





This document has been produced by the International Federation of Journalists (IFJ) on behalf of the South Asia Media Solidarity Network (SAMSAN).

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All India Newspapers Employees' Federation

Bangladesh Manobadhikar Sangbadik Forum

Federation of Nepali Journalists

Free Media Movement, Sri Lanka

Indian Journalists' Union

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The SAMSAN Digital Hub – <https://samsn.ifj.org/map/> provides a listing of all known cases of media rights violations from 2014.

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List of Media Rights Violations, May 2015 to April 2016, May 2016	

**Cover:** After a deadly year for bloggers in Bangladesh, female blogger Shammi Haque leads a protest in Dhaka against the continued and brutal attacks on freedom of expression in the country. Haque has received numerous threats from radicals for her writing. Credit: Photographer's identity protected

**Contents:** In April 2016, the Maldivian media community united to protest against the appalling state of press freedom in the Maldives. They produced a petition signed by 183 media workers urging the authorities to tackle threats to press freedom, address ongoing impunity for crimes against media and to withdraw of proposed bill to criminalise defamation. The petition was submitted to the President's Office, the People's Majlis and the Supreme Court following the arrest of 18 journalists at press freedom protest. Credit: Twitter/ZaheenaR

# FOREWORD

**T**here is no doubt that the media of South Asia is on a critical journey. It is a path that is full of hope for a new and emerging future, but it is also one loaded with challenges – both to the craft of journalism and to the way media workers operate day to day in the field through the stories they tell and the dangers they confront.

Standing boldly between intense geo-political challenges and the socio cultural issues that bind this region together, journalism in many cases is growing and evolving alongside new democracies and not without its share of issues.

This 14th annual review of journalism in the region, *The Road to Resilience: Press Freedom in South Asia 2015-16*, presents a picture of the media landscape that is both grim and defiant. With each year, this important record is created through the dedication, commitment and ongoing determination of the South Asia Media Solidarity Network (SAMSAN). It represents a strong and unified voice on the issues that bind the region's media and is a record of shared experience, strength and solidarity that has come to represent them together.

As we stand now, Pakistan's media continues its stratospheric expansion, but in the midst of curbs and controls and ongoing safety issues. Nepal, Bhutan and Sri Lanka are treading a precarious path to finding credible and independent spaces for the media against economic challenge and political change – one that has promisingly seen the return of journalist exiles in the case of Sri Lanka.

Meanwhile, journalists in the world's largest democracy in India are standing firm in the face of ongoing direct assaults, wage challenges and threats by governments, security forces and other political and religious powers. And sadly, Afghanistan has found itself in a new war on media as international support withdraws and the Taliban and the IS amplify their efforts at control as evidenced through the horrific suicide attack on Tolo TV workers in Kabul – the single deadliest attack on the country's media.

But perhaps nowhere has the battle for freedom of expression been as acute and brutal in the past year as Bangladesh. As we prepare to launch this report, there have been two more horrendous murders of individuals working to push the boundaries of free expression – blogger Nazimuddin Samad and editor Zulhaz Mannan. They are among seven bloggers and journalists killed in the last year and form part of a broader, sustained project of silencing being ruthlessly conducted by fundamentalists and extremists that have turned the country into a killing field for those who dare to speak with an alternate voice.

What is clear across our region is that regional and international condemnation is wasted without the will of



↑ Indian journalists shout slogans during a protest to condemn an assault on fellow media workers by lawyers at the Pathiala court in New Delhi in February, 2016. The attacks on journalists took place as they covered the sedition case against JNU students, which has sparked protests across India.

a country's leaders and legal apparatus to tackle the issues that threaten democracy's fourth estate. We cannot simply step back from the reality that 31 media workers, including bloggers, have lost their lives in South Asia. This must change.

Without solidarity, journalists and media workers remain exposed to the sometimes lethal forces working to silence them. Across the region, there is cause for hope as media workers and the unions and bodies that represent them continue the fight for freedom.

In this report we take a deeper look at the growing issue of online violence against women in our special gender and media chapter. We also give special attention to challenged



spaces and regions – including Bangladesh’s troubled online space as well as Chhattisgarh in India and Kabul and Kunduz province in Afghanistan which was occupied over 15 days in October 2015 by the Taliban.

Importantly, we also document the region’s progress in the fight against impunity for crimes against journalists. The world over, only one in 12 cases of journalists killed has been resolved, according to UNESCO. In South Asia, the situation is much worse.

Tackling this reputation will take more than strong words. In Pakistan there have been just three convictions in the 100 fatalities since the US-led war on terror began. For those

fighting impunity the price can be high. But there have been positive signs with some arrests and convictions.

So too, as media and technology evolves, the diversity and possibility for South Asia’s media presents huge opportunities which journalists everywhere are embracing to traverse the physical and traditional borders that once separated them.

*The Road to Resilience* encapsulates a record of this past year and the work of many. We hope it will direct future campaigns and a stronger media for South Asia.

**Jane Worthington**  
IFJ Asia-Pacific



## OVERVIEW

**T**owards the end of the year under review, the editor of a Bangla-language LBGTI magazine Roopbaan was hacked and shot to death in his own home, a victim of homophobia and violent intolerance of secular thought. His brutal killing, for which the IS has claimed responsibility, follows just weeks after the gruesome hacking to death of a young activist in the cause of a new campaign of “free thinking” in Bangladesh. Killed as he walked home in the capital city of Dhaka one evening, he was the seventh blogger to suffer fatal assault over the past three years. The killings left little room for ambiguity about a systematic campaign of retaliation against youthful activism over the blogosphere and social media against the restraints of orthodoxy.

At the same time, in Bangladesh, an editor who was for long tarred as an accessory of the religious parties continues to languish in prison despite a bail order issued by the country’s highest bench. And other editors and public figures who have spoken up for the cause of secularism, are targeted in mass litigation by activists of the ruling party, seemingly with no motive other than extinguishing all sources of public criticism of the government in power.

India had an exceptionally bad year in terms of the risks involved in journalism. An unprecedentedly high number of journalists were killed, several identifiably in retaliation for their professional work. There were also numerous arrests on charges brought under special security laws in regions of insurgency and unrest. These arrests have been read by local press freedom workers as transparent acts of vendetta against critical and

public spirited journalists, some of whom have been subject to custodial torture.

Pakistan had a relatively better year in terms of journalists’ safety, but only in relation to the dismal record of the preceding fifteen years. The insurgency in Balochistan province continued to pose severe challenges, with a state of lawlessness becoming increasingly the norm in the ongoing war of attrition between armed militants and the security forces. Elsewhere in the country, journalism continued to suffer from all the difficulties of a country caught in the vortex of a global war. A new resolve was evident in Pakistan’s powerful military establishment to take on armed militants within. As part of that campaign, advisories are regularly issued to media organisations about appropriate norms to be followed in coverage of army engagements with outlawed militant groups. These have been seen as unseemly intrusions into journalistic autonomy. And even media platforms that seek to comply, find the task is rendered difficult by the fact that most militant groups have their political wings which have been in some part proscribed, but continue to operate in the open.

In Pakistan, a rarely applied clause of the law on free speech, which allows for restraints in the interests of friendly relations with a foreign power, was dusted up and applied. The matter involved media reporting and commentary on Saudi Arabia, one of Pakistan’s closest allies, now embroiled in a war in Yemen that is rapidly turning into a military quagmire.

The army has ambiguous rules of engagement in these matters, often preferring not to directly engage with political groups defying official bans. The media often gets caught in between. Militant groups and their political wings take media



## MOST COUNTRIES HAVE RECOGNIZED THE VALUE OF THE RIGHT TO INFORMATION (RTI) IN PRINCIPLE, THOUGH LEGISLATION REMAINS LACKING IN SRI LANKA, BHUTAN, AFGHANISTAN AND THE MALDIVES.

caution to be active hostility or partisanship on behalf of the army, and miss no opportunity to attack journalists performing their duty. Some of this dynamic was in evidence in February and March, when crowds came out on the streets in some of Pakistan's cities after the execution of the convicted assassin of Salman Taseer, governor of Punjab province in 2011. Taseer was also a media owner of some significance and was killed in evident retaliation for his public expressions of sympathy for a poor woman facing charges under the country's oppressive blasphemy law.

Security anxieties were a constant in several countries. In India, news channels were issued notice asking for reasons why they should not be held legally liable for coverage of the prelude and aftermath of the execution of a person convicted for a 1993 serial bombing in the city of Mumbai. Campus unrest in some of the most renowned universities of the country brought questions of loyalty to the security agencies and their agendas to the forefront, provoking a bitter rift within the media and questions about the credibility of some among them. Ethical issues were raised in debates within professional circles and the large and growing number of social media users in India, as

◀ In the past three years, seven bloggers have been brutally murdered by Islamists in Bangladesh, turning the country into a killing field for secular bloggers and activists. While some arrests have been made, justice is poor. Meanwhile the threats and killing continues.

↑ After the devastating Nepal earthquakes in Nepal in April and May 2015, the country's media played an integral role. Nepalese journalists helped with the recovery and rebuilding, while working in make-shelters to keep news production going.

norms of objectivity and distance in covering matters portrayed to involve national security interests came under assault.

Events in Nepal were overshadowed by the devastating earthquakes in the east of the country in April and May 2015. One journalist was killed, several were injured and media organisations without exception had to incur major costs in restoring their operations after the devastation. The long deferred task of arriving at a consensus on the shape of the Nepali republic was successfully consummated, but only at the cost of triggering a fresh wave of turmoil in the country's southern plains. India too expressed its displeasure at the new constitutional order with what was euphemistically called an "informal blockade" on trade and transit into Nepal. There



↑ One year on from the horrific Peshawar school bombings, Pakistan paused to remember the victims.

Credit: AFP: Banaras Khan

was a longish period of scarcity of essential commodities in the landlocked country, but a mobilization of a new fighting spirit in which the Nepali media played a part.

The situation in Sri Lanka marks a bright spot, though not unequivocally so. The end of the civil war in 2009 brought about little improvement in the status of journalists since the overwrought mood of triumphalism meant that long overdue processes of reconciliation and accountability were given short shrift. When Mahinda Rajapaksa amended the constitution to remove any term limits over the all powerful executive presidency in Sri Lanka, there seemed few avenues open for restoring long-lost freedoms. The defeat of the Rajapaksa autocracy in the presidential elections in January 2015 and subsequent parliamentary polls opened the pathway to a new order for journalists and other human rights defenders.

There is an unprecedented situation in Sri Lanka in that political parties used more to being in opposition, are today holding the reins of power in a coalition. There has been a phase of cohabitation before, with presidency and prime ministership split, but this was ended when the two parties began pulling in different directions in their approach to the island nation's long-running ethnic conflict. The end of that phase of co-operation paved the way for the arrival of the Rajapaksa autocracy, and the brutality of the last phase of

the war which was accompanied by a severe curtailment of civil liberties all over Sri Lanka.

Websites have made a comeback to Sri Lanka after being forced into exile during the last months of the war and the subsequent phase of unbridled triumphalism. An irritant has arisen in the shape of the government's insistence that news websites should be registered. The Sri Lanka Press Council, based on a legislation passed in the 1970s, continues to exist and to enjoy the draconian powers of ordering journalists jailed and media outlets shut down. The industry-sponsored independent grievance redress mechanism, the Press Complaints Commission of Sri Lanka, continues to function though in a rather lackadaisical manner. Leadership positions in state-owned media were reshuffled following the power shift of 2015 and loyalists of the current dispensation placed in authority. The transition to public service media which journalists' bodies and activists in Sri Lanka have long been advocating, remains a distant prospect. Journalists in the northern province of the country, where the last and most brutal phases of the civil war were fought, remain embattled and often report being watched on by the security and intelligence agencies.

Older practices of public abuse of journalists by political figures have occasionally been manifest. But on the bright side, a number of international journalists denied entry after

## THE SITUATION IN SRI LANKA MARKS A BRIGHT SPOT, THOUGH NOT UNEQUIVOCALLY SO... THE DEFEAT OF THE RAJAPAKSA AUTOCRACY IN THE PRESIDENTIAL ELECTIONS IN JANUARY 2015 AND SUBSEQUENT PARLIAMENTARY POLLS OPENED THE PATHWAY TO A NEW ORDER FOR JOURNALISTS AND OTHER HUMAN RIGHTS DEFENDERS.

being declared *persona non grata* for critical reporting and documentation on the human rights costs of the civil war, have been allowed back in. An international press freedom mission visited Sri Lanka during the period under review and was granted unfettered access. A comprehensive set of recommendations has been submitted, but not acted upon as yet. In one of its most significant acts of reconciliation, the government has announced that all journalists who suffered injury or any other form of harm from arbitrary actions by state authorities between 2005 and 2015 could submit a claim for reparations.

Journalism and media in Afghanistan continue to suffer due to operating in one of the main theatres of a global war. Warnings by insurgent groups irked by critical media reporting and commentary are frequent. The recurrent bomb attacks in the country's main urban centres continue to take a toll in lives and journalistic morale. And with the political players who have committed to the democratic process being divided among themselves, no clear consensus has emerged on the need to preserve free media as a cross-partisan commitment.

In the Republic of the Maldives, political discord exacts a price on free media practice. The jailing of former President Mohamed Nasheed on terrorism charges has deepened the polarization between the old order and those empowered by the 2008 elections which brought him to power. There have since been numerous executive and judicial acts which have alienated sections of the republic's media community, such as a court ordered closure of a newspaper, the nomination of partisans of the ruling party to the ostensibly independent broadcasting commission. Journalist Ahmed Rilwan, believed abducted in August 2014, remains missing.

Corruption allegations against the incumbent president have elicited a vengeful response, with moves afoot to criminalize the offence of defamation. The reversion to an older punitive regime is regarded with alarm, since the decriminalization of defamation, achieved following Nasheed's election in 2008, was a major landmark in press freedom in the Maldives. Early in April 2016, a demonstration by journalists against the various fetters upon their freedom was set upon by police in what was regarded as a disproportionate application of force. Four journalists from a pro-Nasheed TV channel were subsequently charged with criminal offences ranging from rioting to obstructing the police in the discharge of their duties.

In the Himalayan kingdom of Bhutan, the transition to a constitutional monarchy with a parliamentary government proceeds with accustomed tranquillity. Media development

is limited by the small market and the limited advertising budgets deployed. Government funding and some degree of international donor support, have kept the media scenario lively with not a single outlet shutting shop. This is regarded by the country's journalists as an achievement in itself, but the dependence on state funding restricts freedom. And with the government being a major advertiser a clear policy on allocation of ads between media outlets is seen as an imperative for relative media autonomy. Social media has been a major platform for exchange of news and views, but in a small community, the need for voluntary norms of ethical conduct has been strongly felt.

Most countries have recognized the value of the right to information (RTI) in principle, though legislation remains lacking in Sri Lanka, Bhutan, Afghanistan and the Maldives. The Pakistan province of Khyber Pakhtunkhwa sought to introduce amendments in its RTI law to protect legislators from full disclosure, but had to withdraw following protests. In the province of Punjab, follow up in terms of empowering and funding the agencies of transparency, has been lacking, though public pressure is building up for the government to follow up its legislation with appropriate action on the ground.

Regulatory efforts especially in relation to the electronic media and the internet, remained a challenge in all countries. In Pakistan, the introduction of a draft bill on the prevention of 'electronic crimes' was seen as a possible deterrent to free speech over the internet. India's telecoms regulator though, struck an important blow for net neutrality, prohibiting a two-speed or a differentially-priced internet at a time when several service providers were gearing up to provide a free channel for certain kinds of content.

The struggle against impunity continued. SAMSAN affiliates in India have campaigned actively and at all levels of the political hierarchy for a special law protecting journalists. In Pakistan, one conviction was secured in a journalist's murder, but a larger opportunity was squandered. A judicial commission appointed to probe a near-lethal attack on one of the country's most high profile media personalities in 2014, failed repeatedly to meet, missed all deadlines and was in every other way complete opaque to public scrutiny.

The struggle for decent wages and working conditions continued, though with only sporadic successes in India and Pakistan. Nepal's journalists secured a doubling of their minimum wage, after representations before the empowered committee. Implementation remains a challenge and SAMSAN affiliates in Nepal have begun a targeted campaign focused on particular media organisations, to ensure their rights.

# IMPUNITY

## THE QUEST FOR JUSTICE

Intimidation, violent attacks and killing of journalists are a grave violation journalists' right to perform their duty as well as the public's right to know. When these violations of freedom of expression and journalists' rights occur with impunity, a climate of fear becomes the norm and lack of accountability permeates public discourse. In conflict zones in particular and also in conditions of deteriorating law and order, the media have an even more critical responsibility to inform the public. But it is precisely these conditions that breed impunity.

Recognizing the need to evolve multi-pronged approaches to tackle impunity at a global level, the UN Plan of Action on the Safety of Journalists was endorsed in 2012 by governments, journalist associations, media houses, NGOs, INGOs and the UN system. It is no coincidence that South Asia is home to two of the four countries selected for the first phase: Nepal, Iraq, South Sudan and Pakistan.

The Plan of Action aims to create a free and safe environment for journalists and media workers with a view to strengthening peace, democracy and development worldwide. Its measures include the establishment of a coordinated inter-agency mechanism to handle issues related to the safety of journalists as well as assistance to countries to develop legislation and mechanisms favourable to freedom of expression and information and supporting their efforts to implement existing international rules and principles. The Plan recommends cooperation between governments, media houses, professional associations and NGOs and to conduct awareness raising campaigns on a wide range of issues such as existing international instruments and conventions; the growing dangers posed by emerging threats to media professionals; as well as various existing practical guides on the safety of journalists.

Indeed, one of the key characteristics of the UN Plan is the multi-stakeholder approach. This is based on the realization that the issue of journalists' safety is much too complex to be able to be resolved by any single actor. By drawing on the varied strengths and resources of different stakeholders collectively, there is a better prospect for improving the safety of journalists and ending impunity.

Four years on, efforts to implement the UN Plan of Action have provided significant lessons learnt and the plan is increasingly seen as a framework to be applied in countries across the world, where media workers face hostile environments through a broad and concerted effort.

UNESCO states that the world over, only one in 12 cases of killed journalists has been resolved, and the situation in the South Asia is even worse. Indeed, because the region has an almost perfect record of impunity the murderers of journalists often walk free, and in most cases, even investigations prove elusive. For a long time, the South Asia region has been the worst in the world in terms of impunity for crimes against journalists. Despite all eight countries in the region – Afghanistan, Pakistan, India, Sri Lanka, Bangladesh, Nepal, Maldives and Bhutan – being under democratic regimes for at least five years, the persistence of impunity in these countries has remained a big challenge for governments and democracy.

## BANGLADESH: ARRESTS MADE

Bangladesh is among the five South Asian nations in the CPJ's Impunity Index among the 14 countries with the worst records in punishing the killers of journalists. This lack of action, delay in investigation, and absence of convictions, may serve to embolden perpetrators, and is contributing to the culture of impunity for acts of violence. Since 1995, 47 journalists and seven bloggers have been murdered, yet there have been only a few convictions, and trials are yet to commence in many cases.

However, this year, there were some positive developments. On December 31, 2015, eight persons involved in the murder of blogger Rajib Haider were convicted and sentenced. Haider, 35, a blogger and activist calling for the execution of Islamist leaders for crimes committed in the Liberation War of 1971, was hacked to death on February 15, 2013 near his house at Mirpur. The Dhaka Special Trial Tribunal sentenced to death Md Faisal Bin Nayem alias Dweep and absconding Redwanul Azad Rana. Rana was considered as the mastermind of the murder while Nayeem attacked Haider with a meat cleaver. Maksudul Hasan alias Anik was given a life term sentence, Md Ehsan Reza alias Rumman, Nayem Sikdar alias Iraj and Nafis Imtiaz were given 10-year jail terms each, five-year imprisonment were granted to chief of militant group ABT Mufti Jashimuddin Rahmani and Sadman Yasir Mahmud was given three years in prison.

In some cases of murder, the Bangladesh Police made swift arrests and charged them. Although progress in investigation is mostly slow and incomplete, the arrests are a relief. On September 1, 2015, five militants of the banned Ansarullah Bangla Team (ABT) were charged with the murder of Oyasiquir Rahman Babu in March 2015. The charge-sheet filed at a

**UNESCO STATES THAT THE WORLD OVER, ONLY ONE IN 12 CASES OF KILLED JOURNALISTS HAS BEEN RESOLVED, AND THE SITUATION IN THE SOUTH ASIA IS EVEN WORSE.**



Credit: AFP/Munir Uz Zaman AFP

Dhaka magistrates court listed Zikrullah alias Hasan, 19; Ariful Islam, 19; Saiful Islam alias Mansur, 23; Junayed alias Taher, 30; and Abdullah alias Akram Hossain, 26 in connection with the murder. Zikrullah and Ariful were caught by locals immediately following the murder and handed over to the police. However, Taher and Abdullah remain on the run and at large.

On August 29, Dhaka Police arrested Kausar Hossain Khan, 29, and Kamal Hossain Sardar, 29, for the murder of Niloy Neel, who was hacked to death in another ‘machete murder’ on August 7. The suspects are reported to be also members of the ABT. Two others, Saad-al-Nahin and Masud Rana, were arrested two weeks earlier for their suspected involvement in Niloy’s death. On August 18, Bangladeshi police arrested Bangladeshi-Britisher, 58-year-old Touhidur Rahman, and two other suspects Sadek Ali and AminulMollick, for the killing US-Bangladeshi blogger and author Avijit Roy. Most of them are currently awaiting trial in jail.

## PAKISTAN: SIGNIFICANT VERDICT

March 16, 2016 marked a rare occasion for journalists in Pakistan to celebrate the third verdict convicting a murderer of journalist. A district court in Karak in northwestern Khyber Pakhtunkhwa province of Pakistan convicted the killer of Ayub Khattak who was murdered in 2013.

The judge found the prosecution’s evidence “consistent and confidence inspiring and it could not be riddled with any sort

↑ Bangladesh police officials parade suspects in Dhaka on August 14, 2015, after their arrest in connection with the murder of secular blogger Niloy Chakrabarti, known by the pen-name Niloy Neel. Bangladesh police said they arrested two suspected members of the banned Islamist group, Ansarullah Bangla Team, over the brutal killing of ‘atheist blogger’, known by the pen-name Niloy Neel.

of doubt concerning the main [accused] Amin Ullah” and further said that “the prosecution has been successful to prove its case against him to bring to home charge and the court finds him guilty”. The judge ordered life imprisonment, of which 15 years will be rigorous, and also awarded a compensation amounting to PKR 500,000 (about USD 5,000) to the heirs of Ayub Khattak.

This court verdict comes after Pakistan suffered well over 100 fatalities of journalists since the country joined the US-led war on terror after the terrorist attacks on the United States in September 2001. Thus far, only two cases of journalists’ murders in Pakistan have been investigated and the accused prosecuted and convicted: the murders of American journalist Daniel Pearl and Geo News TV channel’s reporter Wali Khan Babar. All the three cases still await completion of legal process as the convicts’ appeals against convictions are pending in appeal courts.

The celebration did not last long. The Taliban – one of many predators of the free press in Pakistan – delivered yet another threat: “Everyone will get their turn in this war, especially the slave Pakistani media,” Ehsanullah Ehsan, spokesman for

## THE FAILED ASSASSINATION ATTEMPT ON THE COUNTRY'S RENOWNED TV JOURNALIST HAMID MIR LED TO THE SETTING UP OF A JUDICIAL COMMISSION . . . BUT A LEAKED REPORT INDICATES THE COMMISSION WAS UNABLE TO DETERMINE THE ACTUAL REASONS OR IDENTIFY THE CULPRITS RESPONSIBLE FOR THE ATTACK.

Jamaat-ur Ahrar, splinter group of the Taliban in Pakistan currently hiding in border areas of Afghanistan, tweeted. “We are just waiting for the appropriate time.”

The price of fighting impunity in Pakistan is very high. Some seven persons, including eyewitnesses, prosecutor, investigators and cops, were killed while tracking down the killers of Wali Khan Babar, his brother Murtaza Khan Babar told a UNESCO-organized national conference on Validation of Journalists Safety Indicators in October 2015. “You cannot imagine what price you will pay if you pursue the murder case of a journalist in Pakistan,” he told the Freedom Network, a media development organisation.

Before Pakistan was chosen as one of the pilot countries for the UN Plan of Action on the Journalists’ Safety and the Issue of Impunity in 2012, safety of journalists and media houses was at the lowest ebb with the country labelled as the “most dangerous” country for journalists in the world. No one was taking these attacks, killings, threats, harassments and intimidations of journalists seriously enough and perpetrators of horrific crimes were encouraged by deep-rooted impunity in the country. Disunity among media owners was adding fuel to the fire. Then came the split in the Pakistan Federal Union of Journalists with two contesting groups claiming victory in the elections held on October 26, 2013.

The failed assassination attempt on the country’s renowned TV journalist Hamid Mir led to the setting up of a judicial commission on April 21, 2014, two days after the attack, to probe who attacked him and why. The Hamid Mir Judicial Commission, mandated to complete the probe within three weeks, submitted its report to the government only on December 15, 2015. The report has still not been made public, but a leaked report indicates that the commission was unable to determine the actual reasons or identify the culprits responsible for the attack. The Commission in its report notes that “there was complete failure on the part of all the law enforcing agencies in the performance of their duty to properly investigate the instant case.” The Commission also noted that the first information report (police FIR) was filed four days after the incident, thus delaying proper investigations. It is indeed indicative of entrenched impunity that even in such a high-profile case, there has been a dismal failure of the law enforcement authorities to take action.

With so little hope for justice, and with intimidation and threats causing not just physical harm but also psychological breakdown, self-censorship emerged as a major tool to stay safe.

Freedom Network’s 2016 report on State of Media Freedom in Pakistan 2015, points to reasons that journalists and media

houses are censoring themselves to stay safe as attacks, threats, harassments and intimidations continue unabated from all sides, including state and non-state actors.

Using the unique platform of the Pakistan Coalition on Journalists Safety, where all media stakeholders, including owners, working journalists and the government, are well represented for the first time, the issue of journalists and media houses’ safety and impunity have become a national agenda. Professional editors also joined the efforts aiming at addressing the security concerns of the journalist community and media industry by launching the ‘Editors for Safety’ (Efs) initiative to immediately report harassment and attacks once such cases are brought to its notice.

A significant aspect of this initiative is that despite serious differences among big media houses and their owners, they decided to work together towards the basic issue of safety and security. The results are encouraging as journalists in distress are getting help through the Efs.

Another big leap was taken to institutionalize journalists’ safety issue with Pakistan becoming a member of a small group of countries where safety hubs were established in partnership with press clubs to document and monitor each and every attack on journalists and media houses. In addition, efforts are made to link journalists in distress to the available governmental and non-governmental support systems and processes at local, regional and federal levels to mitigate the risks they may face.

Supplementing this initiative, Pakistan Journalists Safety Fund (PJSF) was reactivated in December 2015, to assist journalists in distress in four different categories – evacuation, legal, medical and compensation to deceased families of killed journalists. Since its launch in 2010 and until March 2016 around 40 journalists were assisted through the fund.

Of late, the government also woke up to the alarming situation of journalists’ safety and took up a private member’s Bill about journalists’ protection. The Senate Standing Committee on Information and Broadcasting invited all stakeholders to join deliberations on a draft journalists’ protection bill. Journalists’ representatives and safety specialists have come forward to use the goodwill gesture of the government to enhance the security of journalists and media houses.

Advocacy through the PCOMS platform seems to be paying back dividends to fight impunity. Media houses are moving away from a conservative look at the issue of journalists’ safety to more responsive behaviour, since staffers of TV channels are more vulnerable and exposed to risks than print media journalists. Actions taken could include relocating journalists and their



Credit: Asif Hassan/AFP

↑ Following the failed assassination attempt of renowned journalist Hamid Mir in 2014, a commission was established to investigate the attack and report within three weeks. To date the report has not been made public. Following the attack on Mir, protests were held across Pakistan and the attack was condemned globally.

families in Khyber Pakhtunkhwa receiving threats from the Taliban, safer locations within the country. Similarly, another TV channel's management took a stand and defended its journalist in Karachi who had received threatening calls from a sitting minister of the Sindh government. The management thanked the PJSF for approving a fund to engage a lawyer to challenge the minister in a court of law but declined to take the fund saying that the channel's management would pay the bill for the legal case against the minister from its own resources. These small but important gestures by media houses must be encouraged in order to pressurize managements that are not as responsive.

Pakistan is facing a decisive moment to bat for the issue of safety and security. While both national and international allies of the Pakistani media have been doing a lot to help bring about an enabling environment for journalists and media organisations to work independently and professionally, final pushes must accompany renewed support – both technical and resources – to keep journalism going in Pakistan.

## NEPAL: LENGTHY TRANSITION

Impunity reigns high as the country is still under the political transition after the end of the armed Maoist conflict. The decade-long conflict ended in November 2006 after the signing of the Comprehensive Peace Agreement between the government and the Unified Communist Party of Nepal (Maoist). The agreement between political parties which was signed to bring a logical conclusion to the peace process, ironically increased impunity as some of the provisions agreed upon by the political parties weakened the rule of law, especially

with regard to the conflict-era cases.

