press release published on the website of the Ministry the cabinet had approved a proposal to levy a registration fee of LKR (Sri Lankan rupees) 100,000 (approximately USD 750) on websites that carry news and current affairs content on the country. These websites would moreover be liable to pay an annual renewal fee of LKR 50,000 (approximately USD 375).

**29 June 2012:** Sri Lanka's police and security agencies raided the offices of two news websites in Colombo city, seized their assets and arrested nine media workers arrested. A team of approximately 25 law enforcement officials arrived at the shared premises of the two websites, *SriLankaXNews* and *SriLankaMirror*, on Friday morning. All media workers present were detained within the locked premises for three hours and questioned by the police, following which they were taken away to the headquarters of the Crime Investigation Department (CID). They were released after two days in detention and the seized assets returned after a Supreme Court order.





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