Since 2001, 35 journalists in Nepal have been murdered and four others disappeared. Yet, only five cases have been taken to the stage of prosecution while many are not even being investigated. Among six prosecuted cases, in the cases of Birendra Sah, Uma Singh, Dekendra Thapa and Yadav Paudel, the murderers have been convicted at least by one court and in the case of murder of media industrialist Jamin Shah, the case is still in the court.

A breakthrough achieved in 2016 is the arrest of mastermind of the murder of Arun Singhania. Singhania, owner and editor of *Janakpur Today* newspaper and Radio Today, was killed in broad daylight in March 2010. Police in April, 2016 claimed that their investigation pointed to suspended MP Sanjay Kumar Sah as the mastermind behind the murder. Sah was named in a news of a looting and Sah paid contract killers Chandra Deep Yadav and others to kill Singhania. The police arrested Yadav, a fugitive in other crimes as well, in March, 2016 leading to the conclusion of the case.

The Nepal International Media Partnership (NIMP), an alliance of 14 international organisations including the IFJ, SAMSUN, UN agencies, global media associations, freedom of expression advocates and media development organisations, called on the Nepali government to take effective steps to resolve all serious cases of attacks and killings of journalists as well as introduce a journalist safety mechanism at the National Human Rights Commission (NHRC). A report published in March 2016 following a six-day mission to Nepal in April 2015, states that there is an ongoing need to address the issue of safety of journalists and other media workers in Nepal.



Credit: Sunanda Deshapriya

## OUT OF DOZENS OF KILLINGS AND ATTACKS ONLY ONE CASE HAS BEEN INVESTIGATED AND CHARGES FILED IN THE COURTS: THE CASE OF THE ENFORCED DISAPPEARANCE OF PRAGEETH EKNALIGODA.

The two key objectives are: the provision of protection for journalists when the need arises and effective tools to combat impunity when attacks do occur or are threatened. The recommendations call for effective steps to resolve all serious cases of attacks on journalists; the implementation of the Working Journalists Act; the development of ethical guidelines and professional standards and protection measures for all media staff.

### SRI LANKA: PLEDGES AND PROMISES

Ending impunity against the violations of freedom of expression in Sri Lanka has been an uphill task for media freedom organisations, locally and internationally. Leaders of the new government had pledged to ensure press freedom and investigate killings and abductions of journalists, and attacks against journalists and media once they come to power. On several occasions after coming to power the government promised to appoint a special unit to investigate them. No such commission has been appointed so far.

Out of dozens of killings and attacks only one case has been investigated and charges filed in the courts: the case of

↑ Sri Lankan journalist and cartoonist Prageeth Eknaligoda has been missing since January 2010. In the years since his wife, Sandhya, has led a massive campaign calling for justice. She talks to reporters outside a Colombo Court in March 2016 during the trial of those charged with his abduction.

the enforced disappearance of Prageeth Eknaligoda. There have been no official statements on any other incident being investigated, except occasional reporting of the investigation into the killing of the former editor of the *Sunday Leader*, Lasantha Wickrematunge.

On March 9, 2015 the President's Office announced the appointment of a special committee to provide reparation for professional journalists who suffered injustices, faced disturbance and damage to their property during their work from January 2005 to January 2015. This period covered the two terms of former president Mahinda Rajapaksa. The Presidential Office informed the journalists who are survivors of injustice to submit all the data and information which can prove injustice and loss suffered, along with their professional identification to the Presidential Secretariat.

## PRAGEETH EKNALIGODA: VANISHING JUSTICE?

Investigation into the enforced disappearance of journalist and cartoonist Prageeth Eknaligoda was revived in 2015 and charges were filed against a number of members of the security forces. The investigation and the court case of the enforced disappearance of Eknaligoda provide a classic scenario of zig zags and difficulties in ending impunity and ensuring accountability in a post-war transitional society.

Eknaligoda was abducted on 24 January 2010, just two days before the presidential election after the war's end. He openly supported the joint opposition candidate against the incumbent "war victory" president Mahinda Rajapaksa. For five years until the regime change took place there was no proper investigation into his disappearance. Instead, stories were fabricated by ruling party members and higher officials that he was living in Europe.

In the meanwhile, a campaign led by his wife Sandya Eknaligoda and supported by local and international actors gathered momentum. By the second presidential election in January 2015, the issue of Eknaligoda's disappearance had become of national and international concern.

The civil society groups that played a decisive role at the 2015 January election were able to highlight media suppression and violence unleashed against journalists and media under the Rajapaksa regime. Accountability for human rights violations in Sri Lanka was long overdue by that time and Eknaligoda's enforced disappearance had become a much-highlighted issue.

Once the investigations began, obstacles started to appear one after the other. The clue to the investigation was a mobile phone number that had been used for the abduction of Eknaligoda. First it was the mobile phone operator, Dialogue, refusing to provide relevant phone conversations on technical grounds. Soon it was found that the Sri Lankan Army had a hand in the abduction. Two former cadre of the Liberation Tigers of Tamil Eelam (LTTE) who had become informers for the military were arrested, once information regarding phone calls was discovered. Following the information given by them, eight army personnel were arrested.

At this stage, the military refused to release relevant documents or allow access to military instalments. The Magistrate had to intervene several times to make military commanders cooperate. At the second stage of the investigation it was revealed that Eknaligoda was taken to an army camp in the East, and interrogated on some presidential campaign material he had produced. Even after the Magistrate's repeated requests to the army commander to release the required information, up until March 14, 2016,

police investigators did not receive it. When the case was taken up on March 14, 2016 the State Council Deleepa Pieris requested the Magistrate to order the army commander to release the necessary information.

It was reported that attempts were made to replace the state prosecutor who had been doing an exemplary job in pursuing the truth and pressuring military to provide necessary information. In fact he was removed from the case but the Attorney General had to retract his order due to media and civil society pressure.

As the suspected military intelligence personnel were arrested and remanded, former president Rajapaksa, whose political platform had come to be based on extreme Sinhala nationalism, visited them in the prison to show his solidarity with the 'war heroes' who saved the country. Newspaper articles appeared defending them and branding the journalist Eknaligoda as an LTTE supporter. A kind of political defence was being built, weaving a narrative that the 'war heroes' were doing their duty by arresting an LTTE informer. The extreme Sinhala nationalists led by the violent Bodu Bala Sena group launched a campaign defending the suspected army personnel.

January 25, 2016 was the first day of the court hearings against the nine Army Intelligence officers who had been serving at the Giritale army camp, namely Lieutenant Colonel Shammi Arjuna Kumararatne, Lieutenant Prabodha Siriwardena, Lieutenant Priyantha Kumara, Rajapaksha Wadugedera Vinnie Priyantha, Ravindra Rupasena, Chaminda Kumara Abeyratne, Kanishka Gunaratne, Aiyasami Balasubramaniam alias Ravi and Tharanga Prasad Gamage. On that day, an unruly gang of Buddhist monks and civilians literally invaded the court and made a statement saying that Eknaligoda was an LTTE informer and that the 'war hero' military personal should not be charged. The leader of the unruly gang, Ven. Galabodaatthe Gnanasara, threatened Sandya Eknaligoda while leaving the court after making his defamatory statement.

Soon after Ven. Gnanasara and other members of the gang were arrested and remanded for contempt of court. Immediately after this, mayhem occurred at the court, posters appeared against Sandya Eknaligoda and the lawyer who represent her interests.

On February 9, 2016 the Criminal Investigation Department (CID) officials informed the Homagama Magistrate that they had received evidence that Eknaligoda who had been detained at Giritale army camp, was blind-folded and taken to a location in Akkaraipattu [in the East] where he was killed.

The case continues.

**ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS IN SRI LANKA WAS LONG OVERDUE BY THAT TIME AND EKNALIGODA'S ENFORCED DISAPPEARANCE HAD BECOME A MUCH-HIGHLIGHTED ISSUE.**



## AFGHANISTAN: NO ACCOUNTABILITY

Impunity reigns high in Afghanistan where very few perpetrators have been held responsible in the targeted killings of journalists. Statistics by the Afghanistan Journalists Centre (AFJC) show that nine out of ten cases of murders of journalists have not been prosecuted. There had been prosecutions in the murder cases of state-run National TV reporter Sayed Hamid Noori (killed in November 5, 2010), and editor-in-chief of *Andkhai* magazine Rahman Qul (murdered in February 17, 2007) and a primary court had issued verdicts against the murderers of Associated Press photographer Anja Niedringhaus (killed on April 4, 2014) and former ISAF reporter Palwasha Tukhi (murdered on September 17, 2014). However, assailants of other journalists continue to enjoy complete impunity.

Although the current national unity government has reiterated its commitment to press freedom and vowed to end impunity, journalists are still publicly threatened and targeted in acts of violence, and the country is yet to see the commitment turned into reality. President Ashraf Ghani, the first vice-president Abdul Rachid Dostom and the Chief Executive Officer Dr Abdullah Abdullah had vowed to put an end to impunity for crimes against journalists and media workers time and again.

## INDIA: DISMAL RECORD

India is the largest democracy in the world and free from major armed conflict. Yet, its record on punishing the murderers of journalists is poor. With 31 murders of journalists since 2010 and 80 since 1990, most with none of the alleged perpetrators brought to justice, impunity is rife in India.

The Press Council of India (PCI) in its 2015 special report noted that among 80 cases of journalist murders since 1990, justice has been delivered in only one case – that of the gang rape of a female journalist in Mumbai in 2013 as it was tried under the newly amended anti-rape laws in a fast-track court. It said that in most instances, either the cases are pending in court or the police are yet to file charges. Journalist associations have been demanding a separate law for the protection of journalists and speedy prosecution in cases of murders.

↑ In November 2015, following the brutal killing of Zaman Mehsud, protests were held in in Khyber Pakhtunkhwa condemning the murder and calling on the government to arrest the culprits. Zaman Mehsud is one of 32 journalists and media workers killed in South Asia since May 2015.

The PCI report on safety of journalists states that ‘most of the journalists felt that whenever a journalist was killed, the state government concerned, including the Chief Minister and political leaders react and promise stringent action... after the din and noise died down, nothing happens.’ It further added: ‘in most cases, the police take years to file the charge sheets and arrest the culprits, who usually had support of the political and official establishment.’ There is a record of even the Central Bureau of Investigation (CBI) dismissing some cases for ‘lack of evidence’.

## MALDIVES: POOR PROGRESS

Impunity has many faces – and one of them is journalist Ahmed Rilwan of Maldives. In April, 2016, more than 600 days after Rilwan had gone missing, the Maldives police said that he was abducted on August 8, 2014. It was the first time that the police had admitted it was an abduction despite evidence having surfaced much earlier pointing to such a possibility. Members of the Kuda Henveiru gang had followed Rilwan for over two hours on the night in question and abducted him at knifepoint outside his apartment. The police said Rilwan’s abduction was planned well in advance.

The *Minivan News* journalist went missing after he was last seen boarding a ferry travelling to Hulhumale Island from the capital Male. Despite massive search efforts, journalist community’s demonstrations and campaigns, police were unable to provide any information about his whereabouts. Three suspects were arrested within a month of his disappearance but were released without charge.

In January, 2016 Maldivian President Abdulla Yameen broke his silence on Rilwan’s disappearance and requested the home minister to ‘do everything the government can’ to find him. Although recent police statements raise hopes for justice, it could still be a long wait as many suspect the involvement of influential political figures in the abduction. One of the suspects who followed Rilwan before the disappearance has since left the country

## WHERE IS RAMACHANDRAN?

Subramaniam Ramachandran, a Jaffna-based freelance Tamil journalist, disappeared on February 15, 2007 in Jaffna.

According to reports, accompanied by a friend, he left the [private tuition] school he ran in Karaveddy at around 6 pm. on February 15. When they arrived at the Kalikai Junction military camp, soldiers ordered them to stop for questioning. Ramachandran was taken into the camp while his friend was asked to leave.

Asking the question: Where is journalist Subramaniam Ramachandran? human rights defender Ruki Fernando wrote as recently as February 2016 that “according to an eye witness, on the day of the incident, Ramachandran was coming home after work. It was routine at that time to have a curfew imposed in Jaffna after 6 pm. On his way he was stopped at the Army camp at Kalikai junction, not far from his home in Jaffna. The eyewitness had seen some soldiers having surrounded him for questioning.”

Despite eyewitness accounts and information about the time and place of his disappearance, no investigation has been initiated even under the new government. The same fate has befallen the cases of a number of other killings of journalists.

Sri Lanka still has a long way to go to end impunity, a goal which needs focused and continued advocacy.

## 'WITHOUT A TRACE' CAMPAIGN FOR MISSING JOURNALISTS

Every time a journalist is abducted or disappears without a trace, the impact on press freedom can be devastating. There is no doubt that the insecurity and fear created by a disappearance ripples through the entire media community, which too often is the strategy of the perpetrators. Compounded with the failure of states to adequately prosecute and find those responsible, it also supports and creates a climate of impunity for such atrocities. As such, the impunity on disappearances impacts more on freedom of media and there is a pressing need of strong advocacy and pressure on states to hold them accountable.

With this dismal backdrop, on November 16, 2015, the IFJ Asia-Pacific launched 'Without A Trace: Media workers missing in the Asia-Pacific', an online record highlighting the stories of 10 media workers who disappeared and currently remain missing in the region. Seven of those missing journalists are from South Asia – four from Nepal, three from Sri Lanka and one from Maldives. They are *Minivan News* journalist Ahmed Rilwan Abdulla (missing since August 8, 2014, Maldives), editor and publisher of *Aajko Samachar* daily Prakash Singh Thakuri (missing since July 5, 2007, Nepal), Chitra Narayan Shrestha (missing since May 30, 2000, Nepal), managing editor of *Janadesh* weekly Milan Nepali (missing since May 21, 1999, Nepal), radio media staff Madan Paudel (missing since September 16, 2012, Nepal), and cartoonist Prageeth Eknaligoda (missing since January 24, 2010, Sri Lanka), Subramaniam Ramachandran (missing since February 15, 2007, Sri Lanka) and proof-reader Vadivel Nimalarajah of *Uthayan* newspaper (missing since November 17, 2007, Sri Lanka). Their cases are unsolved and investigation by authorities is far from satisfactory. The 'Without A Trace' campaign is a part of the 'End Impunity' campaign and the website, which has details of all missing cases and actions that people can take in order to urge the concerned government, can be accessed at [ifj.org/missing](http://ifj.org/missing)

# WITHOUT A TRACE...

↓ In November 2015, the IFJ launched *Without A Trace*, a website documenting the cases of 10 missing journalists and media workers in the Asia Pacific. Eight of the 10 cases are from South Asia, including Nepal, Sri Lanka and the Maldives.

## MEDIA WORKERS MISSING IN THE ASIA-PACIFIC



# CAPSULE REPORTS

## BANGLADESH

### BELEAGUERED BLOGGERS

“Perhaps it is better to die than to live with your head down,” said Nazimuddin Samad, an atheist blogger. His words were almost prophetic. Samad, 28 a student of law at the Jagannath University in the capital Dhaka, was the most recent victim of the violent rejection of secular views. At about 8.30 pm on April 6, 2016, he was killed in the crowded Sutrapur area by suspected Islamist militants chanting “Allahu Akbar” as they shot and hacked him to death. Nazimuddin, an activist of the Ganajagaron Mancha’s Sylhet wing, regularly posted atheist and feminist critiques of Islam on his Facebook page. With his murder, the death toll of bloggers reached seven. At least six other secular bloggers and online activists have been killed over the last three years.

Bangladesh led its efforts to gag freethinkers with attacks on two fronts: brutal killings by Islamic militants and arrests by the government. Beside the summary executions of bloggers and atheists by Islamic activists, the government is silencing them by arresting and throwing them into prison for long periods under a draconian Information Technology & Communication Act, 2006, made more stringent by an amendment in 2013.

The most recent victim of the law was Shamsuzzoha Manik, a 75-year-old secular author and publisher who has been languishing in prison since February 15, 2016. He was arrested under Section 57 of the Information and Communications Technology Act for his books which were deemed to be “critical of Islam”. The authorities at first closed down the publisher’s booth at Bangladesh’s national book fair.

This is not the first time a book stall has been shut down on grounds of hurting religious sentiments. Last year, Rodela Prokashani (Rodela Publishers) faced the same consequence for their translation of a book about the Prophet Muhammad’s life. The website of the publishing house was hacked and the publisher faced death threats over the book.

Many publishers and secular authors have fled the country fearing attacks over their works. Others are too scared to speak out amidst erosion of freedom of speech and the rise of religious extremism which has been manifested in recent times by attacks on bloggers.

### BIRTH OF BLOGGING

The online movement in Bangladesh started in chat forums in 2001 and then found a home on a blog called *Mukto Mona* (‘Freethinker’), founded by Avijit Roy who was killed in 2015.

At the turn of the millennium, few people in Bangladesh had access to the internet, and the impact of the site was limited. That changed three years later, when Syeda Gulshan Ferdous Jana and her husband, introduced software that converted a standard keyboard into a Bengali phonetic keyboard. They also started the ‘Somewherein’ blog, the first Bangla language blogging

platform. Around the same time, the government removed the prohibitively expensive taxes on laptop computers, and prices dropped drastically. Internet access on mobile phones further encouraged engagement of the general public and the growth of a new generation of Bengalis, who were now exposed to the open exchange of ideas. Today, over 15 million people in Bangladesh use the internet, as compared with just one million a decade ago.

### BATTLE OF THE BLOGS

Most of the secular bloggers in Bangladesh are activists engaged in a mission of challenging Islamic fundamentalism online. The bloggers are poets, novelists, humorists, essayists and playwrights, mostly involved in other professions for their livelihood. They operate on the edge of fear, and are reluctant to complain to the police about threats and intimidation. Many bloggers use pseudonyms, and going to the police means that their identities and addresses have to be disclosed. ‘Ishwar Kona’ is the pen-name of a third-year university student of physics. The young blogger is getting regular threats of rape and death, as she espouses feminist views, promotes scientific beliefs and criticizes religion. She is afraid of being raped and killed, but she has not filed a case in any police station. “I will have to disclose my identity and address to the police.... I will also have to disclose that I am an atheist and I criticize religion. The police may take exception to it,” she says. Kona is also afraid of annoying her own family members by exposing herself. Asked why she is afraid even though she is hiding her identity by using a pseudonym, Kona said, “Rajib Ahmed [Haider] used to write as ‘Thaba Baba’. But he was the first to be killed.”

Militant Islamists are also increasingly using the internet as a tool to recruit followers, threaten enemies and rally ideological soul mates to jihad. They have waged hate campaigns on social media against secular writers. Secular bloggers are facing Islamist militants on Facebook, Twitter and, above all, on the writing platforms that have proliferated in Bangladesh during the last decade – even as it has cost some of them their lives.

In recent times, Bangladesh has seen the use of social media to incite hatred and action against writers, activists and minorities. In 2012, an image of a burnt Quran was posted using a fake account on Facebook, creating outrage in Ramu, a southern area of Bangladesh where seven Buddhist temples were burnt down as a consequence. Radical Islamic writers and Islamic bloggers are professing fanaticism, spreading communal venom and trying to damage the social fabric by instigating communal violence or riot. While secular and atheist writers also use Facebook to articulate their opinions and disseminate their views, practically, the platform has become difficult for them. Amidst threats, they cannot write openly, and most of them use pseudonyms. Even then, Islamist campaigners report the Facebook IDs of the secular writers and Facebook authorities have been known to block these IDs according to their policies. As a result the bloggers have lost a platform and also their previous write ups.



↑ Following the brutal murder of four bloggers in Bangladesh in 2015, the Bangladeshi people held protests in Dhaka on August 14, demanding action from the government to secure freedom of expression.

**“PERHAPS IT IS BETTER TO DIE THAN TO LIVE WITH YOUR HEAD DOWN,” SAID NAZIMUDDIN SAMAD, AN ATHEIST BLOGGER. HIS WORDS WERE ALMOST PROPHETIC.**

After the murder of Nazimuddin Samad on April 6, 2016, a huge number of people wrote on the pages of Islamists, ‘rejoicing’ his murder. Most of the supporters of the murder are activists of Hefazat or other Islamic groups. Some of them are vowing afresh to kill the atheist bloggers. Yet, none of these Facebook users are being reined in. Indeed, it would seem almost as though the government is more interested in controlling the voice of bloggers rather than identifying the killers and bringing them to justice. Talking to BBC Bangla Service after the killing of Nazimuddin Samad, Home Minister Asaduzzaman Khan Kamal said the government is looking into whether Samad wrote anything ‘objectionable’ on blogs.

After militant outfits such as Jagrata Muslim Janata Bangladesh (Awakened Muslim Masses of Bangladesh), and Jamaat-ul-Mujahideen Bangladesh (JMB) carried out over 500 bombings across the country in a single day on August 17, 2005, the government cracked down on them and declared a zero-tolerance policy against extremism. Bangladeshis who returned to the country from abroad were arrested for attempting to recruit its citizens to join the so-called Islamic State.

Meanwhile, the battle against terrorism took a new turn at the start of the trial of Islamist collaborators of the Pakistani Army during the 1971 Liberation War of Bangladesh for the horrific genocide of the Bengali people. On February 5, 2013, a special tribunal sentenced Jamaat-e-Islami leader Abdul Quader Molla

to life imprisonment for crimes against humanity committed during the Liberation War in 1971. Freedom fighters, war victims and their families, secular activists and people from cross sections could not accept the verdict. People started to demonstrate in different parts of the country including capital Dhaka demanding death penalty for the war criminal.

Bloggers and Online Activists Network (BOAN) staged protests in Shahbag Square; millions of people started to pour into the demonstrations which began to be called the Ganajagan Mancha (‘Mass Awakening Platform’). It turned into a public movement in support of the secular demands including the ban of Jamaat. The one-and-a-half-month-long demonstration finally led to amendment of law and Molla’s hanging in 2013.

However, the support to secularism and freedom of expression however has somewhat diminished since the early upsurge.

## MUTED PROTESTS

The arrest of Shamsuzzoha Manik, the latest of its kind, saw little protest in Bangladesh except two human-chains formed by a handful of his well-wishers and activists. Secular bloggers and online activists, however, criticized his arrest. No organisation of journalists or other professionals in Bangladesh staged a protest program or issued any press statement condemning the attack on press freedom.

This is in sharp contrast to the public outburst that followed the first killing of a blogger, Ahmed Rajib Haider in February 2013 by machete-wielding assailants who were later found to have links to the banned outfit Ansarullah Bangla Team (ABT), also called Ansar-Al-Islam Bangladesh, the Bangladesh chapter of al-Qaeda in the Indian Subcontinent. Rajib's coffin was carried through Shahbag Square in a public protest attended by about a million people. Prime Minister Sheikh Hasina herself condemned the killing strongly, paid tribute to the victim terming him a 'martyr' and also consoled the bereaved family. Then came the second incident of the hacking to death of prominent blogger Avijit Roy in 2015. But by this time, Sheikh Hasina did not dare to publicly denounce the murder. She offered a private condolence to Roy's father through a phone call. More recently, the prime minister advised writers to refrain from distorting religious beliefs. When she did not publicly condemn Roy's murder, Sheikh Hasina's son and adviser, Sajeeb Wazed, told media, "We are walking a fine line here. We don't want to be seen as atheists."

However, public reaction against the killing of Avijit Roy was huge. Noted personalities of the country in a condolence meeting vowed to be united against such attacks in order to save secular Bangladesh. But the spirit was not visible following the subsequent attacks. Fear took the place of public protests, and the number of people willing to condemn these killings shrank, as pens were being stopped every moment in Bangladesh.

## BETWEEN SILENCE AND VIOLENCE

The Bangladesh Federal Union of Journalists (BFUJ), the federation of trade unions of journalists in Bangladesh split into two in 1992, resulting in the division of its constituent Dhaka Union of Journalists (DUJ) both with sharp political identities. Nearly 70 percent journalists are members of the secular faction of the BFUJ which is dominated by the supporters of the Awami League, while leftists and politically neutral journalists are also its members. The remaining 30 percent are members of the other faction, which is dominated by supporters of the Bangladesh Nationalist Party (BNP), Jamaat-e-Islami Bangladesh and other Islamic parties. This faction has undergone a further division this year.

Significantly, none of these factions staged any protest against the killings of the bloggers or arrest of writers, publishers and bloggers. The main faction, loyal to Awami League, does not want to say anything or do anything which might be embarrassing for the government. Some of its leaders fear being cornered or losing government benefits. There is also a fear that the parties, which are anti-liberation and allied to religion-based communal parties, might gain if they criticize the present government and take a strong stance against it. They also feel that the ongoing war crimes trial would be hampered if the pro-Islamist political parties gain due to anti-government protests by the seculars. Another reason for silence is also that many themselves do not approve of the atheist bloggers.

The other faction of the BFUJ strongly dislikes the secular and atheist bloggers, who are virtually their political enemies. Pro-opposition organisations would not protest against blogger killings as they already dub bloggers as 'infidels' and 'enemies of Islam'.

There are nearly one hundred organisations of journalists across Bangladesh, including the National Press Club, Dhaka Reporters Unity and Editors Council, which are supposed to be committed to press freedom. But not a single one stood up for the bloggers. In this situation a new organisation of professional journalists named 'Media Activists for Secular Bangladesh' formed in April 2013 organized a 'Public Resistance and Solidarity Rally' in front of the National Press Club in Dhaka on November 2, 2015 to protest against the attacks on publishers and bloggers. Publishers in Dhaka also formed a human chain keeping the shutters of their publishing houses down for a half-day in reaction to attacks on publishers Faisal Arefin Dipan who was killed and Ahmed Rashid Tutul who was attacked but survived.

Bangladesh Chhatra (Students) League (BCL), the largest student organisation in the country, also did not protest the killings of bloggers. The organisation which had a vanguard role in various democratic movements over the years, did not even issue a statement against the killings. As the student wing of ruling Awami League, BCL would not stage any protest programme.

Jatiyatabadi Chhatra Dal (JCD), the second largest student organisation, which is loyal to the largest opposition party BNP, did not condemn the killings or attacks as it has a lenient view towards the Islamists, with whom the BNP is in alliance.

Islami Chhatra Shibir (ICS), the third largest student organisation, is directly opposed to the atheists and secularists. However, it issued a statement condemning the killings. ICS is the student wing of Jamaat-e-Islami, leaders of which are being tried for genocide and crimes against humanity committed during the country's liberation war in 1971.

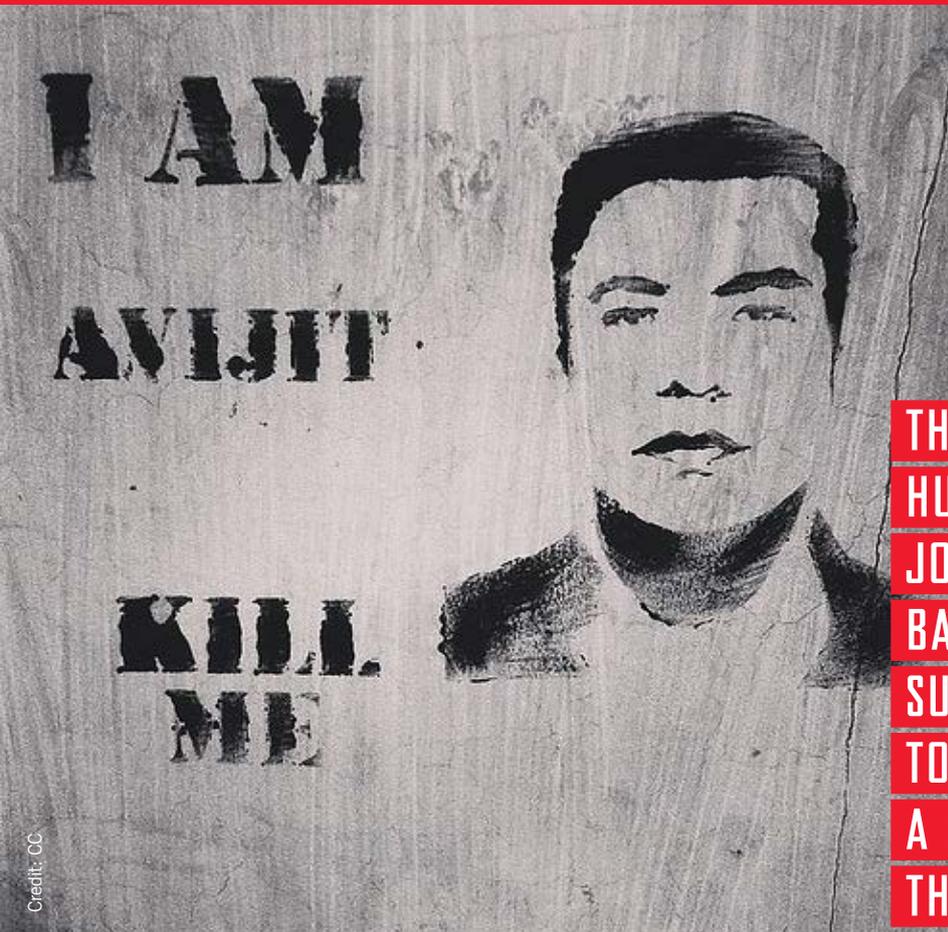
Left-leaning student organisations including the Bangladesh Chhatra (Students) Union (BSU), Samajtantrik Chhatra Front, Chhatra Moyitry, Chhatra League (student wing of Jatiya Samajtantrik Dal) and Chhatra Federation while protesting the killings of the bloggers, do not support their atheist views in public, since that would be unpopular and risky.

The Ganajagaron Mancha ('Mass Awakening Platform') which emerged after the Shahbag protests of 2013, as well as small groups of cultural and secular political activists, bloggers and online activists are also protesting the attacks with their limited abilities. Bloggers are active to protest the brutalities through their writings.

The struggle over revoking Islam as the state religion of the country witnessed a recent setback when the High Court on March 28, 2016, dismissed on technical grounds a petition filed in 1988 challenging the validity the constitutional validity of Islam being declared as the state religion.

Overall, barring a few prominent citizens and secularists, the activism of all the professional organisations in Bangladesh is marked by a reluctance to speak out. They are either with the semi-secular government or with the opposition alliance of nationalists and Islamists.

As for the feelings among the masses, most lay persons are not acquainted with the writings of atheist bloggers. They might have heard about them from others. Internet density in Bangladesh, though increasing, is still poor in relation to the population. Those who use the internet mostly use it for emailing or for



← The brutal murder of Bangladeshi-American blogger Avijit Roy in February 2015 sparked the beginning of what has become a deadly and dangerous time for freedom of expression in Bangladesh. Following his death, protests were held across the country, as well as outside Bangladesh, with secular thinkers and bloggers using the phrase 'I am Avijit' to stand in solidarity with him.

**THERE ARE NEARLY ONE HUNDRED ORGANISATIONS OF JOURNALISTS ACROSS BANGLADESH . . . WHICH ARE SUPPOSED TO BE COMMITTED TO PRESS FREEDOM. BUT NOT A SINGLE ONE STOOD UP FOR THE BLOGGERS.**

Facebook, more for personal sharing than politics or philosophy. Yet, most common people though they might not like posts criticizing their prophet, Quran and Islam, will not react violently unless mobilized to do so. They might just ignore the post or some might post vituperative comments against the bloggers. Few of them, however would vow to go on a Jihad.

## BLOGGER KILLINGS

Death threats and attacks on secular writers and free thinkers by religious extremists also are not new. Back in 1992, author Taslima Nasrin came under attack for her writing and her novel *Lajja* was banned by the government. Mullahs issued a fatwa for her death, and she had to flee the country and has not been able to return. In 1999, the police spoke of the emergence of the Harkat-ul-Jihad when the poet Shamsur Rahman was attacked. Religious extremist groups swung into action again with the attack in 2004 on noted secular writer Humayun Azad, the guru of free thinkers in Bangladesh. He survived the vicious assassination attempt but few months later he was found dead in his apartment in Munich in Germany.

However, these stray incidents have acquired a systematic pattern in recent years and the extremists have apparently made it their mission to kill the bloggers one after another. Jamaat-e-Islami and some other Islamist political parties are believed to be nurturing the extremist groups.

Bangladesh has a long history of secular democratic movements. The folk lifestyle and tradition of the country also nourishes a diversity of beliefs and pluralism. People in general have stood in unity against extremists and communal forces, and opposition to terrorism runs deep, and this is in opposition to Islamic extremism which has been brewing in Bangladesh since the early- to mid-1990s, as men began

returning from fighting with the *mujahideen* in Afghanistan. Exposure to more radical forms of Islam in Gulf States among migrant workers in recent decades has also been a contributing factor. Privately-financed Islamic education facilities, known as 'Qaumi madrasas', are often breeding grounds for radical Islamic thinking, and this has seen the institutions draw sharp criticism from atheist and secularist bloggers.

In Bangladesh, secular and atheist bloggers are being targeted by Islamist militants and Islamic bloggers. Why are atheists and free-thinkers in Bangladesh becoming targets of the jihadists? These free-thinkers, who think with logic, who are free from religious superstitions, are contributing to building a truly secular ideology for Bangladesh. On the contrary the Jihadists want to establish orthodox Islamic rule and Shariah Law. So the secular bloggers are ideological enemies of the Islamists. They are trying to annihilate the free thinkers and secular bloggers to protect their philosophy standing on the very basis of their philosophy. The ABT claimed responsibility for the attacks on all the bloggers.

The list of the bloggers killed one after another has been available with the law enforcing agencies since May 2013. Two Islamist organisations, Hefazat-e-Islam and Anjuman Al Bayyinat, on March 31, 2013, formally handed over handed over a list of 56 'atheist' bloggers. They also provided another short list of 27 bloggers. Basher Kella, a Facebook page operated by Jamaat-e-Islami and Islami Chattra Shibir, published a list of 84 bloggers at that time, which contained the names of all 56 bloggers including the slain bloggers Ahmed Razib Haider, Avijit Roy, Ananta Bijoy Das and Niladri Chatterjee.

The country has experienced an average of at least one horrific attack per month carried out by Islamist activists since February 2013.

TABLE I **BLOGGER KILLINGS AT A GLANCE**

	NAME	DATE	INCIDENT	ALLEGED PERPETRATORS
1	Ahmed Rajib Haider ‘Thaba Baba’, a secular blogger and organizer of Ganajagaran Mancha	February 15, 2013	Killed in front of his house in Pallabi, Dhaka	Islamist outfit Ansarullah Bangla Team (ABT)
2	Avijit Roy, blogger and US based writer, founder of <i>Mukto Mona</i> (Freethinkers)	February 26, 2015	Hacked to death while returning from the book fair in a rickshaw on the Dhaka University Campus	ABT claimed responsibility for the killing
3	Oyasiqur Rahman Babu, blogger and Facebook activist	March 30, 2015	Hacked to death in broad daylight on a busy street adjacent to his residence in the Tejgaon area in Dhaka while leaving his house for work.	ABT claimed responsibility for the killing
4	Ananta Bijoy Das, writer and blogger	May 12, 2015	Killed in a similar attack near his house in northeastern city of Sylhet while on his way to work	ABT claimed responsibility for the killing
5	Niladri Chattapadhyay ‘Niloy Neel’, blogger	August 7, 2015	Ambushed in his bedroom and hacked to death	ABT claimed responsibility for the killing
6	Faisal Arefin Dipan, publisher of books by slain blogger Avijit Roy	October 31, 2015	Hacked to death in his publishing house at Aziz Super Market in Dhaka. Three other bloggers and publishers were ambushed the same day. They survived with severe wounds	ABT claimed responsibility for the killing
7	Nazimuddin Samad, secular activist and free thinker, active with the Ganajagaron Mancha’s Sylhet wing	April 6, 2016	Hacked and shot to death in a crowded place at Sutrapur in Old Dhaka.	ABT claimed responsibility for the killing

## ROLE OF MAINSTREAM MEDIA

The mainstream media of Bangladesh in general supported the secular movement of the Ganajagaran Mancha while four Bangla language daily newspapers —*Amar Desh*, *Naya Diganta*, *Inquilab* and *Sangram*— were explicitly backing the Islamist-Nationalist opposition alliance led by the Jamaat-e-Islami and Bangladesh Nationalist Party (BNP), who were lenient towards the war crime accused and convicts. These newspapers presented the demonstration of the secularists negatively in a ploy to dismantle the movement. *Amar Desh* pioneered the effort of dissuading people from the Ganajagaran Mancha by running reports and articles branding the bloggers as ‘atheists’ and naming some of them. *Amar Desh* also called upon believers to protect Islam from the hand of these bloggers besmirching Islam and its prophet.

Bloggers were previously not well known to the public, as most of the people had no access to internet. The publication of their names by the newspapers made the bloggers vulnerable to attacks. *Amar Desh* also published the blog opinion of slain blogger Rajib Haider to incite people. The *Daily Inquilab*, which had earlier created instances of contributing to communal violence against minority Hindus by instigating Muslims with false and provocative reports and commentaries, followed suit.

Following the reports, Hefazat-e-Islam, a hardline group, publicly sought the execution of atheist bloggers, who organized the Ganajagaron Mancha. Hefazat staged a massive

counter-protest against the bloggers on May 5, 2013 that unleashed violence and left nearly 50 people dead.

Allama Ahmad Shafi, Amir of Hefazat-e-Islam, also issued fatwa (edict) on April 18, 2014 saying: “It has become a duty (Wajib) for the Muslims to kill atheists”.

At least seven bloggers have been killed by the fanatics since 2013 movement of Hefazat-e-Islam seeking the execution of atheists. Hefazat published a list of 84 bloggers and demanded their arrest. On April 2 2013, government arrested three bloggers Subrata Adhikari Shuvo, Russel Parvez and Mashiur Rahman Biplob out of the list. Another blogger Asif Mohiuddin was arrested the next day to appease Hefazat-e-Islam. The government also shutdown Asif Mohiuddin’s blog.

The media of Bangladesh covered the killings of bloggers with due importance. Editorials were published censuring the murders. But the organisations of the journalists did not launch protest programmes against the attacks and arrests of the secular bloggers and writers.

The *Inquilab* was founded by a late war crime accused Mawlana Mannan and now inherited by his son. The daily *Amar Desh* is owned by a former bureaucrat, Mahmudur Rahman, a close aide of BNP chief Khaleda Zia. The *Daily Sangram* is the unofficial mouthpiece of Jamaat-e-Islami. The war crimes tribunal in Bangladesh found the newspaper’s backing in the 1971 genocide. War crime convict Mir Quasem Ali is the owner of the *Naya Diganta* newspaper. *Amar Desh*

## SCIENCE AND LOGIC IS NOT FORBIDDEN IN BANGLADESH, BUT ILLOGICAL RELIGIOUS POINTS CANNOT BE DEBATED. THE ONLY MEDIA IS INTERNET TO KEEP THE DOOR OPEN.

editor Mahmudur Rahman was also arrested – a month after the bloggers – for inciting unrest. When that happened, the heads of 15 news outlets railed against the government for cracking down on ‘freedom of expression.’ They demanded immediate release of the arrested editor, but mentioned nothing about the four bloggers – who were also incarcerated.

Some secular bloggers have criticized the media for its narrowness and biases saying the mainstream media’s definition of ‘freedom of expression’ in the country means having an atmosphere that allows them to sell politicized information. Blogger Rasel Pervez after his release from jail criticized the media saying, “The media outlets actually control freedom of expression by means completely under their control. They decide which opinion is worth publishing, and then find out the writer who can serve them the best.”

Says blogger Prithu Sanyal, “Scope to write in the newspapers is always narrow in Bangladesh. There is hardly any newspaper, which would dare to write against popular beliefs. Blogs and social sites gave me the scope, and I utilize it. Certainly I am an atheist. Don’t I have the right to say that I’m an atheist? You propagate your religious faiths freely. Don’t I have the right to publicize my beliefs?”

Ironically, the voice of Islamists is not controlled; they speak in radio, television and newspapers and propagate Islam including on State-run radio and television. But the mouths of the believers of other religions or faiths are taped; they can hardly speak in radio, television or newspapers to preach their faiths. Science and logic is not forbidden, but illogical religious points cannot be debated. The only media is internet to keep the door open, but Islamist extremists are intolerant of this free expression of faiths through internet. The propagation of the single faith contributed to rise of fanaticism and militancy by damaging the pluralistic nature of Bengali society.

### THE LEGAL MUZZLE

The Information and Communication Technology (ICT) (Amendment) Act, 2006 was enacted swiftly by the previous regime during the final weeks of its last term in power. In addition to addressing various forms of hacking, breach of data, interference with computer systems and hardware and “crimes committed using a computer” the law criminalizes the publication of anything likely to “prejudice the image of the State” or “hurt religious belief”. At least six writers and bloggers were arrested over the last three years. Newspapers which have online version are also affected by the law, as are authors, who can be prosecuted under the law if their books have e-versions.

The law was amended by an Ordinance and passed by the Parliament on October 9, 2013. The amendment tightened the law by making the offences non-bailable and non-referable and laying down a minimum sentence of 7 years imprisonment and increasing the maximum penalty to 14 years, from the original ten.

This law which is being used against bloggers, is a de-facto blasphemy law, carrying a maximum of 14 years and minimum of seven years imprisonment, and the accused under this law are generally denied bail. The ICT law has been challenged in the High Court. The government, however, says that it would enact a new law to check cyber crimes soon revoking the ICT Act to resolve the issues of conflict.

The government on November 18, 2015 blocked Facebook and other social networks after the Supreme Court upheld the death sentences of two war crime convicts arguing that a ban was necessary in order to deter provocative propaganda that might instigate violence. The blockade continued for 22 days, though there was no sign of violence, depriving people of their rights to express their opinion and feelings. Rather than using the social media to increase awareness and keep people updated with the proper information, the government instead opted for a policy of darkness.

This is not the first time that social networking sites have been banned in Bangladesh. In 2009, Bangladesh blocked Facebook temporarily after a paramilitary revolt in the country left 57 army officers dead. In 2010, Facebook was again banned after satirical images of the Prophet Muhammad were uploaded on the site and shared. The government also temporarily blocked the messaging services of Viber and Tango in January 2015 after they became a popular way of mobilizing activists for anti-government protests.

### NEED FOR UNITY

In such a context, rights organisations and journalist unions must unite to stop religious extremism in Bangladesh from curbing freedom of expression. It is necessary to organize legal defence and protection of the bloggers. Equally important is constant monitoring of the situation and influencing the government through statements. Atheist bloggers need to be united to voice their opinions in more structured ways and the global community must come forward to offer asylum in crucial situations. It is heartening to note that despite the threats, bloggers have not given in. Hundreds of atheist bloggers and online activists are still found active on Facebook and on blogs, even though most of them use pen names for their safety.

## ANNEXURE

### CHRONOLOGY OF ATTACKS

#### Asif Mohiuddin

On **January 15, 2013**, Mohiuddin, 31, an atheist blogger, was attacked by a group of unidentified young men with machetes in the capital Dhaka; he survived the attack. Mohiuddin, a winner of the BOBs award for online activism, was on an Islamist hit list. The Islamist fundamentalist group Ansarullah Bangla Team (ABT) claimed responsibility for the attack. Later in April 2013, Asif was arrested along with three other secular bloggers for “hurting religious sentiments”. Under a constant barrage of death threats after his release, Asif Mohiuddin escaped to Germany, where he was granted asylum.

#### Rajib Haider

On **February 15, 2013**, the body of atheist blogger Ahmed Rajib Haider, 32, was found lying in a pool of blood near his house at Mirpur in Dhaka City. Haider, an architect, was the first secular blogger in Bangladesh to be killed. His body bearing several stab wounds was mutilated to the point that his friends could hardly recognize him.

Haider was an activist of Shahbag movement and used to write against Jamaat-Shibir and war criminals on different blogs under the pseudonym ‘Thaba Baba’. His killers were members of an Islamist outfit, Ansarullah Bangla Team according to findings of a court. On December 31, 2015, a speedy trial tribunal pronounced verdict on the killing of Ahmed Rajib Haider. The verdict in which two Islamist militants were sentenced to death and six others sent to prison for their role in hacking him to death has been rejected by his relatives and the blogger community of the country. Haider’s family called it a ‘farical verdict’ since the prime accused Redwanul Azad Rana had not even been arrested, and all the killers were not given the highest punishment.

#### Sunnyur Rahaman

On **March 7, 2013**, atheist blogger Sunnyur Rahaman was attacked by two persons with machetes near Purabi Cinema Hall in Mirpur in Dhaka. With the assistance of the police he was rushed to Dhaka Medical College and Hospital with wounds on his head, neck and limbs. Sunnyur was an activist of the Shahbag movement and a critic of all religions including Islam. He is also critical of religion-based parties including the Jamaat-e-Islami.

#### Mahbub Raihan and Ullash Das

On **March 30, 2014**, two Facebook activists Kazi Mahbubur Rahman Raihan and Ullash Das were attacked by members of the student group Islami Chhatra Shibir at their school, Chittagong College. Raihan and Das survived the attack and were later arrested and jailed for “insulting Islam”.

#### Shafiqul Islam

On **November 15, 2014**, Rajshahi University teacher Shafiqul Islam was struck with sharp weapons by several youths when

he was on his way home in the afternoon. He suffered grave injuries on his head and shoulder, and died at the Rajshahi Medical College and Hospital.

The sociology teacher was by faith a Baul, a syncretic folk religion similar to Sufism. Many people belonging to both Hindu and Muslim communities in Bangladesh practice the Baul path, which opposes communal divisions among people and advocates a lifestyle free of religious and social dogma.

A fundamentalist Islamist militant group Ansar al Islam Bangladesh-2 claimed responsibility for the attack. On a social media website, the group declared: “Our Mujahideens [fighters] executed a ‘Murtad’ [apostate] today in Rajshahi who had prohibited female students in his department to wear *burka* [veil].” The website also quoted a 2010 article from the *Daily Sangram* newspaper, the mouthpiece of Jamaat-e-Islami, which stated that “Professor Shafiqul Islam, while being the chair of the sociology department, recruited teachers on condition of being clean-shaved and not wearing kurta-pajamas. He barred female students from wearing *burka* in classes. This led to many students abandoning *burka* against their will.”

#### Avijit Roy

On **February 26, 2015**, bio-engineer Dr. Avijit Roy, 43, a well-known Bangladeshi-American blogger, and his wife Bonya Ahmed were attacked by machete-wielding assailants at a crowded place on the Dhaka University Campus as they had been returning home from the traditional Ekushey Book Fair by rickshaw at around 8:30 pm.

The assailants dragged them from the rickshaw to the pavement and stabbed Roy in the head with sharp weapons. Bonya, surrounded by onlookers, was frantically fighting to save her husband. But, the assailants slashed her shoulders and fingers. Both were rushed to Dhaka Medical College Hospital, where Roy died at 10:30 pm. His wife survived the attack.

Avijit Roy, born to a Hindu family in Bangladesh had emigrated to the US. An engineer by profession, he set up his Bengali-language blog, *Mukto Mona* (Free thinker) to promote secular and humanist writing in Muslim-majority Bangladesh. He was also the author of numerous books and magazine and journal articles, and had received death threats from Islamist radicals for his writings. The extremist Ansarullah Bangla Team (ABT) claimed responsibility for his killing.

#### Oyasiqur Rhaman

On **March 30, 2015**, blogger Oyasiqur Rhaman Babu, 27, was hacked to death in broad daylight on a busy street adjacent to his house in the Tejgaon area in Dhaka as he was leaving for work. The killing occurred just a month after Avijit Roy was killed in a similar attack. Bystanders chased two of the attackers armed with meat cleavers, but a third escaped. The captured killers said that they were Madrasa (Islamic school) students and were ordered to commit the crime. The attackers were members of the Ansarullah Bangla Team and had reportedly trained for fifteen days before killing the blogger. They also told police that they had targeted Babu because of his ‘anti-Islamic writing’. Babu had criticized irrational religious beliefs.

### Ananta Bijoy Das

On **May 12, 2015**, Ananta Bijoy Das, 32, was killed while on his way to work in the city of Sylhet as part of the bloody pattern. A banker, he wrote blogs for the website *Mukto Mona*, mainly on science, and was also an activist for the Ganajagaran Mancha. He had been critical of religious fundamentalism and of previous attacks on secular thinkers. Das had been in a state of dread since the brutal murder of Avijit Roy, and frustrated with the lack of progress in the murder case, he had posted a status on Facebook on March 15: “If the killers are not tried, it is understood that they will hone another machete for another strike!” das used to write blogs for *Mukto Mona* advocating science and secularism. He had authored three books on science, evolution, and revolution in the Soviet Union, and headed the Sylhet-based science and rationalist council. He was also the editor of a quarterly little magazine *Jukti* (Logic).

Before his death, Ananta had got an invitation from Swedish PEN to speak about the threat to atheists in Bangladesh, but he was refused visa by the Swedish embassy in Dhaka, on grounds that he might seek to remain in Sweden.

### Niladri Chattopadhyay ‘Niloy Neel’

On **August 7, 2015**, the year’s fourth chilling attack on free speech in the queue was executed when a group of six Islamist militants hacked to death Niladri Chattopadhyay Niloy, 28, a secular blogger, inside his house in the capital in broad daylight. The assailants with cleavers tricked into his house in Khilgaon posing as potential tenants and then killed him in his bedroom around 1:15pm. He was hacked over a dozen times in the neck, face, shoulder, chest and hands.

Niloy, who used to write online under the pen name ‘Niloy Neel’, had previously reported to the police that he feared for his life, but no action had been taken. He was an organizer of the Science and Rationalist Association Bangladesh. Niloy had written in *Mukto Mona*, was associated with the Shahbag Movement, and also attended the public protest demanding justice for the murdered bloggers, Ananta Bijoy Das and Avijit Roy. Ansarullah Al Islam Bangladesh, an Al Qaeda group, claimed responsibility for his killing.

### Probir Sikdar

On **August 16, 2015**, police arrested reputed journalist Probir Sikdar under Section 54 of the ICT Act. Doctors had earlier had amputated his leg, as assailants bombed him in 1994 for his reports on war criminals. He had been facing death threats for posting articles on some websites and Facebook exposing an alleged war criminal. Probir Sikdar went to file a General Diary (GD or complaint with the police) with Sher-e-Bangla Nagar Police Station on July 22. As the police did not register his GD, he posted his complaint on the Facebook seeking protection from the people. He also posted an article expressing his sense of insecurity and blamed two influential persons including a minister, who he said, would be responsible if he was murdered. Rather than assuring him of protection, police arrested him. He was set free after two days amidst criticism and protests across the country.

### Faisal Arefin Dipan

October 31, 2015 was the deadliest day in Bangladesh for attacks on four publishers and bloggers in a row. Faisal Arefin Dipan, aged 43, the publisher of Jagriti Prakashani, which published Avijit Roy’s *Biswasher Virus* (Bengali for *The Virus of Faith*), succumbed to deadly wounds though three others survived.

In the first incident, three armed men posing as shoppers entered the offices of Shuddhaswar publishing house at 3 pm. Once inside, they started hacking Ahmedur Rashid Tutul, the publisher, and secular bloggers Ranadipam Basu and Tareq Rahim with machetes and cleavers indiscriminately and shot at Rahim from a firearm. They then padlocked the office from the outside and left the three in a pool of blood. The three men were taken to hospital in a critical condition. They survived.

The blood-stained body of Dipan was found in his publishing house in the evening, when the whole nation was already stunned seeing the horrific incidents through the media. Both of the publishers had published works of Bangladeshi-American blogger and writer Avijit Roy. The banned group Ansar al-Islam claimed responsibility.

### Shamsuzzoha Manik

On **February 15, 2016**, Shamsuzzoha Manik, the owner of Ba-Dwip publishing house, was arrested for the translation of an anthology *Islam Bitarka* (Controversies over Islam) which he had edited. Authorities at first closed down the publisher’s booth at Bangladesh’s national book fair and detained him along with two of his employees on the allegation of displaying the book that hurts religious sentiments. All copies of the book were confiscated from the premises and copies of five other books have been taken under scrutiny.

Manik is a blogger and writer. He is the founder moderator of a blog, Bangarastra.net, which used to propagate atheism and secularism and also envisioned a greater nation by consolidating the entire Bangla speaking population living in Bangladesh and West Bengal of India. A case has been lodged against him under the controversial Section 57 of the Information and Communications Technology Act, which criminalizes publishing of anything that can “hurt religious sentiments” of the people.

### Nazimuddin Samad

On **April 6, 2016**, Nazimuddin Samad, 28, was killed in Old Dhaka by suspected Islamist militants chanting “Allahu Akbar” as they shot and hacked him to death. Nazimuddin, a student of law at the Jagannath University, was attacked around 8:30 pm while walking home after classes with a companion. Three men reportedly intercepted them on a motorbike, hacked at Nazimuddin with a machete, then shot him while he lay on the ground. Nazimuddin, an activist of the Ganajagaron Mancha’s Sylhet wing, regularly posted atheist and feminist critiques of Islam on his Facebook page. He was also critical of the current government for not reining in the extremists in Bangladesh. Ansarullah Bangla Team has claimed responsibility for his killing.

# CHHATTISGARH

## WAR IN INDIA'S HEARTLAND

The central Indian state of Chhattisgarh, carved out of the state of Madhya Pradesh in 2000, has witnessed left-wing guerrilla warfare for more than three decades now. To counter it, the administration has turned the mineral- and forest-rich state into one of the most militarized zones in the country. Over the past five years, the banned Communist Party of India (Maoist) has been contained in Bastar, the southern part of the state, which is a resource-rich zone. The government, in collaboration with corporate entities is trying to control the natural resources of the state which has one of the largest adivasi (indigenous people) populations in the country. The Maoists as well as the adivasis have expressed their opposition to indiscriminate mining and forest felling.

While anti-Maoist operations have been ongoing for several decades, and have intensified over the past year, in December 2015, senior police officials announced that they were set to “wipe out Maoists from Bastar at any cost” in what they called ‘Mission 2016’. In order to conceal state excesses in their attempt to uproot the Maoists, the police has censored and intimidated human rights defenders and the media. The suppression of democratic political dissent and the media has been legally sanctioned by The Chhattisgarh Special Public Security (CSPS) Act, 2005, which, in the garb of security clamps down on a vaguely-defined range of offences by allowing for arbitrary arrests and prosecution.

In the past one year alone, four journalists have been arrested under the CSPS and other laws, at least one was forced to leave Bastar and many others have been threatened.

The media in Chhattisgarh is extremely polarized and almost no independent reporting emerges from the region. Gathering news from the Maoist-dominated areas is challenging as they are far-flung and lack connectivity. Additionally, there is immense pressure from the police and administration on journalists who publish critical reports. Previously, journalists have been killed by the Maoists as well. On December 6, 2013, Sai Reddy, journalist for Hindi daily *Deshbandhu*, was beaten and stabbed by Maoists who believed he was a police informant. Ironically, in 2008, he had been charged under the CSPS Act and imprisoned for allegedly being close to the Maoists.

Most journalists are fearful of covert surveillance by the state. A few have found their private conversations being repeated in other contexts, confirming their suspicions that their phone lines are compromised.

The media is one of the most credible witnesses in a conflict-zone and, the most effective strategy of hiding state excesses is to eliminate the key evidence that can lead to national and international condemnation. In addition to using the law and direct state pressure, some vigilante groups close to the police and state administration, have taken it upon themselves to “discipline the media and other human rights defenders” in the region, by pamphleteering and sloganeering against specific individuals. Senior journalists, who have

received physical threats, have confirmed that the newly emergent vigilante groups seem to be closely connected to the police. Indeed, the *Samajik Ekta Manch*, which has vowed to “fight Maoism till the end” bears an eerie resemblance to the state-sponsored counter-insurgency group *Salwa Judum* (Purification March), that had emerged in Bastar in 2005. On July 5, 2011, the Supreme Court of India declared this armed militia to be illegal and unconstitutional and had ordered that it be disbanded.

## ARRESTS AND INTIMIDATION

Somaru Nag, a stringer for the Hindi daily *Patrika*, was arrested on July 16, 2015 in Darbha town of Bastar district. His family was informed only three days later. He was accused of allegedly setting fire to equipment being used to build roads in Chote Kadma village and therefore furthering the Maoist agenda of blowing up roads to ensure that paramilitary forces do not enter the far-flung areas. Charges were brought under the Arms Act and sections of the law dealing with arson, banditry and criminal conspiracy. As a journalist from one of the region’s many indigenous communities, Nag is a relative rarity in Chhattisgarh. He has worked freelance for over three years with a special focus on human rights and rural welfare. It is believed that some of his reporting on the human rights consequences of security operations in Bastar could have earned him the enmity of the local police. Nag’s lawyers say the evidence against him doesn’t hold water.

Two months later, on September 29, 2015, Santosh Yadav a stringer for *Dainik Navbharat*, *Patrika*, and *Dainik Chhattisgarh* was arrested and charged for rioting, criminal conspiracy, and attempted murder. He was charged under the CSPS Act for “supporting banned terrorist groups” which in this case are the Maoists. Yadav had reported consistently on extra judicial killings and rapes said to have been committed by the security forces. He had a reputation for his reporting on human rights issues and in 2014 had one brush with the local authorities, when he was summoned to a police station, stripped and held for several hours. His most recent arrest on charges of participating in organized violence, followed soon after he accompanied a group of Bastar villagers to a police station to petition for the release of individuals held without any seeming basis. Both Yadav and Nag were considered to be journalists who wrote stories that made the administration uncomfortable.

These two arrests in quick succession rang warning bells amongst journalists. A delegation of journalists appealed to Raman Singh, the chief minister of Chhattisgarh in December, calling for the release of Nag and Yadav. In January, an international coalition of press freedom organisations and human rights groups, including the IFJ, addressed a letter to the chief minister, calling for charges to be dropped. Matters have if anything, have deteriorated.

## HOUNDED OUT

There is a significant difference in the way the local and national media report on Maoist violence, resource extraction and state excesses. Most regional media in Chhattisgarh is



↑ Indian villagers look on the bodies of slain policemen in a forested area of the eastern Indian state of Chhattisgarh on July 15, 2015. The central Indian state has witnessed left-wing guerrilla warfare for more than three decades.

Credit: AFP/STRDEL

**WHILE ANTI-MAOIST OPERATIONS HAVE BEEN ONGOING FOR SEVERAL DECADES, AND HAVE INTENSIFIED OVER THE PAST YEAR, IN DECEMBER 2015, SENIOR POLICE OFFICIALS ANNOUNCED THAT THEY WERE SET TO “WIPE OUT MAOISTS FROM BASTAR AT ANY COST” IN WHAT THEY CALLED ‘MISSION 2016’.**

unquestioning and open in its support to the government.

It is no surprise then that the authorities in Chhattisgarh feel that a large section of the national media is pro-Maoist, simply because it calls out the authorities on human rights violations or state excesses. The national media raises uncomfortable questions that the authorities would rather not answer.

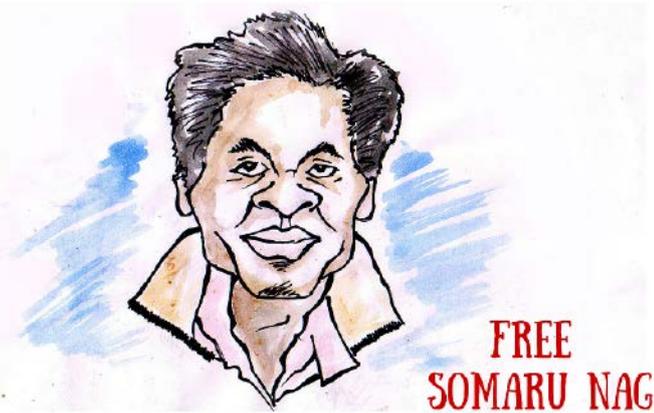
The situation is made more complex by vigilante groups like the Samajik Ekta Manch, which can even turn violent. “We believe the only media is the media that co-operates with the police for the betterment of the region,” said Subba Rao of the Samajik Ekta Manch. The ‘enemy’ for these vigilante groups then becomes those who dare to expose the reality of Chhattisgarh today.

On the December 19, 2015, Jagdalpur-based journalist Malini Subramaniam reported on fake ‘surrenders’ of alleged Maoists for the news website Scroll.in. She had written regularly through 2015 about the difficulties of being a journalist in Chhattisgarh and about large scale human rights violations by paramilitary forces in the region. She relentlessly reported on sexual violence on adivasi women by security forces. Members of the Samajik Ekta Manch, visited Subramaniam’s house close to mid-night on January 10, 2016 and intimidated her.

Subramaniam returned from a reporting trip to Mardum, a village 40 km from Jagdalpur where the paramilitary forces had allegedly committed an extra-judicial killing in early February.

On February 8, members of the Samajik Ekta Manch gathered outside Subramaniam’s house, shouting slogans like ‘Naxali Samarthak Bastar Chodo. Malini Subramaniam Mordabad’ (Naxal [Maoist] supporter, leave Bastar. Death to Malini Subramaniam). The demonstrators even urged neighbours to throw stones at her home, alleging that she supplied arms to the Maoists. The same night stones were thrown at her car, shattering its windscreen. It took two days for Subramaniam’s First Information Report (FIR) to be registered, and when the FIR was filed it was against “unknown people”, even though she had recognized some of the men who had sloganeered outside her house, including local political leaders. After the police intimidated Subramaniam’s domestic help and her landlord, and overnight, she was forced to leave her home of six years on February 18, 2016.

A similar stratagem was used against an all-women legal aid collective that had been helping journalists and other human rights defenders in Bastar. The Jagdalpur Legal Aid Group



(Jaglag) which had taken up the cases of Nag and Yadav, among others, was forced to close its establishment and leave, again overnight, in February.

A journalist for the BBC, Alok Putul, drew the police's ire for having reported on Subramaniam's exit from the area. The following week, when he was in the villages in Bastar district, he got a call from a friend asking him to leave the area immediately as the police were looking for him. He did.

He was trying to report on extra-judicial killings and wanted a response from the police. The Inspector General (I.G.) Shiv Ram Prasad Kalluri texted Putul saying, "Your reporting is highly prejudiced and biased. There is no point in wasting my time in journalists like you. I have a nationalist and patriotic section of media and press which staunchly supports me. I would rather spend time with them. Thanks."

At a press conference in Raipur on February 20, the I.G. was quoted as saying: "We don't care about the national media. You have a different way of looking at things. We work with the media in Bastar, that sits with us, eats with us, and comes in helicopters with us."

Putul informed the BBC in Delhi who in turn called Kalluri to interview him. The BBC story released an audio recording of the interview where Kalluri shouts at the journalist on the other side of the phone and questions his credentials as a journalist.

After repeated threats and intimidating visits by unknown people to his office in Bilaspur, Putul has decided to move base to Raipur, the state capital.

## WHO IS A JOURNALIST?

On March 21, Prabhat Singh, a journalist from Dantewada for the Hindi daily Patrika, was arrested by the police for allegedly posting obscene content on WhatsApp and other sundry cheating cases. When produced in court, he told his family that he was repeatedly beaten while in prison and was not given any food. Interestingly, the complaint against Prabhat was registered by another journalist from Dantewada. The "obscene language" used by Prabhat is not unusual talk between reporters. Strangely, others who had used such language in the same forum were not arrested. Singh had reported on state excesses for a few years now. Charges have been framed against him and he remains in the Jagdalpur jail.

Prabhat Singh's arrest moreover, flies in the face of a ruling by India's Supreme Court in March 2015, holding a vaguely worded clause of the Information Technology Act which allowed for arbitrary legal action as a violation of fundamental rights. The quashing of Section 66A of the Act – which allowed for three years imprisonment for posting "offensive, false or threatening information" was widely applauded as a significant blow in defence of free speech. But Prabhat Singh's arrest seems to suggest that police and security agencies will continue to use the over-broad mandate of the impugned section to persecute journalists and private citizens, in the hiatus between executive action and judicial review.

Even as local journalists and civil rights groups got engaged in seeking his freedom, the Dantewada police arrested Deepak Jaiswal on March 26 on an eight-month old complaint of trespassing into the premises of a school and roughing up

## PRABHAT SINGH'S ARREST MOREOVER, FLIES IN THE FACE OF A RULING BY INDIA'S SUPREME COURT IN MARCH 2015, HOLDING A VAGUELY WORDED CLAUSE OF THE INFORMATION TECHNOLOGY ACT WHICH ALLOWED FOR ARBITRARY LEGAL ACTION AS A VIOLATION OF FUNDAMENTAL RIGHTS.

its staff. Both Prabhat Singh and Jaiswal have been regular contributors to local newspapers and were involved in a journalistic investigation into allegations that school staff in the district were conniving in large-scale cheating in examinations. In the absence of well instituted accreditation procedures, they have been mostly functioning without media credentials. Local authorities denied that Jaiswal was a journalist as he didn't have a press card authorized by the government. However, Jaiswal has published close to ten front page stories on fake arrests by alleged Maoists in the past year.

Journalists in Bastar are forced to self-censor. Not doing so, can mean physical danger. "There are very few journalists left in Bastar who report objectively. And, obviously they fear for their safety," said Bappi Rai, President, South Bastar Reporters Association. "As an association, we have decided to boycott any stories related to the police or the Maoists. If we can't report objectively, we would rather not report. We will request our colleagues in the seven districts of Bastar region to join in this boycott," he added.

### DWINDLING SUPPORT, INCREASING FEAR

On the October 10, 2015, about three hundred journalists from all over the state protested in the state capital, Raipur. They called for the release of journalists Yadav and Nag. But, the state government did not react. Instead, senior police officials of Bastar addressed the media and said they are serious about Mission 2016 - a year in which they claimed Bastar would be rid of Maoists and their sympathizers.

On the December 18, 2015, more than three dozen journalists from across the state gathered on the main road of Jagdalpur, Bastar, to demand the release of Yadav and Nag. They were also demanding drafting of a law to ensure protection and independence of journalists to work in Bastar region of Chhattisgarh. Kamal Shukla, a freelance journalist, who organized both the protests noted the sharp reduction in the number of attendees in the second protest. "But, we consoled ourselves thinking Jagdalpur is not as accessible as Raipur," he said.

However, even as the Chief Minister was assuring the leaders of this movement on the phone that their demands would be considered, journalists who had come from hundreds of miles away were told they would not be allowed to stay in hotels in Jagdalpur. Hotel owners requested the journalists to vacate the rooms immediately as they had informal orders from the police to not allow media personnel as guests. The situation

remains the same even today; if a journalist checks-in to a hotel in Jagdalpur, the police come in to run a background check.

On March 5, journalists led by Kamal Shukla, demonstrated once again in the state capital, this time registering their protest against the ousting of Subramaniam and Putul as well. Merely 15 journalists attend the demonstration and there was no representation from the Bastar region. An almost 70 percent drop in attendance from the previous demonstration in Jagdalpur was a stark reminder that the administration had stepped up efforts to silence independent voices emerging from Bastar.

### OUT ON A LIMB

In small towns of India, the definition of a journalist is fluid. Neither regional and local news outlets nor the national ones have full-time correspondents in smaller towns. The norm is for a journalist to report for more than one news media. And since news gathering alone does not pay enough, about 90 percent of the journalists are forced to earn their livelihoods from other professions ranging from being contractors to owning small shops or driving taxis.

In such a situation, it is easy for the authorities to not recognise a journalist as one and it is even more easy to persecute him/her. "Prabhat [Singh] is not a journalist as per our records. How come a journalist can be involved in the task of making Unique Identification cards?" asked the Superintendent of Police, Dantewada immediately after the arrest. Prabhat Singh also had an office where he facilitated applications for ID cards.

This also makes it easier for the news organisations to abdicate responsibility towards their news gatherers on the ground. For instance, Patrika has not taken responsibility for Santosh Yadav, Prabhat Singh or Somaru Nag or come forward to help in their legal defence.

There are some journalists who are on the pay rolls of national dailies and television channels, but these are few and far between. Even those journalists cannot report independently as they have commercial and corporate pressures, given the interests of mining and industrial corporations in Chhattisgarh.

Most of the coverage of the villages in Chhattisgarh happens from large cities like Raipur and Bilaspur. "Journalists rarely go out in to the field," says a Kanker based editor, Sushil Sharma. "If reportage has to be done over phone, calling from

**“THERE IS A GENERAL PERCEPTION THAT EVERY SINGLE JOURNALIST IS UNDER THE GOVERNMENT SCANNER AND ALL THEIR ACTIVITIES ARE UNDER SURVEILLANCE. THEY HESITATE TO DISCUSS ANYTHING OVER THE PHONE BECAUSE, AS THEY SAY, ‘THE POLICE IS LISTENING TO EVERY WORD WE SPEAK’.”**

Raipur is the same as calling from Delhi,” he adds. The result is that news trickles out of the villages in very small bursts. There is almost no way to break into this information black hole that the authorities are successfully creating.

### SOUNDING THE ALARM

In March, a fact-finding team of the Editors’ Guild of India, after a tour of Chhattisgarh state and consultations with media practitioners and officials, sounded the alarm about the dire threats to journalism. The team recorded that it had been unable, to “find a single journalist who could claim with confidence that he/she was working without fear or pressure”. The team summed up its findings in the following words: “The media in Chhattisgarh is working under tremendous pressure... There is pressure from the state administration, especially the police, on journalists to write what they want or not to publish reports that the administration sees as hostile. There is pressure from Maoists as well on the journalists

working in the area. There is a general perception that every single journalist is under the government scanner and all their activities are under surveillance. They hesitate to discuss anything over the phone because, as they say, ‘the police is listening to every word we speak’”

The “with us or against us” syndrome which calls for a suspension of journalistic autonomy and a submission to the diktat of the authorities, has spread wide and deep. In observations before the Editors’ Guild, Lalit Surjan, editor of *Deshbandhu* who works out of Chhattisgarh’s capital of Raipur, described the dilemmas of journalism in this fashion: “If you want to analyse anything independently, you cannot do it, because they can question your intentions and ask bluntly, ‘Are you with the government or for the Maoists’”.

Such polarization of viewpoints and the disseminators of information is but to be expected in a low-intensity conflict zone. However, it is that much more of a challenge to sustain objective and credible journalism.

### JOURNALISTS ARRESTED/KILLED IN CHHATTISGARH SINCE 2011

NO	DATE	NAME	ORGANISATION	DETAILS
1	September 2011	Lingaram Kodapi	Freelance Journalist	Arrested on charges of acting as a Maoist conduit
2	February 2013	Nemichand Jain	Reporter for Hari Bhoomi, Nayi Duniya, and Dainik Bhaskar.	Stabbed to death by Maoists for allegedly being a police informer.
3	December 2013	Sai Reddy	Reporter for <i>Deshbandhu</i>	Killed by Maoists for allegedly being a police informer.
4	July 2015	Somaru Nag	Freelance reporter	Charged with burning down equipment to be used for constructing roads
5	September 2015	Santosh Yadav	Reporter for <i>Patrika</i>	Arrested for being a Maoist sympathizer
6	February 2016	Malini Subramaniam	Reporter for <i>Scroll.in</i>	Intimidated by vigilante groups; forced to leave Bastar for her reports on sexual violence and extrajudicial violence by the security forces
7	February 2016	Alok Putul	Reporter for the BBC	Intimidated by vigilante groups; forced to leave Bastar
8	March 2016	Prabhat Singh	Reporter for <i>Patrika</i>	Arrested on charges of ‘obscenity’ and in a case of cheating
9	March 2016	Deepak Jaiswal	Reporter for <i>Dainik Dainadini</i>	Arrested in a case of cheating



↑ Friends and family of Afghan journalist and cameraman Zubair Hatami carry his casket as they leave a mosque during his funeral in Kabul on December 21, 2014. The Afghan journalist for Mitra TV died after a suicide attack during a performance in the packed auditorium of the French Institute of Afghanistan in the capital Kabul on December 21.

Credit: AFP/Shah Marai

## KABUL

### PULSE OF AFGHANISTAN

The Afghan capital Kabul has seen many changes from being the 'graveyard for the media' to the 'heart' of media outlets in the country. Located in the central mountainous region, it covers an area of 4585 square kilometres and divided by 14 districts. With a population of four million, Kabul is the most populous city in the country, housing one in every eight Afghans.

The city's first-ever fortnightly journal, *Shamsun Nahar* (Midday Sun) was published in 1873. Since then, the media has had trodden a tumultuous path, especially during Taliban rule between 1994 and 2001 when national television went off the air and the only radio station functioning was the Saday-e-Shariat (Voice of Shariat). The station, which played no music and employed no female staff, was the national propaganda means for the Taliban. A number of print media outlets did survive through that time, but with no permission to print photographs on their pages.

### HUB OF MEDIA

Following the Taliban regime's collapse in 2001, democracy was ushered into Afghanistan and media became a growth industry. Today, there are about 700 media outlets in the country including television channels, radio stations, news agencies and newspapers in the country. With many centered in Kabul, the

city is now the centre of fourth pillar of democracy as well as being a centre for politics and the military.

Of the 70 Afghan TV channels, more than 30 operate from the capital, as do 50 of the country's 160 radio stations. Most print and online media outlets are also based in Kabul along with 25 of the 30 daily newspapers and more than a dozen popular online news agencies. It is estimated that nearly 3,000 journalists and media personnel including 500 women, currently work in Kabul. More than a dozen media support organisations also have their central offices in Kabul.

As Kabul is the capital and political centre, it has remained the target of warlords, economic and drug mafia and militant groups, especially the Taliban. After the withdrawal of NATO-led foreign troops from Afghanistan in 2014, Taliban attacks have increased as it intensifies its attempts to grab power. Given its location near the southeastern and southern provinces bordering Pakistan, the capital finds itself more vulnerable to attacks from militants.

### GUNNING FOR THE MEDIA

Since 2001, at least 58 journalists and media workers have been killed in Afghanistan.

The incidents of violence against journalists including threats, intimidation and clampdowns on freedom of expression and activities of media have increased in the past year, particularly after the departure of NATO forces and the consequent decline in surrounding security.



↓ The funeral procession of one of the victims of the Tolo TV suicide bomb attack in Kabul on January 20, 2016. After threats from the Taliban that all staff were future targets, seven Tolo media workers died and two dozen more were injured in the deadliest attack on journalists in Afghanistan's history.

Credit: AFP/Shah Marai

A recent report by the Afghanistan Journalists Center (AFJC) reveals that 191 incidents of violence, threat and pressure on journalists - including 10 murders - were recorded in the year from March 2015, almost double that of the previous year.

From those attacks, Kabul has established itself as the epicenter with more incidents of violence against journalists than any other part of the country. Nearly 45 percent (85 incidents) of the violence against the media occurred in the capital.

The most dramatic and horrifying incident was the Taliban car bomb attack that killed seven staff of Tolo TV and left another 16 others injured. Wednesday, January 20, 2016 has now been declared 'Black Wednesday' after the attack, the first by the Taliban in 14 years of war and instability in Afghanistan.

The year prior, on October 12, 2015, insurgents had sent a warning to Tolo TV, the leading private TV channel and 1TV channel. Tolo TV is part of the Moby Group, a leading media and entertainment company founded in 2003 as a privately held company by the Afghan-Australian Saad Mohseni.

In its statement, Taliban militants accused the two TV channels for propagating information against them, declaring them and all employees as their sworn enemy. The group issued death threats to all staff and threatened to target the two institutions and their facilities. It also accused both channels of being directly funded by the US to promote western culture and challenge Islamic values and encourage divisions among people.

The suicide attack on Tolo TV was a culmination of a pattern of violence against journalists in Kabul. On December 21, 2014, a Taliban fighter detonated a suicide vest in the auditorium of the French Cultural Centre, inflicting casualties including school children and journalist. Zubair Hatami, a cameraman of Metra TV, was severely wounded and later died from his injuries in hospital.

On March 21, 2014, a group of Taliban insurgents stormed the Serena Hotel near the Presidential Palace and shot dead more than a dozen people including journalist Sardar Ahmad, his spouse and two of their children. Ten days before, an unidentified gunman shot dead Nils Horner, the South Asia correspondent for Swedish radio.

On June 5, 2007, Shakiba Sanga Amaj, a young female journalist of Shamshad TV, was shot dead in her house. In a similar case, on May 18, 2005, Shaima Rezayee, a former producer of music programs who had recently been terminated from her job, was shot dead. Her program of western and Afghani music had also drawn criticism from the Taliban.

On November 19, 2001, five days after the NATO alliance took control of Kabul from the Taliban and while local authorities had not yet secured full control over the province, an unknown armed group, possibly the Taliban, abducted four journalists: a reporter and photographer of Reuters, a reporter of *El Mundo* daily of Spain and a reporter of *Corriere della Sera* of Italy and shot them dead.

During the Taliban regime, although there were only a few media. BBC became the most trusted medium of news and information for the locals. On July 19, 1994, Mirwais Jalil, a BBC reporter was gunned down after his interview with a key Jihadi commander, Gulbuddin Hekmaytar.

## LACK OF SAFETY AND SUSTAINABILITY

The level of violence and threats over the past one year and deteriorating security situation has made it extremely difficult for Kabul's media to report independently.

No positive changes can come for the country's media if the security situation does not improve and the government does not work to protect the rule of law. It is also clear that challenges remain around government employees in terms of access to

## THE MOST DRAMATIC AND HORRIFYING INCIDENT WAS THE TALIBAN CAR BOMB ATTACK THAT KILLED SEVEN STAFF OF TOLO TV AND LEFT ANOTHER 16 OTHERS INJURED. WEDNESDAY, JANUARY 20, 2016 HAS NOW BEEN DECLARED 'BLACK WEDNESDAY'.

information and the fact that current security personnel do not value freedom of expression and activities of media.

Due to the ongoing threats in the profession, 108 journalists and media workers left Afghanistan seeking asylum abroad between early 2015 to February 2016. Of these, 71 were from Kabul, according to a report '108 Afghan media workers join refugee stream to Europe' by the Pajhwok news agency.

The lack of physical security is compounded by the financial crunch. The withdrawal of 100,000 foreign troops in 2014 and reduction in international assistance to the media have increased the financial problems of media organisations. The major source of revenue for the media is advertisements, with the NATO-forces and related agencies being the top advertisers. Although no accurate statistics are available, it is estimated that hundreds of journalists have lost their jobs due to current financial constraints in the media houses.

### DIGGING FOR STORIES

Investigative journalism, which has a vital role to play in a post-war country dealing with reconstruction and issues of corruption and lack of governance, is still in its infancy.

Although the president of the Unity Government of Afghanistan, has variously insisted that investigative journalism is key to helping expose corruption, the government itself has not given any practical support to fostering this in the media and has largely ignored reports on international corruption, including one by the Integrity Watch Afghanistan which ranked the country poorly in terms of good governance.

The Free Media Consortium (FMC) which includes Pajhwok Afghan News, *Hasht-i-Sobh* newspaper, Sabah Television and Killid Group, has done some groundbreaking investigative work in Afghanistan. Since its establishment in 2013, it has released 20 investigative reports highlighting grave issues in the public interest. In spite of this, its reporters claim no action has been taken by government. Instead, whistleblowers faced threats at the behest of the powerful outed in its reports

Although on November 30, 2015, the Access to Information Act was passed and signed by the president, government officials in Kabul are yet to easily share information with journalists and sometimes work actively to limit their freedom of expression. Ironically, the Taliban are more likely to share information with media than the government itself.

### STATUS OF WOMAN JOURNALISTS

Sadly, the number of female employees is declining. Out of around 10,000 working journalists in Afghanistan today, some 2,000 are women. Around 500 are located in Kabul. It

is understood there are currently no female Afghan reporters working on the ground for international media outlets.

According to a report by Afghan Journalist Safety Committee (AJSC), female journalists face rampant gender discrimination and sexual harassment. These problems also come as the direct by-product of the prevailing traditions and customs in Afghan society, meaning female media workers face intense challenges within the Afghan context overall.

Women journalists in Afghanistan fight for their rights and livelihoods on two fronts. The first involves persuading their immediate family, close relatives and, in some instances, tribes, to grant them permission to work outside the home. Many families are opposed to their daughters and wives working outside the house and a woman's decision to work in media usually isn't solely her own choice: relatives and acquaintances tend to get involved. On the second front, female journalists have to battle discrimination, ill-treatment and lack of proper working environment. Lack of job and health insurance and also the unjust contracts are some other problems for the journalists in Kabul, a situation that impacts women journalists more acutely.

### GOVERNMENT RESPONSE

After violence and threats against journalists and attacks on media outlets reached a peak in 2016, representatives of journalists' federations and media from 15 organisations met the President Mohammad Ashraf Ghani on February 2, 2016. After sharing their concerns and a call for action, the president pledged that government resources in Afghanistan would be spent to address to the problems of journalists. He also said the government would conduct international campaigns for the rights of Afghan journalists, including putting pressure on Pakistan, the main supporter of Taliban, to respect the freedom of media in Afghanistan.

On January 31, 2016, a decree from the president ordered related government departments to take urgent measures to resolve the problems and challenges of journalists and media outlets especially in the spheres of security, safety and access to information.

On February 27, 2016, a special committee was established by the Afghan government to investigate the cases of violence against journalists and media workers. The government also took practical steps to establish a support fund for journalists. But only time will tell whether these measures are effective in the reduction of violence, ensuring safety and punishing the perpetrators of killings and violence against journalists and reducing the atmosphere of threat.

**TABLE JOURNALISTS AND MEDIA WORKERS KILLED IN KABUL 1994-2016**

NO	DATE	NAME AND OCCUPATION	MEDIA	DETAILS
1	January 20, 2016	Mohammad Jawad Hussaini, 31, video editor	Tolo TV	Killed when a Taliban suicide bomber targeted their bus in Kabul.
2	January 20, 2016	Zainab Mirzaee, dubbing artist	Tolo TV	Killed when a Taliban suicide bomber targeted their bus in Kabul.
3	January 20, 2016	Mehri Azizi, graphic artist	Tolo TV	Killed when a Taliban suicide bomber targeted their bus in Kabul.
4	January 20, 2016	Mariam Ibrahimi, 22, dubbing artist	Tolo TV	Killed when a Taliban suicide bomber targeted their bus in Kabul.
5	January 20, 2016	Mohammad Hussain, driver	Tolo TV	Killed when a Taliban suicide bomber targeted their bus in Kabul.
6	January 20, 2016	Mohammad Ali Mohammadi, dubbing artist	Tolo TV	Killed when a Taliban suicide bomber targeted their bus in Kabul.
7	January 20, 2016	Husain Amiri	Tolo TV	Killed when a Taliban suicide bomber targeted their bus in Kabul.
8	December 21, 2014	Zubair Hatami, cameraman	Mitral TV	Injured during a Taliban suicide attack on a French-run school in Kabul, succumbed to his wounds in hospital.
9	March 21, 2014	Ahmad Sardar, 40, Reporter	AFP	Killed in a Taliban attack on Kabul's Serena hotel
10	March 11, 2014	Nils Horner, 51, reporter	Swedish Radio	Shot to death in a high-security zone of Wazir Akbar Khan diplomatic district in Kabul.
11	January 26, 2014	Mohammad Shahed Naimi, 22, producer	Nawa Radio	Killed in a Taliban suicide attack on a vehicle carrying Afghan National Army staff.
12	September 20, 2011	Sayed Farhad Taqadossi, cameraman	Press TV	Killed when a Taliban-fired rocket landed in the courtyard of the TV channel's office in Kabul
13	September 5, 2010	Sayed Hamed Noori, anchor	Afghanistan National Radio TV	Killed in attack by unidentified gunmen near his home in Makroryan area of Kabul.
14	January 15, 2008	Carsten Thomassen, 39, reporter	Dagbladet news paper	Killed in a Taliban attack on Kabul's Serena hotel.
15	June 5, 2007	Shakiba Sanga Amaj, 22, anchor and presenter	Shamshad TV	Shot dead in her house in Kabul.
16	May 18, 2005	Shaima Rezayee, 24, presenter	Tolo TV	Murdered by a unknown gunman in her home in Kabul.
17	November 19, 2001	Harry Burton, 33, cameraman	Reuters	His car in a convoy heading from Jalalabad to Kabul was stopped by a group of bandits. Burton and three other journalists were pulled out from their vehicles and shot dead.
18	November 19, 2001	Julio Fuentes, reporter	Spanish newspaper El Mundo	His car in a convoy heading from Jalalabad to Kabul was stopped by a group of bandits. Fuentes and three other journalists were pulled out from their vehicles and shot dead.
19	November 19, 2001	Maria Grazia Cutuli		Her car in a convoy heading from Jalalabad to Kabul was stopped by a group of bandits. Cutuli and three other journalists were pulled out from their vehicles and shot dead.
20	November 19, 2001	Azizullah Haidari, photographer	Reuters	Her car in a convoy heading from Jalalabad to Kabul was stopped by a group of bandits. Haidari and three other journalists were pulled out from their vehicles and shot dead.
21	July 29, 1994	Mirwais Jalil, reporter	BBC	Kidnapped and murdered while returning from an interview with renegade prime minister Gulbuddin Hekmatyar at his base in Charasyab, south of Kabul.

Following the Taliban capture of Kunduz in October 2015. The Afghan National Army won back the city 15 days later. Life in Kunduz is starting to go back to normal, with street vendors finally reopening their stores.

Credit: AFP/Nasir Waqif



## KUNDUZ

### AFTERMATH OF THE TALIBAN TAKEOVER

The capture of Kunduz province by the Taliban for 15 days in October 2015 caused significant damage to the local media. This was the first time in the 14-year period of the newly-elected government that the Taliban gained control of an important provincial capital.

Kunduz, located in the north and the fifth-largest city in Afghanistan, is of strategic significance and hence a vulnerable target. Almost all journalists were forced to leave their television and radio stations and media houses and move to nearby NATO and Afghan forces headquarter or neighbouring provinces, some even went to Kabul.

The media in Kunduz which operates with limited resources was in the large part very critical of the Taliban because most owners, broadcasters and managements were close to the former Northern Alliance. Most of Kunduz-based media houses were launched by politicians or by former German Provincial Construction Teams (PRTs) during their work and stay in the north-eastern provinces. The few radio stations in operation were mostly managed by local women journalists who had long been opposed to Taliban presence around the provincial capital and surrounding districts.

When trouble began brewing in Kunduz in October 2015, most of the electronic media in Kunduz left their offices and took their equipment with them even before Taliban entered the city. The Afghanistan Independent Journalists Association (AIJA) called on the Afghan government and international

forces to protect journalists and ensure their safe evacuation from the conflict zone. All journalists, producers, support and technical staff left Kunduz for neighbouring safe locations, nearby provinces or to Kabul. Only those that did not have the opportunity to safely remove their equipment, or those who could not arrange adequate security, were looted by the Taliban, as well as other armed gangs. It is unclear who exactly was responsible for the damage and loss.

An officer of the government media in Kunduz claimed that the Taliban had not set fire to any media office and that nothing had been stolen. This seems to have been borne out by eyewitness accounts. A person who lived next to a media outlet told the AIJA monitoring team, "I saw an armed Taliban member looking at the antenna of a radio/television and he said: 'I think it's the device which is showing our location to the enemy'. He wanted to shoot the television antenna, when suddenly a civilian told the armed Talib, that it was the antenna of a radio television which was not broadcasting. Upon hearing this, the Talib didn't shoot the antenna and said, 'We have not been given permission to go and destroy the media houses and radio and televisions.'"

For three to four weeks, the local radio, TV stations and print media did not broadcast or publish any editions and journalists were not able to enter the city. AIJA took the lead in communicating the problems of the media community to all the relevant government departments involved in the Kunduz collapse and operations for re-control. We also contacted the Ministry of Information and the President's Office to facilitate the visit of our delegation to the provincial center for investigation.

Soon after the re-control of Kunduz by Afghan officials and obtaining permission from government departments, AIJA sent a delegation to Kunduz for a first hand assessment and to conduct a monitoring exercise. The investigation and monitoring visit from October 24- 27, 2015 was supported by the IFJ and led by AIJA Vice President Hujatullah Mujadidi. The team of media monitors and journalists from Kabul and Kunduz visited fifteen media houses and met journalists, owners, editors, producers and some senior civil society members and eye-witnesses.

The only media house that could not be visited was Radio Jaihoon located away from provincial centre in an area still under the control of the Taliban.

## LASTING IMPACT

A few days after the Taliban control ended, only a limited number of staff and employees had returned to work. An obvious reason for the lack of return was the adverse psychological impact of the Taliban takeover, and the resultant feelings of fear and terror. The delay in resuming operations was also due to the need to reinstall equipment and set the studios and offices in order before calling reporters and other staff back to work.

When the AIJA delegation asked owners, managers, editors or producers why there were only a few reporters and employees back at work, owners said that they were not in position to pay them on time. A real fear is the attrition of employees who might move to other provinces or the capital Kabul in order to find more secure employment.

All media houses lost their source of income. They were getting small amounts of money from local branches of telephone companies, advertisements from different companies, banks, hospitals, schools, universities and others, which collapsed or relocated or stopped operations due to the instability. Some companies and banks stopped sponsorship of programs or giving advertisements to the media citing security risks.

Although some media houses re-started broadcasts with limited equipment, print media listed in this report have not been able to restart publication, and copies of print newspapers have not been published since October 2015.

Weeks after the collapse of Kunduz, the Taliban were controlling surrounding areas of the city and the majority of districts. Their palpable presence instils fear in the mind of ordinary citizens and the media. In April 2016, the Taliban started new movements to regain control of parts of city and the middle of April saw fierce battles around Kunduz city. There is a very real concern that the provincial capital will collapse at the hands of the Taliban once again.

There has been little support forthcoming for the media houses in Kunduz. The Network of Women in Media, India (NWMI) reached out the women journalists and women owners of stations for support through AIJA and offered technical support to restart broadcasts. The government have collected reports about damages and losses and working on procedure to find ways for support. Some women-run radio stations which were formerly funded by Internews-US are likely to get support from the Internews-Afghanistan office.

## SHORT DESCRIPTIONS OF THE MEDIA HOUSES MONITORED BY THE AIJA TEAM:

**1. Radio Cheragh:** This radio station was established by Malalai Yousefi and was operating with ten employees, both male and female. When Kunduz was taken over by the Taliban, there was no damage to the external part of the station building. The owners reported that before leaving the building, the doors were secured and during the conflict some locks were opened by unknown groups (maybe thieves, intruders or the Taliban) and equipment and furniture was thrown around. However, nothing was stolen and there was no damage to the transmitter, electric circuits or connectors. Security guards told journalists that they had taken office items to their homes and therefore everything was safe. A local resident near the radio station told the team that no one from the Taliban had entered the street and that nothing had been taken away from here.

**2. Radio Kaihan:** This radio station was established in 2009 by Zarghona Hasan. It started its operation in Kunduz city. The person in charge of the radio told us that before the attack of the Taliban on Kunduz the radio was operating 24 hours. There was no sign of damage on the external part of the building. Inside the building the furniture was orderly and the documents and materials were in place in the cupboards. Only the technical rooms and the two studios were disorganized and furniture was in disarray. The technical equipment was removed and the broadcast was stopped.

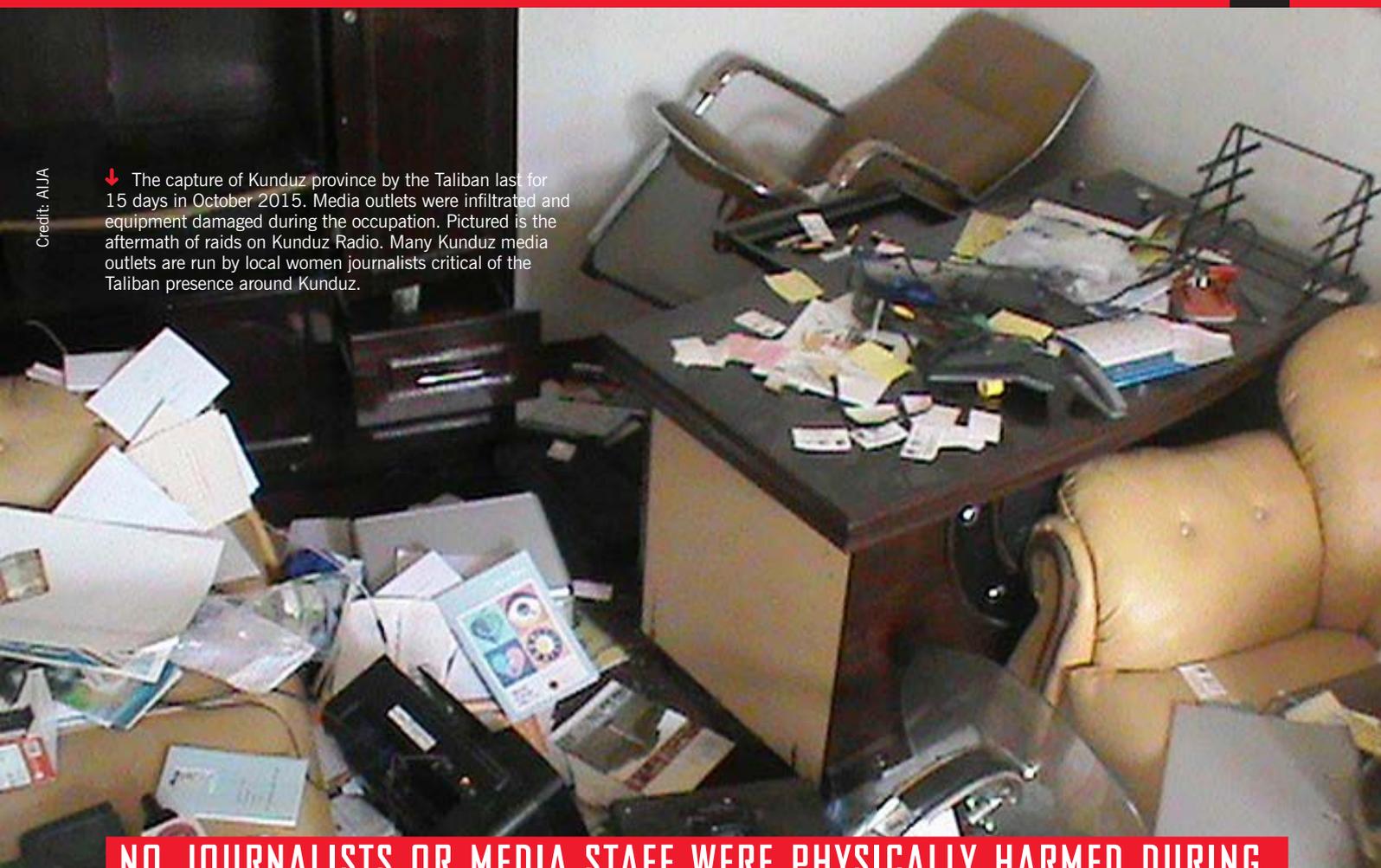
**3. Radio Shayesta:** This radio station is also located near Radio Kaihan and was established by Rona Hasan who is the sister of Zarghona Hasan, owner of Kaihan Radio. Radio Shayesta started its trial broadcast three months before the Taliban takeover of Kunduz. The person in charge of Radio Kaihan said that all the tables and cupboards were broken and that the Taliban stole all the technical equipment. The offices are still in disarray condition and the broadcast has not been resumed.

**4. Radio and Television Roshani:** This seven-year old radio and TV station is located inside the Spinzar (a governmental company) building and is owned by Sediqa Sherzai. The doors and the window panes of one of the windows were broken, but there is no sign of damage on the external part of the building. An employee of the station, Quraishi (who did not want to be identified by his full name) confirmed that all the equipment was stolen, the furniture broken and all the papers torn. The signs of fire were seen only in the remains of paper in a room but not in the rest of the building. A list of tools and equipment which were broken and stolen were presented to the AIJA monitoring team.

The Spinzar Company guards told the AIJA team that the intruders had stolen some company money and there was no sign of damage to their buildings. Only one of the administrative buildings located outside the main compound was burned due to the exchange of fire between the Taliban and governmental forces on the first day of the Taliban attack on Kunduz.

**5. Radio Kunduz:** This radio broadcast under the frequency of

↓ The capture of Kunduz province by the Taliban last for 15 days in October 2015. Media outlets were infiltrated and equipment damaged during the occupation. Pictured is the aftermath of raids on Kunduz Radio. Many Kunduz media outlets are run by local women journalists critical of the Taliban presence around Kunduz.



**NO JOURNALISTS OR MEDIA STAFF WERE PHYSICALLY HARMED DURING THE TALIBAN TAKEOVER OF KUNDUZ. HOWEVER, THE PSYCHOLOGICAL IMPACT AND FEAR IS LONG-LASTING, PARTICULARLY AS THE FIGHTING IS ONGOING AND THE THREAT OF ANOTHER TAKEOVER IS IMMINENT.**

89.6 in Dari, Pashto and Uzbeki. It was launched by Zabihullah Majidi and is housed in a Spinzar building. The banner of this radio was removed and moved to safety inside the building by the owner of the building on the day the Taliban took control of Kunduz. He was also guarding the building and equipment of the radio station till the end of war, when the radio station officials came back. He said he had handed over everything to the management and owners with no sign of damage or burglary. However, Hidayatullah Zeyarmal the station manager, told the team that all the technical equipment including the transmitter and mixer has been stolen and the equipment they were currently using for operating the radio station were borrowed.

The statements of the house owner and station manager differed, but there is reason to believe the statement of the house owner that there was no damage to the radio station and that they were broadcasting normally after takeover by the government.

**6. Radio and Television Khawar:** This station was started by Jalal Mahmoodi and began operating six years ago under the radio frequency of 90.1. There was no damage visible to the door or inside the building of the radio and television. The security guard told the team that he had taken care of the

station for three days. He then went to Badakhshan and when he returned he saw that the Afghan national security forces outside the building and when he entered the rooms he saw only shrouds (*kafans*) instead of transmitters and related equipment.

The AIJA monitors saw that the archives of the radio and TV were orderly and the television station was also in place. There was no damage inside the rooms. Ziaul Haq, producer of the radio station gave the team a list of the 11 items including expensive transmitter and mixers that were stolen by intruders.

**7. Kunduz Milli Radio and Television:** This radio and TV station was established 28 years ago by the government and is one of the most well-equipped stations in this province. Abdul Shokoor Qaderdan, director of Milli Radio & TV said that they had already moved most of their important equipment such as transmitter, mixers and DVCAMs to Ali Abad district in a secure place. During the control of the Taliban, an officer was assigned to keep an eye on the office The Taliban used their office for two days as a 'Posta' or checkpoint but they did not destroy any of the equipment that had remained in the office. As the team checked the building, it could not see any sign of arson or damage except one bullet mark on one of its offices.



↓ The charred corridor of the damaged Medecins Sans Frontieres (MSF) hospital in northern Kunduz in October 2015. US forces bombed the MSF Hospital in northern Kunduz, killing at least 30 people, sparking an avalanche of global condemnation and forcing the French-founded charity to close the trauma centre.

**DUE TO THE COLLAPSE OF KUNDUZ INTO THE HANDS OF THE TALIBAN, AND THE ENSUING PHYSICAL AND ECONOMIC UPHEAVAL, ALL THE MEDIA HOUSES IN THIS CITY LOST THEIR ADVERTISEMENT REVENUE, WHICH WAS THEIR ONLY SOURCE OF INCOME.**

**8. Noorin Local Television:** This TV station has been broadcasting since six years and it covers Kunduz city and its districts. There was no sign of loss or damage to its building, antennae or billboards. Sayed Najibullah Hashimi, general director of broadcasting says that; when the Taliban entered Kunduz it was about 1:30 p.m. They left the office and broadcasting was halted for almost 15 days.

He told the team, “Our office is located close to the new police headquarters and Kunduz prison, which was the main fighting area. But no bullets or damage have affected our building or banner and Taliban has also not entered our office. He said that some of their equipment was stolen by anti-social elements.

**9. Radio Zohra:** This radio station which broadcasts on radio frequency of 91.1 was established by Najia Khodayar and specializes in programs focussed on women. It is located on the second floor of a building in Feroz Kohi street, which also houses a legal services unit, Fahm-o-Adl. The entry door of this building was broken by bullet holes and the door belonging to Radio Zohra was also broken. However, the legal services office door next to the Radio Zohra door showed no sign of damage or bullet fire.

Everything in the Radio Zohra office was disorganized and scattered. The tables were stacked on one side and chairs were piled on them, things were scattered around in the offices, the doors of all the cabinets were open in the kitchen. However the playing cards which were on the table were not touched, although Taliban hate playing cards.

The archive of this radio station was not affected. Magazines and publication belonging to NATO/ ISAF forces were spread around, not torn or burned.

Mohsin Mohammadi, representative and marketing officer of Radio Zohra was the only employee present to give information to the AIJA monitoring team. He submitted a list of technical equipment belonging to the radio that was looted. Hamid the owner of the office which is rented to Radio Zohra, has a shop on the first floor of same building said, “Three days after the Taliban gained control of Kunduz city, few gunmen with Kalashnikov guns came and wanted me to open the door of the radio station, I couldn’t open the door as I had no keys. Then they broke open the door by gun fire and broke the locks and entered the radio office. They took some of the equipment, put it in a car and gave me a list of taken equipment to give it to the radio owner.

Mohammadi however denied having such list.

**10. Badlon Radio:** This radio station was established two years ago under the supervision of Nazifullah Nazif. He told the team that during the Kunduz war and takeover by the Taliban, their building and equipment was not affected, nor was anything looted or damaged. However, they said that they have had lost their advertisement revenue, which was the only source of income. Due to stopping the broadcasting for 15 days, they are facing financial problems.

**11. Boostan:** This daily paper publishing in Dari/Farsi and a few pages in Uzbeki, was started nine years ago in Kunduz city by a young journalist, Noman, who goes by a single name. It has a small circulation of 1200 copies on a provincial level. The daily publication was stopped in September due to financial problems. They daily is widely-read inside Kunduz city and neighbouring areas. Their sole large printer was destroyed beyond repair, and after the Taliban attacked to Kunduz, the printing of this publication seems unlikely.

**12. Balot:** This weekly was started recently by Abdullah. A thousand copies are printed every week for distribution inside Kunduz city. “All the doors and windows of this building were completely destroyed by gun fire,” said Arif, a manager. He added that the publication has stopped since they could not run without some of the equipment which had been stolen.

**13. Rasanai:** This daily newspaper was started five years ago with a circulation of 1000 copies. The owner, Zabihullah Mujadidi told the team that the equipment of this publication was looted and destroyed by intruders or the Taliban. However this publication was located in same building as Radio Kunduz and as per their neighbour, suffered no damage to their equipment or building.

**14. Amahdy:** This weekly cultural publication was established five years ago by the Almahdy Foundation under the administration of Alhaj Sayed Sakhidad Khalily with 1000 copies circulated in Kunduz city. According to Khalily, the weekly has faced no damages or losses due to the Taliban attack on Kunduz province. However, due to financial problems, they are unable to print and continue their publication on time.

**15. Rooshangaran:** This weekly was launched about ten months ago under the administration of Najim Rahim with

## FEMALE EMPLOYEES AND REPORTERS STOPPED THEIR WORK FOR WEEKS AND REMAINED WITHOUT INCOME AND SALARIES. SOME FEMALE REPORTERS AND PRODUCERS IN THESE STATIONS LEFT THESE MEDIA HOUSES AND STOPPED WORKING AFTER KUNDUZ INCIDENT.

a circulation of 1000 copies in Kunduz city. The monitoring team saw bullet marks on the window and doors of this publication. However, Rahim told the monitoring team that they had lost nothing due to the Taliban attack on Kunduz. There was no damage to their office or equipment. But due to financial problems and losing their advertisement revenue after the Kunduz war, their press was affected and has now stopped printing.

### KEY FINDINGS OF THE KUNDUZ MEDIA MONITORING MISSION

Following its spot visit, meeting with key stakeholders and observing the situation after the short-term takeover of Kunduz by the Taliban, the monitoring team listed the following key points:

#### 1. Safety of media houses and personnel

(i) No journalists or media staff were physically harmed during the Taliban takeover of Kunduz. However, the psychological impact and fear is long-lasting, particularly as the fighting is ongoing and the threat of another takeover is imminent, given the withdrawal of the international forces and a weak government.

(ii) The media owners in Kunduz had information that Kunduz city would fall into the hands of the Taliban. They had the capacity and enough time to transfer their equipment to safer places, as Abdul Shokoor Qaderdan the director of Kunduz Milli Radio and TV honestly shared his pre-planning of equipment transfer. Even though Kunduz Milli Radio TV is national property, they had plans to move their equipment to safe places. It does not seem credible that the other stations, being privately owned, did not have a prior plan in place to ensure the safety of their equipment.

#### 2. Damage to buildings and loss of equipment

(i) Except for the sign of gunfire entry on the door of the building that houses Radio Zohra and the breaking of the lock on the door of Radio Roshani, none of the doors to other buildings housing the media were damaged or showed evidence of the entry of intruders.

(ii) Drawing up long lists of expensive radio equipment and denying the Monitoring Mission the opportunity to cross-check these lists raises questions

about the authenticity of such lists and the motivation behind them. Most of local radio stations were funded by Internews and all their equipment were provided free. It is possible that some of them hope they get new equipment with USAID funds.

(iii) The apparent vandalizing and scattering of tables, chairs and other furniture in offices was questionable as the motive seems unclear.

(iv) The fact that the archive and administrative documents of Kaihan Radio, Khawar Radio & TV were untouched, their cabinets intact, not tearing the playing cards and magazines of *Sada-e-Azadi* (the NATO/ ISAF magazine) in the office of Radio Zohra is also questionable. If an outsider group, particularly the Taliban enters an office and comes across playing cards, foreigners' documents, certificates or any related papers, they would have immediately torn or burnt them.

(v) The connectors/jacks which were connected to the transmitters and senders were detached very carefully, without causing scratches, damage or loss, which shows that this was carried out by highly-skilled and experienced people with the required tools. This extreme care cannot be related to the Taliban or other intruders who want to destroy things and loot them.

(vi) If the Taliban has taken the material and equipment of the media and scattered things in their offices, naturally their first action would be to destroy billboards or signage of the stations, but none of the media billboards were taken down.

(vii) Unlocking of the office doors carefully with great skill so as not damage the locks, doors or other carpentry materials shows care taken by the intruders, it seems as though they did not want any more damage to the doors and window of the media which is not characteristic of terrorists and gangs who want to loot or steal people's property. If all of this damage was done by the Taliban or other intruders, and they wanted to destroy everything in the offices including furniture, equipment and even kitchen equipment, it is surprising that they did not touch any of the office air conditioners, all of which were left in working condition.

↓ As fighting escalated between the Taliban and Afghan security forces, the Kunduz media came under increasing attack from the Taliban, culminating in a 15-day Taliban control in October 2015.

Credit: AFP/Wakil Kohsar

(viii) Neighbours of most media houses assured the monitoring team that the media remained safe during the war and Taliban takeover, and few of them even said that the Taliban avoided any attack or forced entry to the media houses.

### 3. Financial instability

(i) Due to the collapse of Kunduz into the hands of the Taliban, and the ensuing physical and economic upheaval, all the media houses in this city lost their advertisement revenue, which was their only source of income. They are currently facing a financial crisis and lack of resources. Wages to journalists and media staff are reduced, irregular or have been altogether stopped.

(ii) Some companies, banks, stopped sponsorship of programs or giving advertisements to the media citing security risks, thus affecting the sustainability of the media houses.

### 4. Professional issues

(i) Most of the media in Kunduz lacks professional skills and has limited access to training, especially training in professional standards of journalism. The print media is weak and has limited equipment and facilities to operate

and continue their publications. It is a matter of concern that some journalists with less professional skills used for propaganda against Taliban by local politician and warlords which were against Taliban all the time from 2001.

(ii) The media in Kunduz also lacks the ability to report independently, which is very important in a conflict zone. Few reporters from this province had had the opportunity of participating in workshops and training programmes. Covering conflict, investigative and ethical journalism has not been part of their professional training.

### 5. Impact on women journalists

All five radio stations in Kunduz run by women in this province were severely affected; their broadcasting was stopped for weeks, and some of them lost most of their equipment and necessary tools. Female employees and reporters stopped their work for weeks and remained without income and salaries. Some female reporters and producers in these stations left these media houses and stopped working after Kunduz incident. Some of those who continued to work after some days have not been paid because their media stations have no income even many weeks after the Taliban takeover. With a weak government at the centre, and the withdrawal of the NATO forces, the resistance to such a takeover seems well nigh impossible.

# GENDER & MEDIA

## WOMEN'S RIGHTS: ON THE LINE

Women journalists across South Asia battle a range of issues, from obstacles in recruitment; discrimination in assignments at the workplace; sexual harassment; poor avenues for promotion and career advancement and inadequate provisions for family and child care. Despite these constraints, women journalists have been at the forefront of covering conflict in the region; unearthing corruption and malpractices; highlighting stories on environmental degradation; displacement of villagers due to development projects; health, malnutrition, security, politics and many more.

While reporters are the most visible of all journalists and their work attracts public attention, a large number of media workers who produce news and distribute it are women. Often rendered faceless and invisible, the presence of women in news production and the grim realities of the dangers they also face were brought home in the Taliban's suicide car bombing of the bus carrying Tolo TV staff on January 20, 2016 in Kabul, Afghanistan. Of the seven media workers killed, four were women. Women comprised a substantial number of the 26 staffers of Tolo TV's Kaboora Production house, which produces local programming including television commercials for private and government clients, who were injured in the attack.

The attack came in the wake of another reprehensible attack by the Taliban on the offices of Roshani Radio and TV in Kunduz in northern Afghanistan on September 28, 2015, destroying most of its equipment. The Taliban had issued a threat to both Roshani Radio and Tolo TV in October 2015 for their coverage of the Taliban invasion of Kunduz.

While the turmoil in Afghanistan has left women journalists more insecure, women journalists in other countries in Asia face other challenges. The definitive study *'Inside the News: Challenges and Aspirations of Women Journalists in Asia and the Pacific'*, conducted by UNESCO, UN Women and the International Federation of Journalists (IFJ) and released in June 2015, underscores that, in many countries across Asia and the Pacific, while women media professionals have increased their number in the newsrooms, they still represent only three out of ten news staff. Besides, the majority earns less than their

male counterparts, while struggling to reach decision-making positions.

The new study highlights the impact of gender inequality on the lives and work of journalists in the region, with case studies drawn from the personal accounts of media professionals in Cambodia, India, Malaysia, Nepal, Pakistan, Sri Lanka and Vanuatu. Its recommendations included the adoption of affirmative employment strategies by media organisations, family-friendly work conditions, a zero tolerance policy on sexual harassment, gender sensitive code of ethics and gender perspective training for staff. In addition, the IFJ recommendations urged journalists' unions to increase representation of women and create a checklist for union action on gender equity while government and civil society initiatives were necessary to implement laws and policies on gender equity.

The IFJ held the SAMSN gender network meeting with gender representatives from each of the SAMSN countries coming together to discuss challenges and develop strategies for the coming year and culminated with the regional launch of *Inside the News* recommendations on July 27, 2015.

## GENDER SNAPSHOTS IN 2015-16

### AFGHANISTAN

The heinous attacks on the media underscore the violence in Afghanistan and the manner in which women journalists bear the brunt of everyday hostilities.

The attack on staff of Tolo TV left four women and three male media workers dead on January 20, 2016 in Kabul. Women comprised a substantial number of the 26 staffers who were injured in the attack on a bus transporting employees of Tolo TV's Kaboora Production company, which produces local programming including television commercials for private and government clients.

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OFTEN RENDERED FACELESS AND INVISIBLE, THE PRESENCE OF WOMEN IN NEWS PRODUCTION AND THE GRIM REALITIES OF THE DANGERS THEY ALSO FACE WERE BROUGHT HOME IN THE TALIBAN'S SUICIDE CAR BOMBING OF THE BUS CARRYING TOLO TV STAFF ON JANUARY 20, 2016 IN KABUL, AFGHANISTAN.



Credit: Womens' Media Center, Pakistan

the Taliban invasion of Kunduz.

Roshani Radio and TV, an independent media outlet founded by Sediqa Shirzai in 2008, covered women issues and nine of its 12 employees are women. Roshani Radio began operations on February 20, 2008 independently in Kunduz province and broadcast educational and informative programs mainly for women and girls. In 2015, it obtained the expertise to establish television and video broadcasting and had barely begun trial video broadcasting for 2 months when the Taliban captured Kunduz province on September 28th 2015. “They used our radio TV station as [a] trench. After that, they started to burn it but they couldn’t and they looted all assets and equipment and destroyed them,” said Sediqa Shirzai in an email communication. Shirzai has appealed for rehabilitation and reconstruction of the radio and television station.

According to an independent study by the Social and Cultural Organisation (SCO) the weak presence of women affects the quality and effectiveness of media work. SCO head Masouma Mohammadi presented the findings of the study at a gathering titled “Women journalists as preservers of justice and equality” in Kabul in August 2015. The study revealed that a major problem women journalists faced was the high level of violence against them with the level of violence higher in Kabul than Balkh province. According to Masouma Mohammadi, common people and security officials were to blame for this but in Mazar-i-Sharif, it was families who inflicted more violence on women journalists.

The study, which focused on 150 journalists and 15 officials of media outlets in Kabul and Balkh, found that since the beginning of the year, more than 100 cases of violence against female journalists have been registered in these provinces. The

↑ Discrimination on assignments, sexual harassment in the workplace, and poor working conditions continue to impede on the work of women journalists in South Asia. Despite this, women continue to break through glass ceilings and forge new paths in the media.

cases include verbal abuse, threats, physical violence, sexual harassment and beatings. Of the incidents, 41 cases occurred outside the field, as many in the field and 17 cases at workplaces.

The study also found that gender discrimination still exists and 19.5 percent women journalists work without salaries or for as little as 3,000 Afghans (USD 43) per month.

## BANGLADESH

Soon after the spate of killings of atheist and secular bloggers Niloy Neel, Washiqur Babu and Avijit Roy by religious extremist groups, it became clear that women journalists were the next targets. In October 2015, the banned Ansarullah Bangla Team (ABT) sent an email to media houses threatening them with dire consequences if they continued to employ women. The email said: “Since the Islamic Sharia views working of women outside their homes without purdah as [a] punishable offense their employers are guilty to the same degree. We are urging the media to release their women from their jobs.” The email (ansarullahbanglabd@gmail.com), was sent from the head office, Chittagong, Bangladesh, signed by Abdullah Bin Selim, who claimed to be the publicity coordinator of the ABT.

The outfit also warned against publishing any negative report on Jihadi activities, threatening the media that none of them would be spared. “From now on, our instruction is the law and if you [the media] do not follow the way of Islam, the outcome

↓ In July 2015, the IFJ and FMM hosted the SAMSAN gender network meeting in Colombo, Sri Lanka. The meeting brought together representatives from across South Asia to discuss the challenges for women journalists and map out future campaigns.



Credit: Ujjwal Acharya/IFJ

## THE IFJ RECOMMENDATIONS URGED JOURNALISTS' UNIONS TO INCREASE REPRESENTATION OF WOMEN AND CREATE A CHECKLIST FOR UNION ACTION ON GENDER EQUITY.

will be dreadful. The towering building will come crumbling down to the ground and your heads to the feet of the soldiers of Islam," the email reads.

The threats have affected women journalists and impaired their sense of security. In a statement condemning the threats, the IFJ said that women journalists faced endless challenges in Bangladesh, these threats act to further jeopardize their safety in the industry. Immediate and strong action needs to be taken by the government, media organisations, unions and the media community to guarantee the safety of women journalists. ABT continues to threaten and attack Bangladesh's media community and it needs to end now."

### INDIA

While women journalists in India battled a gamut of issues – dealing with online abuse, sexual harassment and fighting court cases on termination of services, the dangerous nexus between vigilante groups and police resulted in the hounding of a woman journalist working in Bastar district of Chhattisgarh state in Central India, where an ongoing bloody conflict between security forces and insurgent groups resulted in arbitrary arrests of journalists (See Chapter XX on Chhattisgarh).

The intimidation of Malini Subramaniam, local journalists and lawyers drew widespread condemnation. A team from the Editors Guild of India that visited Bastar to investigate the intimidation of journalists and the curbing of press freedom

concluded that the media in Chhattisgarh was working under tremendous pressure.

While online abuse is being tackled separately in Section II of this report, it is important to draw attention to the increasing instances of sexual harassment at the workplace, some of which still go underreported. Even in cases that were widely reported and became infamous due to the prominent personalities involved, media coverage was skewed and questionable.

In the complaint lodged against *Tehelka* owner-editor Tarun Tejpal in 2013, the trial is yet to commence. On May 15, 2015, the Supreme Court granted a year's extension to the trial court in Goa to conduct the trial, though it had earlier directed that a speedy trial be held. At least 153 witnesses will be examined during the trial. While Tejpal is out on bail, curiously, in March 2016, the widely circulated tabloid *Mumbai Mirror*, carried a lengthy report that the trial was being delayed but the 'victim' had gone on to use the time to write a book about her experience. The complainant's protest letter to the newspaper that the report was one-sided and error-ridden was not published.

In another case, two women journalists of Herald Cable Network (HCN) lodged First Information Reports (FIRs) against Rupesh Samant, Senior Principal Correspondent of PTI news agency in Goa. They alleged that he stalked them and sent them vulgar text messages and made sexual advances. The news channel shared its office space with PTI and Samant was working for both HCN and PTI. Samant was arrested

## SHE ALLEGED THAT THE CHANNEL'S EDITOR-IN-CHIEF, ATANU BHUYAN, TRIED TO FORCE HER TO SLEEP WITH AN ASSAMESE POLITICAL LEADER WHEN HE VISITED A DELHI HOTEL.

in September 2015 but released on bail. According to local journalists, Samant had harassed other journalists too but they did not come forward for fear of his considerable influence amongst political and administrative circles. Members of the Network of Women in Media, India, wrote to the members of the PTI Board to seek action against Samant but the PTI management said it was monitoring the police case closely but could not take action against Samant since the victim-complainants belonged to another media company!

In January 2016, a New Delhi-based woman journalist employed with Assam Talks, a news channel based in Guwahati, Assam, filed a complaint of sexual assault and sexual abuse against two senior journalists. She alleged that the channel's editor-in-chief, Atanu Bhuyan, tried to force her to sleep with an Assamese political leader when he visited a Delhi hotel. The complainant, in a separate charge against the second accused, Luit Neil Don, the Delhi correspondent of *News Live*, a Guwahati-based news channel, alleged that he had coerced her into a relationship under the false pretext of a job and marriage. An FIR under Sections 376/354/509/34 of the IPC was lodged in Rajouri Garden Police Station, Delhi. Bhuyan managed to secure anticipatory bail.

For some women, traumatized by the experience of sexual harassment, getting over the ordeal and speaking out takes time. Also, taking a legal recourse is not immediately possible. But, as a photojournalist who spoke out after three years discovered, support and action is possible if enough people speak out and condemn the incidents of sexual harassment. When *Emaho* magazine appointed an internal committee on sexual harassment, she took to social media to report sexual harassment by the founder-editor of *Emaho*, Manik Katyal. In November 2015, she detailed the experience in her blog post:

*"I managed to stop him after a while and left his place. Later on whenever I thought about it I felt disgusted. I knew something was wrong about all of that. Then I was enlightened by the concept of "CONSENT" and structures of sexual harassment and gender oppression. All of this came back to me with a critical understanding as I saw Emaho has now created a committee to prevent Discrimination and Sexual Harassment. The hypocrisy of all of it is just too much and I have also got to know that fact that he has done this shit to a lot of women. I was not the only person. It just pissed me off and I decided to share my experience.*

A Facebook page with the hashtag #Boycott Manik Katyal and a blog #Iwas harassed by manikkatyal resulted in 20 women photographers across the world writing in to share their experiences of the verbal and physical harassment they faced from Katyal. Finally, co-directors of the global 'Just another photo festival' decided that Katyal would step down from his post.

While the indictment and action was prompt and sharp in the *Emaho* case, the courageous rural reporters of *Khabar Lahariya* had to confront not just a persistent intimidation of harassment of a stalker but a misogynistic and apathetic police force. *Khabar Lahariya*, the pioneering news network managed by a collective of rural women journalists, has made a mark for its work in the backward Bundelkhand region of Uttar Pradesh.

In January 2015, six members of the *Khabar Lahariya* team were harassed through phone calls from a man using numerous phone numbers. The caller, who identified himself as Nishu, refused to stop calling despite repeated requests. Nishu threatened, intimidated and stalked the *Khabar Lahariya* reporters over three months. Police complaints yielded no results.

On September 14, 2015, the shocking account of the prolonged harassment and stalking was written for an online magazine, *The Ladies Finger*, sparking a furore:

*"He always knew where we were, what we were doing. Rama stopped answering the phone when she was riding the bus home. He could be sitting on the row behind her, she said, and then he would know what she looked like....He'd call me at night, and I'd be able to hear a blue film in the background. Talk dirty to me, he'd say...else I'll have you kidnapped and raped, many times over. Wherever you hide, I'll find you. You and everyone in your team. I'll take your journalism and shove it up your ass."*

The manner in which police dismissed the complaints was chilling: "My phone was ringing, and I said, see, he's calling right now. One cop took the phone from me and started chatting with Nishu. It seemed like such fun that another cop had to have a go too. My phone went round to each cop in the station. When they were done, and I said I wanted to file my FIR against this man, the SI said I should just switch my phone off if I didn't want to talk to him".

While the story was tweeted and shared on Facebook, members of the Network of Women in Media, India, issued a strong statement condemning the harassment and the police inaction. On the back foot with the tremendous response generated on social media, the UP Government issued directives for the police to take immediate action. Finally, two days after the *Ladies Finger* report, on September 16, the culprit was caught and arrested.

### NEPAL

In Nepal, while more and more women are joining journalism, efforts must be stepped up to retain them and enable them to stay on in the profession. The participation of women in the Federation of Nepali Journalists (FNJ) has touched 16 percent, up from ten percent before the People's Movement of 2006. According to the FNJ, 1613 of its 10,077 members are



↓ The IFJ continues to work with its affiliates to train women journalists in safety and gender equity. In 2015, the IFJ and Solidarity Centre held a series of gender equity and safety trainings for men and women journalists in Islamabad.

Credit: Solidarity Centre

women. Speaking at a gender sensitization training programme organized by the FNJ in Chitwan in February 2016, the Chairman of the Press Council Nepal, Borna Bahadur Karki, said that the Council had decided to formulate a policy to increase women's participation in media houses.

## PAKISTAN

While the number of women in the media in Pakistan is steadily increasing, prevalent social attitudes and biases are still a huge obstacle. According to a report in *Dawn*, women work in all levels of the profession and cover rallies and demonstrations too, apart from holding managerial positions in a few media outlets (there are around 250 news publications, 170 FM radio stations and 30 television channels in Pakistan). The experiences of women in online media are detailed in Section II.

## SRI LANKA

As a follow up to the research study on media and gender in the Asia-Pacific, the Country Report 'Media and Gender in Sri Lanka' was launched on July 26, 2015. It emphasized the need to achieve radical reforms to bring more women journalists in Sri Lanka to decision-making levels and enhance the quality of their contribution to the field. For the first time in Sri Lanka, the research indicated a sizeable percentage of women who have known of or experienced sexual harassment in their workplace. Besides, less than 10 percent of women were present in top level management positions.

The release of the country report followed a series of trainings held for local journalists and from the South Asian region, organized by the International Federation of Journalists and South Asia Media and Solidarity Network (SAMSAN). Journalists from Sri Lanka, India, Pakistan, Bangladesh, and Nepal participated in the training sessions.

The recommendations of the report also seek to influence systemic changes within the Sri Lankan media industry, both in policy and practice, through effective advocacy and training at different levels and to work towards inclusivity and equity in the island's media.

Speaking at the launch of the report on July 29, Dilrukshi Handunnetti, Researcher and content analyst for Sri Lanka and Co-Convener for South Asian Women in Media – Sri Lanka Chapter, said that a majority of women who have achieved top positions were English language journalists and this indicated that most newsrooms, especially the vernacular language media, still found it difficult to accommodate women at the top slots. "Even then, it is a mere handful of women who reach the top," said Handunnetti.

"Barring that exception, the male dominated industry had male-centred mechanisms making it difficult for women to navigate. The systems were naturally less accommodating of women and did not consider it an industry necessity, given that more and more women were anyway entering the industry and increasing in numbers," she emphasized, speaking of the reality not merely in Sri Lanka, but throughout South Asia.

## SPOTLIGHT: ONLINE ABUSE OF WOMEN JOURNALISTS

*The Threats begin. Anonymous calls today calling me a M\*\*\*\*F\*\*\*\*G B\*\*\*\* on, "Afzal lovers Gang" whose family should die. 'Nationalists'?*

- Tweet by Indian television anchor and journalist, Barkha Dutt, March 4, 2016, following her coverage of the students' protests in Jawaharlal Nehru University (JNU), Delhi, India.

*'Self-professed supporters of Narendra Modi and Subramanian Swamy specialise in abusing what they call "paid media". For them, "whore", "bitch", "Congress pimp", "Muslim-loving whore", "Congress-funded media" are all in a day's work... the daily invective and defamation by hundreds of Twitter handles speaks of an organised campaign.'*

- Sagarika Ghose, journalist and television anchor, India, who coined the term 'Internet Hindus' to refer to right-wing Hindu trolls

*"I'm not afraid of any threat. But this is an organised crime by right wing groups."*

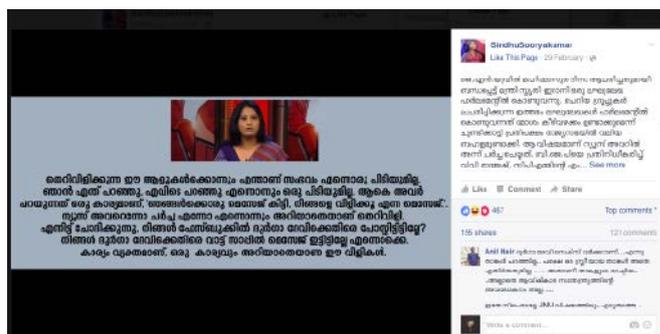
- Television anchor and Asianet News Chief Coordinating Editor Sindhu Sooryakumar who got over 2000 phone calls threatening and abusing her and circulating her phone number on Whatsapp groups and Facebook posts, after a programme on the speech delivered by India's Union Human Resources Minister Smriti Irani in Parliament

*"They are asking women journalists to leave their jobs and stay at home. It seems that they are on the path to issue identical diktats to all working women in Bangladesh. They want the women to stay at home as puppets."*

- Shammi Haque, a Dhaka blogger, who has received several death threats from the Islamists and now lives under police protection, following an email issued by the banned Ansarullah Bangla Team (ABT, which has claimed the killings of six bloggers in Bangladesh) to media companies in Bangladesh to stop employing women.

*"This abuse started the day section 66A was repealed. This anon handle came up with this ridiculous and complete slander that I'm stalking an SPG protectee. Because I am a woman...let's see... how do you attack me? You can't attack me professionally, so you go after my character"*

-Delhi-based journalist Swati Chaturvedi who filed a police complaint against an anonymous Twitter account that had unleashed a malicious campaign against her. The account changed its handle twice after the complaint.



**JOURNALISTS WHO HAD HITHERTO BEEN ACCUSTOMED TO TROLLS AND ABUSIVE COMMENTS ON SOCIAL MEDIA PLATFORMS, EITHER IGNORING OR BLOCKING PERSISTENT TROLLS, HAVE NOW FOUND THAT STALKING AND DIRECT THREATS OF ATTACK HAVE INCREASED, FORCING THEM TO SEEK RECOURSE TO LEGAL OR POLICE PROTECTION.**



↑ The steady increase in the number of women media workers in Pakistan has assisted with the growth of a diverse media, yet social and cultural stereotypes still impede on their work.

Credit: Women Media Center, Pakistan

From rejecting the soft assignments that earlier pigeon-holed women journalists, chipping away at the seemingly unbreakable glass ceiling, confronting and calling out sexual harassment at the workplace, women journalists have not left any stone unturned to forge ahead and make an indelible mark on journalism in South Asia. But the digital age has brought other challenges, of online death and rape threats and abuse, putting immense pressure on their freedom to speak out.

As more women in South Asia go online and as women journalists, writers and bloggers speak out on a plethora of news sites and social media platforms, the threats have steadily increased, becoming more organized and more vicious. Journalists who had hitherto been accustomed to trolls and abusive comments on social media platforms, either ignoring or blocking persistent trolls, have now found that stalking and direct threats of attack have increased, forcing them to seek recourse to legal or police protection. In the last year alone, there are numerous recorded instances of online abuse in all the countries of South Asia, with journalists filing complaints with police as the threats have increased to dangerous, life-threatening levels.

The world over, there has been intense discussion about the specific targeting of women journalists. In 2015, the IFJ's Gender Council focused on the 'damaging and rapidly increasing incidents of cyber-bullying and threats of women in the media and the ways women journalist are targeted – often for simply being women in the profession' at the annual UN campaign to eliminate violence against women. Recent research shows that it often takes the form of threats of sexual violence and even extends to members of their families'.

In February 2016, the Organisation for Security and Cooperation in Europe (OSCE) report 'New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists', said that women journalists bloggers and other media actors are 'disproportionally experiencing gender-related threats, harassment and intimidation on the internet which has a direct impact on their safety and future online activities'.

In 2014, when journalist and food writer Amanda Hess documented her own experience, and that of other women, with stalking and harassment and said 'these relentless messages are an assault on women's careers, their psychological bandwidth, and their freedom to live online', the response was overwhelming, with more than 5.1K shares of her article.

Interestingly, while both women and men use the internet equally, Hess points out that women bear the brunt of online abuse. She quotes from a 2005 report by the Pew Research Center, which states that 'the vilest communications are still disproportionately lobbed at women'. Hess believed that online threats must be prosecuted as 'bias-motivated crimes', by which law enforcers would investigate them more forcefully and offenders would face stronger penalties.

The signs of this intolerance, which has degenerated into full-fledged misogyny, were there to see much earlier. In 2011, US journalist and author Laurie Penny said, in an article in *The Independent*, 'A woman's opinion is the mini-skirt of the internet' and in a book that followed, she recalled "a time, not so long ago, when nerds, theorists and hackers, the first real colonisers of cyberspace, believed that the internet would liberate us from gender."

## A FACEBOOK PAGE CALLED 'ISI' IN PAKISTAN . . . HOSTS PHOTOGRAPHS OF PROMINENT HUMAN RIGHTS ACTIVISTS, MANY OF THEM WOMEN, AND TELLS FOLLOWERS TO RAPE AND MURDER THEM!

### INDIA: TACKLING THE TROLLS

In India, internet trolls have had a free run for at least five years now. In 2010, television anchor Sagarika Ghose compared internet trolls to a swarm of bees and said that the 'Internet Hindus' as she termed the right-wing bloggers and Twitter account holders, were organized in their attacks as well as their targets. A year later, Harini Calamur, formerly head of Zee News Digital, was also attacked for her tweets and accused of sleeping with a Congress minister (she preferred to use the term 'Internet Lumpens' instead of 'Internet Hindus', since the latter term could also denote abuse to a number of Hindus like her, who were on the net but wouldn't behave like right-wing trolls). Meena Kandaswamy, Dalit writer and poet from Tamil Nadu, India, experienced harassment and rape threats for expressing her views on Twitter in 2012.

In April 2013, the Internet and Democracy Project (IDP) based in India, carried out a qualitative study of online abuse amongst a range of women – from media celebrities, bloggers, writers, journalists and internet users in the public domain. The extent of abuse their survey unearthed and the effect on the women who were targeted was revealing. The project also looked at strategies for combating harassment, both legal and extra-legal, and the danger for free speech from arbitrary provisions of the law.

When the threats become too dangerous to ignore, women journalists have been forced to take recourse to the law, despite their misgivings about how the law is framed and doubts about whether law-enforcing agencies can ensure speedy and sensitive investigation. In the last year alone, there have been at least five complaints lodged by women journalists against online abuse.

### BANGLADESH: BLOGGERS ANONYMOUS

Bangladesh is witnessing an online battle that mirrors the confrontation in the public sphere between religious extremism and secular and rational perspectives. As the atmosphere in the country gets more polarized and free thinkers are punished with violence, the online space too has become dangerous for those who express their views on gender rights, religion or human rights, even if they do so under pseudonyms.

Young female journalists and bloggers in Bangladesh who attended an IFJ workshop on gender equity in Dhaka in November in 2015 said that they usually blog under aliases. This, however, does not prevent them from getting threats of sexual violence, rape and mutilation. Any mention of women's rights, or critiques for example of the religious diktat prohibiting women from attending college unless they are veiled, provokes a barrage of extremely misogynistic threats. Complaining to the police is usually not an option, they

say, since the blogger will then have to disclose her identity and address in order to register the complaint. The level of polarization and mistrust is so high that the law enforcers are also not seen as neutral. Families are not a refuge either, since they might not support their daughters' views on religion or gender rights or rationality. At present, the female bloggers or Bangladesh seem to prefer the security of anonymity, relying on an online community for support and encouragement.

### PAKISTAN: PROMOTING SAFETY ONLINE

In Pakistan, as more women use online media, the familiar story of harassment acts to curb their freedom of expression. Nighat Daad, a pioneering digital rights activist in Pakistan and founder of the Digital Rights Foundation in Pakistan, pointed out that women journalists are particular targets of trolls. She said:

*"There's a stereotype in some parts of rural Pakistan that the internet isn't for women. It's where people watch bad stuff or make illegitimate relationships. In a conservative Muslim society, women are not supposed to be online. Many women choose to use the internet in secret, so their family members – especially men – don't know about it. And that's one of the reasons why women in some areas don't feel safe online. They feel threatened in the same way they do offline. I've seen blackmail, photoshopped pictures, hacking of personal accounts and rape threats. Women activists and feminists are trolled and targeted as "unethical western agents". Nearly half of reported cyber crimes are connected to the harassment of women on social media.*

Daad, who was named one of TIME magazine's 'next generation leaders', for her role helping Pakistani women fight online harassment in 2015, is an adviser on Amnesty's Technology and Human Rights Council. She conducts 'safe online workshops' across Pakistan to encourage women to go online and learn how to use the internet.

Apart from women journalists, human rights activists and even Pakistan's film actors face the brunt of social media trolls. In May 2015, prominent human rights activist Sabeen Mahmud was killed shortly after hosting an event on Balochistan's 'disappeared people' on April 25, 2015, in Karachi. She was the director of T2F (The Second Floor), a café and arts space that has been a mainstay of Karachi's activists since 2007 and was an outspoken human rights advocate.

The killing sparked an outpouring of grief, anger and condemnation on social media in Pakistan. In retaliation, barely a week later, there were dangerous threats and calls for attacks on those who tweeted or expressed support for Sabeen Mahmud, prompting many of those targeted to go offline.

Is there institutional support for online harassment and even killings? According to the report in *Dawn*, a Facebook page called 'ISI' (the commonly used acronym for the Inter Services



↑ Bangladeshi blogger Shammi Haque was threatened with rape in September 2015, by Islamist extremists for her writings and blogging. Shammi has said that she lives in constant fear and is regularly threatened over social media and by SMS.

**THE EMAIL SAID: "SINCE THE ISLAMIC SHARIA VIEWS WORKING OF WOMEN OUTSIDE THEIR HOMES WITHOUT PURDAH AS [A] PUNISHABLE OFFENSE, THEIR EMPLOYERS ARE GUILTY TO THE SAME DEGREE. WE ARE URGING THE MEDIA TO RELEASE THEIR WOMEN FROM THEIR JOBS."**

Intelligence, the premier military intelligence organisation in Pakistan), hosts photographs of prominent human rights activists, many of them women, and tells followers to rape and murder them! The page has over 34,000 followers. While the military has dissociated itself from these pages, human rights activists believe that pages such as these do get covert state support and this worsens when the media stifles progressive voices but freely airs extremist voices.

In August 2015, a well-known Pakistani actress Mawra Hocane, was fiercely attacked on Twitter by a fellow actor who used a hashtag #BanMawra just because she tweeted that she would give an opinion on Indian actor Saif Ali Khan's film Phantom, only after seeing it. Mawra Hocane, who was then shooting for a Bollywood (Indian) film, found her patriotism and loyalty to Pakistan questioned. The film itself was banned in Pakistan for allegedly suggesting that a terrorist character in the film was a Pakistani national. Mawra Hocane finally took to Facebook to post a detailed response, which was shared and supported by leading Pakistani actors.

In a discussion centered around the attack, Nabihah Mehr Sheikh of the Pakistan Feminist Watch, said pertinently that, in the #BanMawra campaign, insults were "hurled at the woman's body which was being used as an analogy to national honour. The woman's body had become a site to abuse, a tool

to denigrate someone and a way of mocking the enemy, in this case, India".

Speaking in the same discussion, Susan Benesch of The Berkman Centre for Internet and Society at Harvard University and Director of the Dangerous Speech Project, described three categories of attacks directed at women on the internet – personal attacks that target women with threats of rape, killing or even 'doxing' (publishing personal information); campaigns to demean women as a group (calling them 'feminazis', for instance) and reflexive misogyny where people expressed themselves in a misogynistic way without the intent of being misogynist. Like several free speech campaigners, Benesch advocates counter speech to hate speech.

Clearly, while the internet and online media does provide a more democratic platform for interaction and sharing of a plethora of news and views, the 'dark matter' of the internet also perpetuates all the discrimination and invisibility that women have experienced from traditional media. While it mirrors and magnifies the discrimination faced by women in society, the impact of abuse or online harassment can be devastating as more and more peoples' communication is mediated in an online world.

It is time to organise to confront and challenge this harassment and abuse.

## FIGHTING BACK

**Swati Chaturvedi:** On March 24, 2015, when India's Supreme Court struck down Sec 66 (a) of the Information Technology Act, 2000 for being unconstitutional, an anonymous twitter handle called @LutyensInsider started making defamatory comments about senior journalist Swati Chaturvedi, that she was stalking a political figure. Chaturvedi, who was the *Statesman's* first woman chief reporter, initially tried ignoring the tweets and laughed it off. But the tweets became more and more abusive, even calling her a nymphomaniac. "Because I am a woman...let's see... how do you attack me? You can't attack me professionally, so you go after my character," she said. On June 11, she decided to file a complaint with a police station near her residence in Delhi.

The police registered a case of stalking under Section 354 (D) of the Indian Penal Code. The anonymous twitter handler promptly changed the twitter handle to @gregoryzackim and deleted all the tweets. But Swati Chaturvedi is determined to pursue the case and said she "refused to be bullied off Twitter".

The complaint immediately drew support from a number of women journalists, including Sagarika Ghose, Meena Karnik and Seema Goswami, who promptly tweeted their support. The Delhi Union of Journalists (DUJ) commended Chaturvedi for boldly taking on the twitter trolls. DUJ and its Gender Council said that the anonymity of the net must not be abused and misused to personally slander individuals, particularly women in public life.

**Barkha Dutt:** On March 6, 2016, the well-known television anchor and former managing editor of NDTV filed a police complaint at Greater Kailash police station in South Delhi against an unidentified caller who threatened to kill her for her reportage on the JNU row. She stated that the caller threatened her thrice before disconnecting the call and gave no answers when she asked for his name. He threatened her with rape, sexual abuse and even shooting. Dutt has been a target of trolls for a long time and had successfully managed to deal with the vitriol. In 2015, Dutt posted a tweet: "Dear Trolls, your bile, your threats, your abuse & your promise to parcel me to Pakistan - none of it working. Think of something new". But this time, angered by the persistence of the caller as well as the direct threats to kill, she reported the matter to the police following which a case under Section 354 D (stalking) was registered. At the time this writing, police were still trying to track the number and trace the IP address of the caller.

**Neeta Kolhatkar:** A blogger called 'Dynastycrooks' targeted Mumbai-based columnist Neeta Kolhatkar after she wrote a column in August 2015, about the Congress vice president's new look and support for students on strike at the Film Institute in Pune, India. In a blog-post entitled 'Presstitute Neeta Kolhatkar is orgasming for real', the anonymous blogger attacked her for her column but after she lodged a complaint with Mumbai police's cyber crime cell, the blogger appears

to have taken down the post. Kolhatkar is determined to find the identity of the blogger and bring the blogger to book. Kolhatkar was targeted again in February 2016 on Twitter and threatened that she would be "gangraped" after she uploaded photos of the protest march to condemn the attack on journalists in Patiala House court in New Delhi. She filed an FIR with Mumbai police and a case was registered against a person with the Twitter account 'Amendra Kumar Singh'.

**Preetha G:** a blogger who wrote in Malayalam and who has more than 24,000 followers on Facebook, found that her Facebook page was blocked and taken down temporarily in August 2015 after abusive comments and reports that her identity could not be verified. As women who report abuse find out, social media companies drag their feet instead of taking prompt action. In some instances, instead of taking action against abusers, they end up penalizing the women who do report abuse. Malayalam writer and blogger Inji Pennu who took up cudgels on Preetha's behalf, also found herself the target of abusive comments and her Facebook page was also taken down.

When complaints to Facebook didn't work, Inji Pennu initiated a campaign called the 'Nameless Coalition' and over 75 organisations and groups across the globe, including Access, Global Voices Advocacy, Electronic Frontier Foundation (EFF), Digital Rights Foundation, ACLU, The Internet Democracy Project, ForabetterFB Campaign, Take Back The Tech, One World, Human Rights Watch, CDT, and Point of View, have come together to protest at Facebook's policies (see the campaign's Facebook page (#forabetterFB)).

Pennu said that social networking sites like Facebook are adapting archaic laws from the traditional world and effectively relegating women and sections of indigenous and ethnic minority communities, LGBTQ people, and internet users into oblivion. Facebook's poor language sensitivity meant that reporting abusive comments and even basic dictionary sexual or misogynistic words in languages other than English simply didn't elicit any reaction. Facebook first assured the coalition it would change its policy. However, this is yet to be done.

**V P Rajeena:** In November 26, 2015, Rajeena, a sub-editor with Jamaat-e-Islami's Malayalam daily, *Madhyamam* put out a Facebook post alleging sexual abuse of minor boys and girls by *madrassa* (schools run by Islamic religious bodies) teachers. She gave a graphic account of her life as a student in a *madrassa* more than two decades ago. She described how young students were sexually exploited by *ustads* (*madrassa* teachers) in those days. The post immediately elicited a virulent response, with a number of abusive messages on her page, forcing her account to be temporarily shut down. Three days later, Rajeena filed a police complaint with the Kerala state cyber crime cell.

# AFGHANISTAN

## STILL A RISKY BUSINESS

Afghanistan remains one of the most dangerous countries in the world for the media. The withdrawal of international troops from combat at the end of 2014 has fuelled unrest, while the Afghan Taliban increased its offensive against the media and journalists. The Taliban, which are stronger than at any point since they were ousted from power in 2001, carried out one of the deadliest attacks on the media in early 2016 when a suicide bomber killed seven media workers in Kabul. The brutal attack and killing of a senior journalist in 2016 marked another violent year, following on from the previous year which witnessed three murders of journalists.

Zabihullah Pashtonyar, a presenter with Radio Kaihan, was one of 42 people killed in the US airstrike on the Medicines Sans Frontiers (MSF) hospital in Kunduz on October 3, 2015.

In the period of review, ten journalists and media workers were killed, and open threats against media and journalists by the Taliban were ongoing. On the other hand, government officials and security forces continued to harass and attack media and journalists for their reportage. In such a situation, both media freedom and security of journalists suffered.

Afghanistan's media sector saw exponential growth after the fall of the Taliban in 2001; approximately 12,000 journalists are working in a few hundred newspapers, 174 radio stations, 68 private TVs, 22 state-owned provincial channels (RTA) and 11 news agencies operate under an extremely dangerous condition. The National Unity Government, which has remained stable since coming to power 19 months ago, made promises to improve the overall security situation, investigate cases of

murders of journalists and improve state agencies' and officials' behaviour towards media, there has been hardly any substantial change in the situation.

## TALIBAN VS IS VS MEDIA

There have been recent reports that the Taliban have been regrouping and increasing their strength after the departure of international troops. They are desperate to increase their control, especially after the Islamic State (IS) or 'Daesh' has increased its activities in Afghanistan, and had targeted Taliban more than state agencies or forces. The recent fight over power, presence and control between IS and the Taliban groups is a new and serious threat for media and journalists. Right after its first large attack in Jalalabad, the capital of Nangarhar province near the Pakistani border, the IS issued directions to the media and journalists on how to cover stories related to the IS in the media. The increasing influence of the IS in the region bordering Pakistan and the presence of the Taliban in the northern region has been an issue of concern for not only the government, but also for the media and journalists as they fear another bloody war for power.

The IS established a radio station – 'the Voice of Caliphate' – in Nangarhar province and broadcasted messages calling on fighters to join the group and also issued threats to journalists in the provincial capital, Jalalabad. The station was set up in late 2015, following months of fierce fighting between IS and the Taliban, and was in operation from a mobile facility until it was destroyed by US airstrikes in February, 2016.

In September, 2015, several hundred Taliban fighters stormed

↓ In December 2015, the Afghan Independent Journalist Association (AIJA) and the IFJ hosted a two-day digital campaign skills workshop in Kabul. Job security was identified as the biggest issue for journalists in Afghanistan.



↓ TOLO TV is Afghanistan's first and biggest commercial media house and has been singled out by the Taliban as a target with threats as well as deadly attacks on its staff.



Credit: Tolo TV

**THE TALIBAN, WHICH ARE STRONGER THAN AT ANY POINT SINCE THEY WERE DUSTED FROM POWER IN 2001, CARRIED OUT ONE OF THE DEADLIEST ATTACKS ON THE MEDIA IN EARLY 2016 WHEN A SUICIDE BOMBER KILLED SEVEN TOLO TV MEDIA WORKERS IN KABUL.**

Kunduz province in north-eastern Afghanistan, overwhelmed the government security forces, and controlled it for 15 days before being driven back by the Afghan forces with support from the US army. During the time they were in control, they destroyed government offices and facilities, seized military hardware, hunted down opponents, and freed prisoners from the city's two prisons. The Taliban searched for journalists in media offices and houses, but the majority of journalists had already fled the province due to the attack. But that didn't stop them from vandalizing media offices. During the seizure of the nation's fifth largest city, the Taliban also destroyed the office and equipment of Roshani Radio and TV, an independent media outlet founded by Sadiqa Sherzai in 2002. The radio mostly covered women issues and the majority of employees are also women.

Immediately after their withdrawal from Kunduz, the Taliban issued a statement threatening to 'eliminate' journalists associated with two private TV channels – Tolo TV and 1TV for their reports accusing the Taliban insurgents of raping women during their takeover of Kunduz. The military commission of the Taliban said it "does not recognize Tolo TV and 1TV channels as media outlets but designates them as military objectives due to their disrespectful and hostile actions towards Afghanistan". The Taliban also called the channels 'propaganda machines' that 'ridicule religious and cultural norms, encourage

obscurity and lewdness, inject the minds of youth with dangerous substances such as irreligiousness, immorality, violence, gambling, intermixing and profanity'. They threatened journalists saying "all the reporters and associates of these channels will be deemed enemy personnel, all of their centers, offices and dispatched teams will be considered military objectives which will be directly eliminated". Tolo TV and 1TV are among the most-watched TV stations in Afghanistan which often broadcast heated talk shows, and investigative reports from the front lines of the conflict. Tolo TV, which is owned by the country's first and biggest commercial media house - Moby Media Group is the leading 24/7 news network.

Tolo TV, after the Taliban threat, said it wouldn't bow down and said in a statement: "We believe the Afghan people expect the Afghan media not to bow to such threats and to continue on their mission of informing people based on journalism ethics. Media organisations are not one of the warring sides, but civilian organisations. Whenever the Taliban or any other group has complaints, they can adopt peaceful means, because any attack on media and journalists is considered a war crime." The Afghan media industry stood in solidarity with the channels and collectively said that they would not bow to the threats of the Taliban. The unequivocal statement and solidarity sums up the courageous response of media to the threats and harsh conditions within which they operate.



↑ A Taliban media unit in operation in Afghanistan. The Taliban are desperate to increase their control in Afghanistan, raising a serious threat for media and journalists across the country.

Credit: Taveer Arain

**THE AFGHAN MEDIA INDUSTRY STOOD IN SOLIDARITY WITH THE CHANNELS AND COLLECTIVELY SAID THAT THEY WOULD NOT BOW TO THE THREATS OF THE TALIBAN. THE UNEQUIVOCAL STATEMENT AND SOLIDARITY SUMS UP THE COURAGEOUS RESPONSE OF MEDIA TO THE THREATS AND HARSH CONDITIONS WITHIN WHICH THEY OPERATE.**

The Taliban followed the threat with a brutal and deadly attack on January 20, 2016 on a civilian vehicle carrying at least 30 media staff of the Tolo TV-owned Kaboora Production house. Seven members of Kaboora Production, which produces content for Tolo TV, Lemar TV, Arman FM, Arakozia FM and Tolo News, were killed in south western Kabul. A suicide bomber rammed a motorcycle into the bus before detonating a bomb. More than two dozen others, including women and children, were injured in the attack. The Taliban claimed responsibility for the attack that the IFJ called the ‘massacre of Kabul’.

The Taliban and the IS have also threatened media rights organisations, including IFJ affiliate and SAMSUN partner Afghanistan Independent Journalists Association (AIJA) and its leadership, for their advocacy for journalists.

## UNDER ATTACK

Afghanistan saw more murders of journalists during the period. On January 29, 2016, a senior broadcast journalist was shot dead in Nangarhar province. Haji Mohammad Zubair Khaksar, a correspondent for the government-run Nangarhar TV and Radio network, in Surkhrod district, was shot dead by

unidentified assailants as he was returning home from a private gathering. Khaksar, a well known poet and also a cultural advisor to the provincial governor Saleem Khan Kunduzi, had received threats from the IS via their illegal FM radio.

Earlier in September 2015, Yama Behroz, a young freelance journalist in Faizabad, the capital of Badakhshan province in northern Afghanistan, was killed when an Improvised Explosive Device (IED) exploded at his doorstep after he was lured out of the house. Behroz, a recent journalism graduate, was working as a freelance journalist with a local media organisation.

On November 18, unidentified gunmen opened fire on Salem Wahdat, proprietor of Bokhdi News Agency and Saiyed Helal Sadat, a reporter for a news agency. Wahdat survived the attack but Helal sustained serious injuries needing intensive care in the hospital.

## STATE AGENCIES' HARASSMENT

When it came to harassment and violence against journalists, the state agencies were found to be responsible for nearly one-third of the violations. Government officials continued to be the leading cause of violence and intimidation against journalists.



Credit: Shah Marai/AFP

↑ On January 20, 2016, the Taliban carried out one of the deadliest attacks on media in which a suicide bomber killed seven Tolo TV media workers in capital Kabul. This followed threats in 2015 for its 'negative reporting'.

It seemed almost as though state officials did not think they were accountable to the general public and thus got offended by questioning of journalists and media.

Kabul Police in May, 2015 beat 1TV cameraman Kaliwal Niazi and broke his camera for filming at the suicide bombing scene at the parking of the Ministry of Justice. Journalists Ahsequllah Ekhlasyar and Abdul Malik Hamrang were beaten by border police on charges of overtaking a police vehicle when he was driving to attend the inauguration ceremony of the new governor of Paktia province in June while BBC reporter Asad Ullah Jalalzai was beaten by a security officer in Ghazni province for allegedly not allowing a body search to be conducted. In August, journalists Amin Babak were beaten by the bodyguards of MP Haji Nazir Ahmadzai for arguing with him.

There were also numerous incidents where journalists were summoned to police stations for questioning and subjected to other verbal harassment for their reporting, a consequence that journalists of Afghanistan have been accustomed to for a number of years. The monitoring reports of AIJA, the Afghanistan Journalists Center (AFJC) and the Afghanistan Journalists Safety Committee (AJSC) all indicate that the major violators of press freedom are the state agencies and officials.

The AFJC documented 191 incidents of 'violence, threats, intimidation, and insults' against journalists from mid-March, 2015 to mid-March, 2016. The incidents included the killings, the injuring of 22 journalists, and beatings of 24 journalists. Government officials and elements of the Afghan military

accounted for many of the attacks – 82 cases, or 43 percent. That surpassed the Taliban, linked to 52 of the incidents; unidentified armed persons were behind an additional 34 incidents. It also recorded 14 'attempted armed attacks or bombings against journalists or media outlets'.

## SUSTAINABILITY OF THE MEDIA

Safety and security are prime concerns of the media, but after the withdrawal of the international troops, and decreasing US-backed support for the media, sustainability also became a major concern. External donor support has played a major role in the development of Afghanistan's media, particularly for local radio, which is driven less by commercial factors and more by development imperatives. However, the future of many local stations remains uncertain as local advertising is very limited and many media outlets compete for that limited local revenue. Many of the local radio stations are not making enough profits to sustain themselves, but are continuing to run fuelled either by personal commitment of the owners or in other cases, the personal benefits to the politicians who run or back them.

In December 2015, the AIJA hosted an IFJ-supported workshop of journalists where the journalists identified job security as the second most important issue for the journalist community. In the past few years, many journalists associated with foreign media have lost their jobs and freelance journalists are finding it difficult to earn enough for a living as there is decreasing interest of international media in the affairs of

**IN THE PAST FEW YEARS, MANY JOURNALISTS ASSOCIATED WITH FOREIGN MEDIA HAVE LOST THEIR JOBS AND FREELANCE JOURNALISTS ARE FINDING IT DIFFICULT TO EARN ENOUGH FOR A LIVING AS THERE IS DECREASING INTEREST OF INTERNATIONAL MEDIA ON THE AFFAIRS OF AFGHANISTAN.**

Afghanistan. The withdrawal of international troops has also meant that media of those countries which no longer had a military presence in Afghanistan were not much interested in retaining journalists in the country. The AIJA believes that to strengthen job security, it is important to build capacity of journalists and have better labour laws enforced amongst national media.

### **WOMEN JOURNALISTS**

There are about 2,000 female journalists in Afghanistan, which is roughly 17 percent of the total journalists and all of them are employed by local media. Apart from all the problems that their male colleagues face, female journalists also face harassment and social backlash in their job. The AIJA believes that gender equality is an important issue in media in Afghanistan and has formed a gender committee within the association to look into these issues.

A recent survey by the AJSC concluded that female media workers face substantial obstacles in their work which are gender-related; the social and cultural restrictions limit female mobility and increase women's vulnerability in the workplace; pay discrimination, harassment, violence, threats and psychological effects of their work. The study found that there is a high rate of sexual harassment, intimidation and violence at the workplace, and with sex-related matters being taboo in Afghanistan, there is little discussion on these issues.

### **PRESIDENTIAL DECREE**

President Ashraf Ghani, in the wake of the killing of eight media personnel in two weeks in January 2016, issued a decree to ensure the safety of journalists, give them access to accurate information, ensure that they are not harassed unnecessarily by the state agencies and launch investigations into the killing of journalists.



The President's Office said that the decree 'indicates the commitment the government, especially the president, towards free press as the government try to strengthen media and act offensively, rather than defensively.'

The decree orders the police and security services to improve their behaviour towards journalists and to respect the media law. The decree also guarantees the role of the Media Commission, formed under the new media law, which is primarily responsible for the initial review of cases of violations by the media. It states: "Neither the public prosecutor nor any other state institution may prosecute media or journalists for a possible crime without consulting the Media Commission."

The Commission will receive and verify complaints



↑ Distressed family and relatives attending funerals of the deceased from the horrific Tolo TV attack in January 2016.

Credit: Shah Marai/AFP

against media outlets prior to any prosecution, thus ending the arbitrary questioning and arrest of media personnel by prosecuting and security agencies. Established by the new media law, this commission consists of representatives of the media, journalists' associations and government. The commission became operational in late December 2015.

During their presidential candidacy, Ashraf Ghani and Dr. Abdullah Abdullah signed campaign pledges committing to “spare no legal measures to promote and protect press freedom and freedom of speech”. After a bitterly fought election and US-facilitated agreement, they joined hands to form the National Unity Government with Ghani as the President and Abdullah as the Chief Executive Officer (CEO). Both reiterated their promises, yet after 19 months, media

safety remains at high risk and impunity reigns higher with a lot to be desired for substantial change.

The US is set to review its military presence in Afghanistan and reports suggest that the US troop numbers could be halved to 5,500 by 2017 and the US could end much of the training and advice to Afghan forces. This could lead to the increased strength of the Taliban, who are openly opposing media and journalists – especially those established with international support – and also increased presence of the IS. This will both mean more threats to journalists and media; and more counter-terrorism activities from the security forces leading to difficult days. These developments indicate, sadly, that journalism isn't going to be a safe profession anytime soon in Afghanistan.



↑ On April 6, student and secular blogger, Nazimuddin Samad was brutally killed in Dhaka. Samad regularly posted atheist and feminist critiques of Islam on his Facebook page. Following his death large protests were held at Dhaka University, where he was a student.

Credit: AFP/Munir Uz Zaman

# BANGLADESH

## TOUGH TIMES AHEAD

In Bangladesh, criticizing Islam the state religion, the constitution, or the government, is extremely risky and has invited trouble for journalists, editors, bloggers and social media activists. The country continues to be a very dangerous for those pursuing the right to freedom of expression, especially those expressing secular thoughts, or espousing atheism in the social media and in blogs. In the past year, the intimidation and brutal murders of atheist bloggers has continued; as have arrests and legal harassment of editors criticizing the establishment through draconian laws and directives to restrict freedom of expression.

Print and electronic media were under the sword, especially those critiquing government policies, the military bureaucracy, or the ruling party. The online space is more turbulent, with fierce crackdowns on those expressing atheist opinions or questioning Prime Minister Sheikh Hasina or her family. Journalists and online activists who refuse to compromise and do not practice self-censorship risk imprisonment by the government or even brutal murder at the hands of religious extremists.

## DEATHLY SILENCING

Critically, Bangladesh has set itself apart from its South Asian counterparts through the brutality of attacks directed at those in the media and the freedom of expression community. Such bloody attacks have set a deathly precedent and show little

sign of abating with yet another killing recorded during the preparation of this report.

From May 2015 to April 2016, five online activists were killed for their secular thoughts that were deemed to be 'anti-Islam' by religious extremist groups. Two journalists were also killed and another journalist died under mysterious circumstances during this period.

On April 25, 2016, Zulhaz Mannan, editor of Bangla-language LGBTI magazine *Roopbaan*, a local staffer of USAID and the cousin of former foreign minister Dr Dipu Moni, was hacked to death along with a friend, Tanay Fahim, at his residence in Dhaka's Kalabagan area. A gang of six men posing as couriers to gain access to Mannan's apartment and fatally hacked and shot Mannan and Fahim to death. According to media reports, IS have claimed responsibility for the killing, but this is disputed by the Bangladesh government. Mannan had received a number of threats online from radical Islamists in the lead up to the third annual Rainbow Rally, which was to be held on April 14, Bengali new year.

On October 31, 2015, Faisal Arefin Dipan, the 43-year-old publisher owner of Jagriti Prakashani, was brutally hacked to death in his office in Shahbag in Dhaka. He had published the works of secular blogger, Avijit Roy who was hacked to death in Dhaka in February that year. The murder came just hours after another publisher and two secular bloggers were attacked in

Dhaka. Ahmedur Rashid Tutul, publisher with Shudhdoswar, who also published Roy, and Ranadeepam Basu and Tariq Rahim were shot at and stabbed in an attack; they survived.

Similarly, on August 7, 2015, Niladri Chattapadhyay, 28, a secular blogger who used the pen name, 'Niloy Neel', was brutally killed by four men armed with cleavers who entered his home and stabbed him while holding his wife and sister-in-law at gunpoint. Niloy wrote on women's rights, indigenous and minority peoples, human rights, social justice and was critical of religious extremism. Following the murder, Ansarullah Bangla Team (ABT) the Bangladeshi chapter of al-Qaeda termed Niloy as "an enemy of god" and claimed responsibility for his murder.

On May 12, 2015 an armed group of men killed secular blogger Ananta Bijoy Das near his home in Sylhet. Das was attacked by four men with machetes as he walked to work.

Although Bangladesh is officially a secular country, more than 90 percent of its population is Muslim and Islamist leaders have long pushed for Islam to play a more prominent part in public affairs. On May 21, 2015, the Hefazat-e-Islam in letters mailed to their home addresses, threatened to kill ten eminent Bangladeshis including blogger Imran H Sarkar, terming them 'atheist' and 'anti-Islam' (See Chapter XX Beleaguered Bloggers for details).

Two journalists were also killed in the year under review. On July 8, 2015, Abu Sayem, 35, Dhaka correspondent for *Dainik Samakal* based in Chuadanga, in southwest Bangladesh was killed by unidentified assailants. A miscreant entered his bedroom at night and slashed him with a machete. On hearing his screams, his father dashed to his son's room and found him lying in a pool of blood.

Mashiur Rahman Utsho, 30, a staff reporter at the *Juger Alo* daily was hacked to death on December 23 in Rangpur. Unidentified assailants hacked Utsho to death after tying him to a tree in an isolated place in Dharmadas area on Dhaka-Rangpur Highway. Police officers recovered the body a day later and confirmed that the death was the result of a planned murder and speculate that he might have been murdered for writing regularly on drug peddling following which law enforcers busted some dens of drug peddlers and traders.

On the same day, 45-year-old journalist Aurangzeb Sajib was found dead on a river bank three days after he went missing in Dhaka. Sajib, a correspondent of *Pratidin* daily and TV stations Banglavisision, Somoy, Jamuna and ITV, is suspected to have committed suicide, but the provocation for this act is not known.

The IFJ has joined SAMSAN partner Bangladesh Manobodhikar Sangbadik Forum (BMSF) to call on the Bangladesh Government and the United Nations to take immediate action to ensure the safety and security of journalists, bloggers, writers and activists named on a 'hit list' released by ABT. According to the Bangladesh constitution and

international convention each and every person in Bangladesh has a right to free speech including writing and blogging. The BMSF has requested the UN and international media rights organisations to raise their voice to protect and promote press freedom, bloggers' human rights and the right to opinions.

## LEGAL HARASSMENT

Legal harassment took a new dimension in the volatile ground between politics and media in the case of journalist Mahfuz Anam.

*The Daily Star* editor was at the helm of legal cases filed against him after a frank statement on a TV show on February 4, 2016 where he accepted that his paper had published unverified reports supplied by the army intelligence during the military-backed caretaker government from 2007 to 2009 that purportedly implicated current Prime Minister Sheikh Hasina in corruption cases. One of the most popular English newspapers in the country, *The Daily Star* was not alone in the publication of the reports, which were also picked up by other newspapers and TV stations.

Sheikh Hasina, in Parliament on February 22, lambasted the role of Anam and demanded that he resign, blaming his poor editorial judgement leading to her imprisonment. But she did not blame the officials of the state security agencies who insinuated that his newspaper had colluded with the military during the period of military-backed rule. Taking advantage of the outspoken and critical newspaper's error, Hasina went on to ask the leaders of her party, the Awami League, to unanimously condemn the actions of Anam, currently the target of a campaign of legal harassment that is unprecedented in Bangladesh.

No fewer than 83 cases have been filed against Anam in 53 districts throughout the country. Of these, 17 accuse him of sedition, which is punishable by three years in prison, and 62 accuse him of defamation, which carries a possible two-year sentence. More than a trillion taka (USD 18 billion) in damages are being demanded by the plaintiffs. Bangladesh High Court in April stayed for three months the proceedings of 72 cases against the editor.

Similarly, Matiur Rahaman, the editor of *Prothom Alo* daily, along with staff correspondent Azad Rahman, and journalist Subrata Sarkar saw 10 cases – eight for defamation and two relating to allegations of extortion, filed against them in August 2015. The cases were filed after publication of a series of reports regarding gross irregularities in the purchase of 15 power-tillers with subsidy money in Kotchandpur district of Jhenaidah. The cases were filed by local leaders who were also the power-tiller dealers and their associates. The Court granted them bail.

Both *The Daily Star* and its sister publication *Prothom Alo*, had been targeted by the ruling party for a long time. On August 16, 2015, at the behest of the state military

**NO FEWER THAN 83 CASES HAVE BEEN FILED AGAINST ANAM IN 52 DISTRICTS THROUGHOUT THE COUNTRY. OF THESE, 17 ACCUSE HIM OF SEDITION, WHICH IS PUNISHABLE BY THREE YEARS IN PRISON.**



↑ Senior pro-opposition journalist Shafik Rahman is arrested by plain clothes officers on charges of sedition for his alleged involvement in a plot to kill the son of Prime Minister Sheikh Hasina. He has lived in exile and been arrested numerous times.

Credit: AFP/Stringer

security service, the government prohibited all telecom operators, consumer goods companies and multinational corporations from inserting advertisements in the newspapers. The backlash against *The Daily Star* was triggered after it ran a story about crimes committed by the military in Chittagong Hill Tracts, the hill forest of southeast Bangladesh, where ethnic Buddhist minorities are demanding their political rights.

At dawn on April 16, 2016, plainclothes detectives identifying themselves as TV reporters entered the residence of senior journalist Shafik Rehman, the 80-year-old editor of vernacular weekly *Mouchake Dhil*. The detectives arrested him on allegations of attempts to abduct and murder the prime minister's Sheikh Hasina's son Sajeeb Wajed Joy. Shafik Rehman, who also holds British citizenship, has been close to the Bangladesh Nationalist Party (BNP) Chairperson acting as an informal advisor. Rehman worked in the UK for a long time for various media outlets, including the BBC. He also produces and anchors a programme named Lal Golap (Red Rose) at Bangla Vision TV. The government claimed that Rehman was arrested on the basis of information provided by the Federal Bureau of Investigation (FBI), USA. The government officials, including the PM and her son, are also referring to the findings of a US court which has already jailed another offender of attempts to abduct and kill Joy.

## ARRESTS AND ATTACKS

A Faridpur court on April 15 accepted a charge sheet against journalist Probir Sikdar under the notorious Information and Communication Technology (ICT) Act, 2006. The case will be heard on May 25 in Dhaka.

Probir, 55, editor of Bangla daily *Bangla 71* and online news portal u71news.com, was arrested on August 16, 2015 at his office after a local politician filed the case under the ICT Act over a Facebook post. In the Facebook post dated August 10, Probir said his life was under threat and that now Local Government and Rural Development Minister Khandkar Mosharraf Hossain, among others, would be responsible if he was killed. He is accused for 'tarnishing the image' of the minister on Facebook.

On August 18, 2015, advisor to BNP Chairperson and pro-opposition journalist union leader Shawkat Mahmud was arrested in 'pursuance of the cases and is accused in several violence-related cases'.

Journalists also regularly come under attack from criminal gangs. On March 27, 2016, three journalists including assignment editor, Mithun Mostafiz, Mohsin Chowdhury, Chittagong bureau chief and photojournalist Ahadul Islam Babu, of the privately-run Boishakhi television channel were attacked in Chittagong. They were attacked as they were recording footage of an illegal hill cutting process in the city's Khulshi area. The process of hill cutting includes cutting into



→ Bangladeshi Rapid Action Battalion personnel accompany suspects arrested in August 2015 for the role in the murders of prominent atheist Bangladeshi bloggers Avijit Roy and Ananta Bijoy

## IN SOME CASES OF MURDER, THE BANGLADESH POLICE MADE SWIFT ARRESTS AND CHARGED THEM BUT INVESTIGATIONS ARE TOO OFTEN SLOW AND INCOMPLETE.

the hills around the port city of Chittagong for residential developments. The process is illegal and detrimental to the local environment, as well as creating safety hazards for those living at the bottom of the hills.

On April 13, two journalists of the private television station Deepto TV were attacked by unknown miscreants in Bahaddarghat, Chittagong. The journalists, reporter Anisur Rahman and cameraperson Masud Dewan, were doing an investigative report on illegal land grabbing in Chandgaon when they were attacked. Two other journalists – Nusrat Jahan of the daily Sorejomin Barta and Shoyeb Biplob of the daily Ajker Durniti – were attacked in the incident as well.

### NEW LAWS IN THE OFFING

Several draconian laws in Bangladesh directly impose restrictions on freedom of expression and opinion. Anything deemed to be blasphemy or distortion/denial of any documents or events describing the 1971 War of Independence can

currently be punished under the notorious Information and Communication Technology (ICT) Act 2006. Specifically, Section 57 (2) of the 2013 amended Act says “if any person deliberately publishes any material in electronic form that causes to deteriorate law and order, prejudice the image of the state or person or causes to hurt religious belief,” the offender will be punished for a maximum of 14 years and minimum of 7 years imprisonment. The crime is a non-bailable offence. This provision is a threat to free expression on the digital space as it is vague and allows arbitrary interpretation of writing, Facebook posts and tweets. Rights groups argue that Section 57 of the ICT Act goes against people’s right to freedom of expression and free speech and have challenged it in courts.

On January 10, 2016, Law Minister Anisul Huq said that the government was going to introduce a new law on cyber security. The proposed Digital Security Act 2016 would scrap the controversial Sections 54, 55, 56 and 57 of the ICT Act. However, the proposed law will also have the provision of a

## THE SITUATION IN BANGLADESH IS SUCH THAT THE MAINSTREAM MEDIA PREFER TO SELF-CENSOR DURING THE PEAK HOURS IN THE EVENING, WHEN PRIME-TIME NEWS BROADCASTS AND NEWSPAPERS PREPARE THEIR FIRST EDITION.

maximum of 14 years imprisonment. Although Huq said that the new law would not be ‘unjust’ for journalists, rights activists fear that it would muzzle the freedom of expression for general public. Bangladesh has a history of being intolerant to those who question the official version on the number of martyrs, other critical issues of the 1971 war and the ongoing war crimes trials, and the new Act could have made such opinions illegal.

In April 2016, the government circulated a draft of the Broadcast Act - 2016 that has provision of jail term and fine for violating the rules or regulations of the act and orders or directives of the proposed broadcast commission. According to the draft law, criminal procedures would be followed in case of probe, trial and appeal concerning any offence that falls under the act. Any broadcast media or journalists may face a maximum penalty of three months’ imprisonment or a fine of Tk 5 lakh (USD 6,340) or both for violating the rules or regulations and orders or directives of the commission. However, the offences under the law would be considered “non-cognisable” and “bailable”, and the court wouldn’t be able to take any case into cognisance without the commission’s approval.

It mentions 27 types of activities that a broadcaster cannot carry out without prior approval from the authorities concerned. A committee formed by the government prepared the draft after the National Broadcasting Policy - 2014 recommended that a broadcasting law be formulated. Although the draft is still at the formulation level and is open for public suggestions and stakeholder discussion, there are fears that the new law could criminalize free speech.

### POLICING THE ONLINE SPACE

On November 18, 2015, Bangladesh Telecommunication Regulatory Commission (BTRC) ordered the blocking of several social media and chat platforms including Facebook, its Messenger, Viber and WhatsApp. Internet services were also suspended across the country for 90 minutes which the authority said was done mistakenly while shutting down social media. It was said that the blocking was done for security reasons as the execution of two leaders of opposition parties convicted of war crimes was scheduled for November 21. The services were resumed three weeks after the execution.

Intelligence and security agencies argue that terrorists and militants had been using instant messengers to get in touch with each other as it was not possible to keep a tab on communications made through such apps. On November 8, Prime Minister Hasina had hinted at ‘temporary restrictions’ to block some social media apps as a measure to curb radical

Islamic militancy. She explained that such a measure is likely to help prevent communication among the militants and cut off their sources of funds by identifying them.

There has been a flurry of arrests and cases against people writing online. On August 12, 2015, a court jailed Ruhul Amin Khandaker, a lecturer of the Institute of Information Technology Department of the Jahangirnagar University for three years in a sedition case filed over his remarks about Prime Minister Sheikh Hasina on Facebook in 2011.

On September 26, 2015, police arrested Mohan Kumar Mondal, 40, chief of a local non-government organisation and Showkat Gazi, 35, for posting a status allegedly demeaning to the Muslim annual pilgrimage, Hajj. On December 3, 2015 the elite anti-crime police Rapid Action Battalion (RAB) detained three young people for using Facebook through VPN in Dhaka.

In another measure to regulate the online space, on November 9, 2015, Bangladesh government made it mandatory for all online newspapers to be registered by December 15, including those already published online. In a bid to stop ‘yellow journalism’ the Information ministry official clarified that daily newspapers with online versions also had to register afresh.

### THREATS TO FEMALE JOURNALISTS

Media companies are slow to make positive changes to make news environments gender sensitive. In their work and in the street, too often woman journalists face harassment by fundamentalist groups.

A banned religious group, Ansarullah Bangla Team (ABT), issued a threat against all female journalists in Bangladesh on October 19, 2015. The ABT sent a letter to local media saying that all media outlets should ‘release their women from their jobs’ claiming it is against Islamic law for women to work in the media. They also warned the media to adhere to strict Islamic guidelines and refrain from publishing any advertisements that show women or any photos that include a woman not wearing a hijab. The journalist unions condemned the letter, issuing statements while the media largely chose to ignore the threats.

The letter also reiterated the threats made in a hit list issued by ABT in September, naming 15 bloggers and accusing them of participating in anti-Islam campaigns. ABT is a recently-formed terrorist group in Bangladesh and is officially banned by the government. It has been linked to al Qaeda in the Indian subcontinent. This is not the first time female journalists in Bangladesh have been targeted. In 2013, Nadia Sharmeen was covering protests by the political party, Hefajat-e-Islam in Dhaka, when she was attacked by activists. During the attack, which



↑ Bangladesh Prime Minister Sheikh Hasina Wazed has argued that 'temporary restrictions' to block some social media apps is a measure to curb 'radical Islamic militancy'. In September 2015, she faced the UN General Assembly, which has been critical of the ongoing attacks on freedom of expression in Bangladesh.



↓ Bangladeshi Islamist leaders flash victory signs to the media after the Bangladesh High Court rejected a petition challenging Islam as the state religion in March 2016.

Credit: AFP/Munir uz Zaman

left her hospitalized, the activists told Sharmeen that it was not a woman's job to cover the rally. A number of other female journalists were also reportedly attacked while covering the rally.

The Bangladesh Nari Sangbadik Kendra (BSNK) hosted the IFJ-supported Gender Equity and Safety Training on November, 2015 in Dhaka for female journalist. The overwhelming participation of female journalists and their response to the training was an indicator about the need for journalists' unions to work on gender issues in Bangladesh. Journalists unions such as BMSF and BNSK have been campaigning and advocating for change on issues of journalists and media freedom in the country.

## CONVICTIONS AMIDST IMPUNITY

With the murders continuing, the push is on to bring killers to justice. But the country's record to date has kept in the club of five South Asian nations currently in the CPJ's Impunity Index of 14 countries with the worst records in punishing journalists' murderers.

However, this year, there were some positive developments. On December 31, 2015, eight people involved in the murder of blogger Rajib Haider were convicted and sentenced. The Dhaka Special Trial tribunal sentenced to death Md Faisal Bin Nayem alias Dweep and absconding Redwanul Azad Rana. (see more in the impunity chapter)

In some cases of murder, the Bangladesh Police made swift arrests and charged them but investigations are too often slow and incomplete. Significantly, on September 1, 2015, five militants of ABT were charged with the murder of Oyasiquar Rahman Babu earlier in the year in March. On August 29, Dhaka Police arrested Kausar Hossain Khan, 29, and Kamal Hossain Sardar, 29, for the murder of Niloy, who was hacked to death in another 'machete murder' on August 7. The suspects are reported to be members of the ABT. Two others, Saad-al-Nahin and Masud Rana, were arrested two weeks earlier for their suspected involvement in Niloy's death. On August 18, Bangladeshi police arrested Bangladeshi-Britisher, 58-year-old Touhidur Rahman, and two other suspects Sadek Ali and Aminul Mollick, for the killing US-Bangladeshi blogger and author Avijit Roy. Most of them are currently awaiting trial in jail.

## JOURNALISM CAMPAIGNS

Justice for slain journalists is a deeply felt need among Bangladesh journalists. The BSMF hosted a IFJ supported Digital Campaigning Skills workshop in November, 2015 during which the participants raised the issue as the most important issue for the journalists.

The other major issues are the wage board implementation, job security and gender equality. Following the workshop,

↓ A two-day gender safety and equity training was attended by over 20 women journalists in Dhaka in November 2015. Hosted by the IFJ and Bangladesh Nari Sangbadik Kendra (BNSK), the women discussed the growing challenges working as a female journalist in Bangladesh.



Credit: Ujjwal Acharya/IFJ

**DESPITE THE GOVERNMENT'S ASSURANCE THAT THE MEDIA IS FREE AND JOURNALISTS ARE ABLE TO EXERCISE PRESS FREEDOM, THE REALITY IS DIFFERENT.**

the BMSF has started a digital campaign to raise awareness about the need for justice for journalists and to bring together journalists in Bangladesh at one platform to share information about intimidation, attacks or any other press freedom violations. The campaign aims to increase the number of engagements on social media campaigns on justice for journalists and gender equity issues in Bangladesh.

### RISKS AHEAD

The situation in Bangladesh is such that the mainstream media prefer to self-censor during the peak hours in the evening, when prime-time news broadcasts and newspapers prepare their first edition. Even as editors and managers debate the ethics of self-censorship, news consumers often find that news and opinions are pulled off the front page or prime time broadcasts.

Despite the government's assurance that the media is free

and journalists are able to exercise press freedom, the reality is different. The journalists' unions have their limitations while negotiating with the government for the wage board, financial grants for ailing journalists who need medical treatment. They are somewhat hesitant to pressurise the authorities to issue a deadline for probes of murdered journalists and also justice for other journalists who were attacked. The weakness of the leadership of journalist unions has led to a tacit acceptance of draconian laws and upcoming legislations which hinder freedom of expression. Meanwhile, the media remains at the mercy of the state and non-state actors.

With impunity reigning high, a new restrictive law in the pipeline, and the state's apathy in protecting critical journalists and secular writers and bloggers despite imminent threats from religious extremists, the coming years could be riskier for the media and journalists of Bangladesh.

# BHUTAN

## FORGING AHEAD AMIDST CHALLENGES

The media in Bhutan has braved financial instability and other challenges and survived yet another unpredictable year. Although many private media houses continue to battle financial uncertainties owing to a small advertisement market and cut-throat competition, not a single media entity closed shop.

Media development agencies, primarily the Department of Information and Media (DOIM), the Bhutan Media Foundation (BMF), and the Journalists Association of Bhutan (JAB) with financial support from the Swiss Agency for Development and Cooperation (SDC) under the Democratic Governance (DG+) program made concerted efforts to revive and revitalize the fledgling media industry. While efforts are still ongoing, the private media in particular continues to struggle with poor financial health and fitness. Except for a few private newspapers—for example the weekly *Business Bhutan*—that have made new investments in human resources, recruited new reporters, opened bureau offices in other parts of the country, and increased the pages of the newspaper, a vast majority of private media houses remain small, compact, and confined to the capital Thimphu and a few neighbouring districts.

It is therefore no surprise that state-owned media entities mainly the daily newspaper *Kuensel*, where the government has 51 percent stake, and Bhutan Broadcasting Service (BBS), the national broadcaster, which is totally owned and subsidized by the state, continue to dominate the media scene in Bhutan. While both these media houses assert editorial independence, they do face direct and indirect pressures from authorities.

## MEDIA LANDSCAPE

Today, Bhutan has a fleet of ten newspapers, six radio stations (including Sherubtse Radio, a campus radio started by the Sherubtse College in eastern Bhutan), a national television broadcaster (two channels), one online newspaper and several magazines.

Of the five community radio stations that were in the pipeline, three have already been launched – one in Dophuchen Gewog block in Samtse District, one in Dechenpelri community in Sarpang District in southern Bhutan, and the third community radio station has been established in Kothakpa village in Pemagatshel district in the east of Bhutan.

→ A photograph released by the Royal Office for Media Bhutan of the visiting Duke of Cambridge, Prince William, and his wife Catherine, Duchess of Cambridge, posing with Bhutan's King Jigme Khesar Namgyel Wangchuck. The image was captured during the first day of the British royal couple's two-day visit to Bhutan.

The Swiss Agency for Development and Cooperation (SDC) and the Ministry of Information and Communications along with civil society organisations such as Tarayana Foundation and Read Bhutan are taking the lead in establishing these community radio stations. This is the first time community radios have been established in Bhutan. Local communities have also been trained to manage and operate the radio stations.

## QUANTITY VERSUS QUALITY

Bhutan's media environment went through unprecedented developments since the liberalization of the media market in 2006. Privatization of the media sector was part of the political reforms prior to Bhutan's transition to a democracy in 2008. While the liberalization policy has resulted in the number of media houses shooting up, it has not necessarily translated into better quality content, wider coverage or reach. In fact, the quality of media content has reached new lows in the last few years. Market saturation and cutthroat competition have pushed private media houses to cut down their operation costs and this has affected field reporting.

The deteriorating financial position of media organisations has led to shrinking newsrooms. Many senior editors and trained journalists have left the sinking media industry for more secure jobs. Some have joined international organisations while others have started their own consulting and business enterprises. This exodus of trained journalists has created a situation where newsrooms are managed by a crop of young, mostly untrained editors and reporters. As a consequence, the quality of journalism has taken a serious beating. At this critical juncture, there seem to be no easy answers on how to revive the media in the country.

Viability remains a major bottleneck in media development in Bhutan. The opening up of the media market encouraged an unfettered growth and proliferation of private media houses, resulting in overcrowding of the small advertisement market. The government is the biggest advertiser and print media depends on advertisement revenue from the government. A cutback in the government advertising budget and an unclear advertising policy has adversely impacted business sustenance of private media houses. Many journalists currently working with private media get low salaries and never on time.

**THE DETERIORATING FINANCIAL POSITION OF MEDIA ORGANISATIONS HAS LED TO SHRINKING NEWSROOMS. MANY SENIOR EDITORS AND TRAINED JOURNALISTS HAVE LEFT THE SINKING MEDIA INDUSTRY FOR MORE SECURE JOBS.**





← The monthly meeting of journalists with Bhutan's Chief Justice of the Supreme Court, Tshering Wangchuk.

The Cabinet has not approved the draft advertisement guideline that could streamline distribution of government advertisements and facilitate the growth of the media. Unless there is a clear-cut advertising guideline in place, distribution of government advertisements will continue to be done in a haphazard and arbitrary manner.

## VIBRANT SOCIAL MEDIA

In wake of a weak mainstream media, social media such as Facebook and Twitter have become a dominant public space for discourse, exchange of ideas, debate and dialogue. Social media also serve as a platform of informal dissemination of news and information.

While a majority of the Bhutanese citizenry makes positive use of this powerful platform, unhealthy trends have also emerged mainly in the form of trolls and anonymous accounts that use inflammatory language to attack individuals and institutions. This has not only undermined free debate, especially at an early stage of the democratic process, but also created significant rifts and divides across political lines, families and communities.

In this context, the government approved the social media policy developed by the Ministry of Information and Communications. The policy clearly underlines the power and magnitude of social media and delineates how government can make use of social media to deliver public services. The policy also states the 'dos' and 'don'ts' and ethical standards and etiquette for using social media. Though the policy is specifically for civil servants and government functionaries, the idea is that this policy would set an ethical benchmark and standard for Bhutanese from all walks of life.

## DRAGGING ON LEGISLATION

Although the National Assembly (Lower House) of Bhutan's parliament passed the Right to Information (RTI) bill during the winter session in February 2014, it was not deliberated in the National Council (Upper House). Procedural complications and miscommunication between the Department of Information and Media, the sponsoring agency, and the Upper House led to dismissal of the deliberation on the Act. The RTI bill has been submitted to His Majesty as a disputed bill. Virtually, the RTI Act is a dead bill for now and could only introduced in parliament a year later. Unfortunately, there has been no progress on this front. The RTI Act is expected to facilitate easier and greater access to public information, improve transparency and accountability in government, and ensure efficient public service delivery, among others. Bhutanese media strongly lobbied for the act.

The Ministry of Information and Communications drafted the charter of Bhutan Media Council, an independent body that would function as an arbitrator to resolve issues between news writers and newsmakers. However, the formation of the Media Council has been deferred because of a delay in the amendment of Bhutan Information, Communications and Media Act 2006. The Act has already been reviewed and is waiting to be deliberated in the parliament for amendment.

## MEDIA DEVELOPMENT

Both government and non-government actors with media development mandates continue to priorities professional development of journalists in Bhutan. The Department of Information and Media (DOIM), Bhutan Media Foundation (BMF), and Journalists Association and Bhutan among others conducted various capacity building programs and journalism



← Bhutan's Prime Minister, Tshering Tobgay, introduced a Right to Information (RTI) bill in 2014; however it was not passed by the Parliament and is now a disputed bill with His Majesty. The bill is believed to create better access to information, which remains an issue for press freedom in Bhutan.

## BOTH GOVERNMENT AND NON-GOVERNMENT ACTORS WITH MEDIA DEVELOPMENT MANDATES CONTINUE TO PRIORITISE PROFESSIONAL DEVELOPMENT OF JOURNALISTS IN BHUTAN.

under four broad media categories namely Print (English newspapers), Television, Radio and Dzongkha Newspapers. Each winner was awarded with the cash prizes, and certificates to recognize excellence in journalism.

The Award was also partly funded by the Department of Information and Information (DOIM) and the Royal Office for Media. JAB also instituted a special award titled 'Jigme Singye Wangchuck Prestigious Journalism Award' to recognize the distinctive contributions of a senior working journalist who has worked more than 15 years in journalism.

To encourage journalists to discuss diverse issues regarding their profession, challenges and opportunities in the media, JAB also organized its 2nd Annual Editors and Journalists Conference. Senior journalists and editors spoke on various pertinent issues and challenges confronting the media community. Moreover, to mark the day JAB also organized a panel discussion on the theme 'Reviving Journalism' and launched a 'Code of Ethics for Journalists'. JAB developed the Code of Ethics in close consultation with the community of journalists in Bhutan and was endorsed by the journalists. The code of ethics has been distributed to all media houses and journalists in the country.

Even as media houses in Bhutan continue to struggle with the issues of financial sustainability, there are concerted efforts to build a strong and vibrant media. While market forces tend to influence media business, positive interventions and corrective measures by policymakers and business owners could go a long way in building an independent and viable media in the country.

Given the limited carrying capacity of the market, ideas to merge sick media houses to pool resources have been floated for some time now. In fact mergers could be one solution to deal with market pressures. On the other hand, there is also a need to provide financial incentives and subsidies to media, albeit with an arm's length policy, to encourage media to develop independently. Above all, what is more important is to create a conducive policy environment and regulatory atmosphere for positive development of this important democratic institution.

development trainings for both reporters and editors. DOIM also provided rural journalism grant to private media houses to encourage reporting from rural areas, which are often left out in the mainstream media. Bhutan Media and Communication Institute (BMCI), a private body, mostly conducts training for reporters outsourced by the DOIM.

Besides, BMF also started a mentorship program through which senior journalists, who had left the media, were assigned as mentors to media houses. The mentorship program was critical in building in-house capacity of reporters and young editors and also in improving the quality of media content.

### PROMOTING PROFESSIONALISM

As a registered civil society organisation, JAB continues to play an important role in Bhutan's young democracy, fostering high standards of ethical behaviour and professionalism in the practice of journalism and also promoting media rights, freedom of expression, right to information and rights of journalists, among others.

In the past year, JAB received financial support worth Nu 2,150,000 (about USD 33,000) from SDC. JAB organized the a half-day workshop on 'defamation laws'. Around 15 reporters from various media houses attended the program. The workshop's primary objective was to educate reporters and media professionals on the existing laws regarding defamation, privacy rights, and rights of the media. JAB instituted its Second Annual Journalism Grant. The grant was awarded to the best feature story, investigative story, TV documentary and radio documentary.

Further, JAB also successfully organized its first Annual Journalism Award on 3rd May 2015 coinciding with World Press Freedom Day. JAB recognized 12 award recipients



# INDIA

## AN AGGRESSIVE POLITICAL MOOD

Hazards to personal and professional security remained acute for India's journalists during the year under review with eight journalists killed in 2015 and another killed in 2016.

Authorities in some of the more sensitive areas continued arbitrarily and vindictively, to target journalists engaged in critical reporting. Livelihood prospects showed little improvement, though amid a vast scenario of default, a few notable instances were reported of fair wages being implemented as mandated by the statutory wage board. More critically, the shift in mode of employment from regular tenures to short-term contracts showed little sign of abating.

Ethical issues were continually in the spotlight as political partisanship and fierce competition for stagnant advertising revenues played havoc with professional codes of conduct, often pitting media houses against each other. The social media continued to expand in terms of users as further regulatory interventions held out an assurance of widening access. Conflict between social media platforms and traditional news media continued to be manifest in various forms.

## NARROW NATIONALISM

In March 2016, two journalists – Prabhat Singh and Deepak Jaiswal – were arrested in the central Indian state of Chhattisgarh, where the government has equipped itself with special powers of preventive detention on suspicions of moral or material assistance being rendered to a long-running Maoist insurgency. The Chhattisgarh Special Public Security (CSPS) Act enacted in 2005, defines a broad range of offences with a vagueness that allows for arbitrary arrests and prosecution, seriously jeopardising journalists' freedom to access sources and sensitive locations. The arrests of Singh and Jaiswal are part of a larger trend of suppressing the media in Chhattisgarh

(See Chapter XX on Chhattisgarh). The “with us or against us” syndrome which calls for a suspension of journalistic autonomy and a submission to the diktat of the authorities, has become entrenched.

Problems manifest in a particularly acute fashion in Chhattisgarh were prevalent in numerous ways on the national canvas, with a certain security obsession casting its shadow over journalism. An aggressive nationalist assertion was seemingly being cultured by ruling authorities at various levels to create an especially hostile environment for public dialogue on matters considered to be of special sensitivity, such as the terrorist danger. In a mood of polarized perceptions, certain media platforms may have breached well-established ethical norms in seeking to increase audiences – and their claim to advertising monies – by tailoring content to the lowest common denominator of public tastes.

In July 2015, Yakub Memon, once a successful chartered accountant in the western Indian metropolis of Mumbai, was executed after being convicted of involvement in a devastating serial bombing of the city in 1993. Prior to the final hearing of his case in India's Supreme Court, till then unpublished material from a top intelligence official, since deceased, came to light, indicating that Memon had probably facilitated the investigation into the terrorist strike with vital information about the principal conspirator and an elder brother, who were still at large in an unknown foreign location. This, together with the fact that the evidence against him was purely circumstantial, led to widespread calls for sparing him the death penalty. The President of India was twice petitioned for clemency and the Supreme Court heard and reheard his case till literally the early-morning hour of his execution.

Soon afterwards, three news channels were served notices asking them to show cause why action should not be taken



← Indian author had ink thrown on him as he was assaulted by members of the far-right Hindu nationalist Shiv Sena party in October 2015. Sudheendra Kulkarni was leaving his house in Mumbai to attend the launch event of his new book when the attack took place.

## HAZARDS TO PERSONAL AND PROFESSIONAL SECURITY REMAINED ACUTE FOR INDIA'S JOURNALISTS DURING THE YEAR UNDER REVIEW... A NUMBER OF ATTACKS WERE REPORTED WHICH COULD BE DESCRIBED AS RETALIATION FOR JOURNALISTIC WORK, INCLUDING SOME OF THOSE LETHAL INTENT AND CONSEQUENCE.

against them for their coverage of the Memon execution. Two among these – Aaj Tak and ABP News – were leading broadcasters in the Hindi language and the other, NDTV 24x7 – was among the first to enter the English news segment. The grounds for action cited included a telephonic interview they had carried with Memon's lawyer. Further, in broadcasting the view of the younger brother of the alleged blasts mastermind that the Memon execution was unjustified, the channels were held to have violated programming standards and applicable laws.

Journalists' organisations, including the Press Club of India, the Broadcast Editors' Association and the Editors' Guild, reacted strongly, condemning the notices as an attempt to intimidate the media. Though not formally withdrawn, further action on the notices was seemingly waived, leaving the issues it raised in a state of indeterminacy.

At some point in recent history, a notion has been imbedded in the Indian news media, that an exaggerated display of loyalty to the cause of national security could be an easy way to expand viewership. In February 2016, students at Delhi's Jawaharlal Nehru University (JNU) sought and obtained permission for a poetry reading session, timed for the anniversary of the execution three years earlier of a person from the state of Jammu and Kashmir, on charges of involvement in a 2001 terrorist assault on the Indian parliament. After protests by a rival student body, permission was withdrawn by the university authorities, but the program went ahead in the campus, equally renowned

for academic excellence and political activism.

The venue was then hit with an adversarial mobilization of students from both sides. Police officials who had been sent to monitor went away after the rival student groups dispersed. But a news crew from a widely-watched Hindi broadcaster, Zee News had also arrived at the venue and filmed some footage.

Two days later, based on the news broadcast from Zee News and the outrage expressed on other channels such as the English broadcaster Times Now, the police registered a complaint of "sedition" and "anti-national activity" at JNU. The president of the university students' union was arrested though he was reportedly a late arrival at the venue of the demonstration and his role was confined merely to defusing a situation of possible conflict between rival groups. Two other students who were held responsible for organising the event went into hiding, but surrendered within days to the local police.

Protests had meanwhile erupted among Delhi's academic community. When the students' union president was first produced before a sessions court in Delhi as required under law, he was set upon by a group of lawyers. Alongside the brutal thrashing administered to the students' union president, a number of journalists gathered to report on the court proceedings were attacked, along with staff and other students of the university.

The following day, on February 16, a large number of journalists' organisations assembled outside the Press Club

→ The JNU student protests in New Delhi became a flashpoint for press freedom in India in 2016. During the protests, journalists were attacked and harassed, further questioning India's declining state of press freedom.



↑ caption

of India (PCI) in a central part of Delhi and marched to the Supreme Court to demand justice. Participant organisations, other than the PCI, were the Delhi Union of Journalists (DUJ), the Kerala Union of Working Journalists (KUWJ), the Indian Women's Press Corp (IWPC) and the Press Association.

The matter was also raised in Press Council meetings in Karnataka state with the Press Council Chairman condemning the incident. The Indian Journalist Union (IJU) called for country wide protests, which got response in more than 13 states.

Senior lawyers who had petitioned the higher judiciary about the lawless acts by rogue lawyers meanwhile, secured a directive to the Delhi Police, asking it to maintain conditions appropriate to courtroom premises. Yet, on February 17, when the students' union president was brought to the sessions court for a bail hearing, the same group of lawyers went on the rampage, assaulting a number of journalists and abusing them for their supposed "anti-national" actions. The attackers seemed to reserve some of the worst abuse for women journalists.

## ETHICAL BREACHES

Shortly afterwards, in a piece written for the SAMSN blog, DUJ President S.K. Pande summed up the sense of incredulity over the events: "Visualise this. For two days, journalists covering news within the premises of the Patiala House Courts in Delhi were repeatedly attacked. They were targeted; and their mobile phones and tablets grabbed and smashed. Women journalists were among those who were deliberately attacked. On the first day, February 15, the attacks took place within a courtroom. Many of the attackers were men in lawyers' robes". The Delhi Police, said Pande, remained passive bystanders and Commissioner B.S. Bassi described the events as "minor scuffles". These were ominous events, concluded Pande: "The intimidation of journalists should not be seen in isolation from the larger debate that is on. Intolerance is on the rise countrywide as are assaults on the right to freedom of

expression. There are increasing pressures on media persons from neo-liberal forces, select press barons and the government".

Significantly, three news channels identified as bearing major responsibility in stirring up the case against JNU – Zee News, Times Now and NewsX – stayed away from the demonstration by media practitioners and blanked it entirely from their news bulletins. Reflecting the sharp polarization of opinions on the issue, there were calls from civil society organisations for a viewer boycott of these channels.

Matters were sufficiently grave for Subhash Chandra, chairman of Essel business group, which owns Zee News and a host of associated brands, to appear on his own channel to offer his opinions on appropriate media practice. Though Chandra was anxious to disavow any connections to the party that today holds power at the national level, his proximity to a number of its most senior leaders is a matter of public knowledge. The unusual appearance by a media owner on his own platform did little to dispel growing misgivings about gross media partisanship.

Media watch website *The Hoot* ([www.thehoot.org](http://www.thehoot.org)) had meanwhile carried a critical story which spoke of the Zee News coverage as "incitement against the students of JNU". A producer from Zee News, Vishwa Deepak, resigned in protest at what he called the manner in which the university student leader was "framed". "My conscience has started to revolt", he wrote in a resignation letter that was soon published by *The Hoot* and other websites: "It feels as if we are spokespersons of the government .... It feels as if I am ill". The story that Deepak unfolded was simply that the footage Zee News managed to gather from JNU showed little of any news value. The images were blurred and the sound quality poor. Yet the Zee News producers chose to introduce titles on the footage which purported to have the JNU students shouting slogans calling for the destruction of India and the glory of the western neighbour, Pakistan.

Another news website *The Wire*, co-founded by senior

## FOR TWO DAYS, JOURNALISTS COVERING NEWS WITHIN THE PREMISES OF THE PATIALA HOUSE COURTS IN DELHI WERE TARGETED; AND THEIR MOBILE PHONES AND TABLETS GRABBED AND SMASHED.

journalist Siddharth Varadarajan, a former editor of *The Hindu*, called out Zee News and Times Now for faking their news footage. Times Now responded with an indignant denial and ran a prominent still announcement claiming that *The Wire* had admitted its error. It turned out that *The Wire* had merely gone on the strength of a verbal denial, conveyed over phone by the editor of Times Now. On closer examination, it was found that the news channel had chosen a convenient subterfuge. It had on a primetime talk show, merely distanced itself from ownership over the footage by asking a studio guest – spokesman for the ruling party – to play it off his tablet. Far from disavowing the authenticity of the material, the Times Now news anchor repeatedly urged his guest to play the footage, with much of the subsequent discussion pivoting around the tacit assumption that its content was authentic.

Once the initial confusion was cleared, *The Wire* sent a legal notice, demanding that Times Now “cease and desist” from any claim of a retraction on its part. Zee News meanwhile issued a legal notice threatening damages against the national circulation daily, *Indian Express* and the fortnightly magazine *Frontline*, both of which had carried news reports and analyses suggesting that the channel had deliberately falsified news footage. Both the *Indian Express* and *Frontline* have chosen to stand by their stories and Zee News at the time of writing was yet to make its next steps public.

The JNU incidents were part of a wider pattern of turmoil in university campuses from various parts of the country. In a parliamentary debate on the issue, India’s education minister displayed some of the posters and campaign material put out by a particular side to the campus ideological clash. She claimed that several of these insulted the belief systems of mainstream religion by recasting Indian scriptures in a morally ambiguous fashion. Any such suggestion of a provocative intent was refuted by other speakers in parliament, who claimed that such inverted moral readings have been part of the belief system of those at the lower strata or outside the traditional Indian caste hierarchy.

### INTIMIDATION VIA NEW MEDIA

When Sindhu Sooryakumar, a TV anchor for Asianet, a leading broadcaster in the southern Indian state of Kerala, ran a discussion programme on the issue, she was assailed by abusive and threatening messages. Her phone number was allegedly circulated on social media with an open invitation to call her and solicit her services as a sex worker. She reportedly received over two thousand abusive phone calls after that. Though few of the callers identified themselves, their affiliation to the militant nationalist party that is currently in power – and its ideological mentors, the Rashtriya Swayamsevak Sangh (RSS) – was made fairly obvious. Six members with known affiliations to the body were arrested soon afterwards.

The Network of Women in Media, India (NWMI) of which Sooryakumar is a member, met with the Home Minister of Kerala state and urged his intervention. The Indian Journalists’ Union (IJU) – an IFJ affiliate and SAMSUN partner – issued a statement which decried the attack on freedom of expression. “Plurality of opinions is the essence of democracy and freedom of expression is an integral part of it”, the IJU said: “We demand that the Government of Kerala take immediate steps to nab the culprits ... and (provide) adequate security to the news anchor”. The IJU also urged all political parties to lay aside their difference and assist the media community in doing its job fairly and freely.

Social media may have at one time shown the potential of providing a platform for an alternate public discourse, to keep the mainstream media honest when it was tempted to cave in to the power of commerce. Its more visible manifestation has been as a platform for bullying and intimidation. On March 4, according to a statement released to the press, news anchor Barkha Dutt of NDTV 24x7 lodged a complaint with the police about incessant abuse over telephone and social media from persons unknown, threatening her with sexual assault and worse.

Nikhil Wagle, a highly respected journalist and news anchor based in Mumbai, also reported receiving death threats from a rightwing organisation suspected to be behind the murders of social activists engaged in combating superstition in Maharashtra state and neighbouring Karnataka. In Delhi, the popular Hindi news anchor Ravish Kumar, has been routinely subject to online abuse and trolling for his highly critical and often very innovative broadcast style.

### MARGINALIZED VIEWS AND THE MEDIA

The year also revived certain long unsettled dilemmas in regard to the media representation of minority viewpoints and its construction of the minority identity in the imagination of what is called the “national mainstream”.

The trouble at JNU was part of a nation-wide pattern of unrest in university campuses like Hyderabad Central University and National Institute of Technology, Srinagar. But media analysts believe that it gained far more attention than similar incidents at the University of Hyderabad (UoH), in the southern state of Telangana. The Vice Chancellor of the university was compelled to take leave from his post in January after a student from a social stratum traditionally disadvantaged in the Indian caste hierarchy committed suicide in what seemed a mood of depression following his suspension from a doctoral programme. When the Vice Chancellor rejoined the UoH seemingly without any of the issues being sorted out, there was an upsurge of protest and a police crackdown, resulting in injuries to several students, and the arrest of twenty-seven among them, along with six teachers.

## JAGENDRA SINGH, A FREELANCE JOURNALIST FROM SHAHJAHANPUR IN THE STATE OF UTTAR PRADESH, SUFFERED SERIOUS BURN INJURIES, REPORTEDLY AFTER LOCAL POLICE RAIDED HIS HOME IN RETALIATION FOR CRITICAL REPORTING AND SOCIAL MEDIA POSTS ON A POWERFUL MINISTER'S MISDEEDS.

The reasons for the relative inattention to the UoH turmoil were variously read. Among them, was the perfectly reasonable argument that JNU's location in the national capital city made it an issue likely to attract greater attention. A second was the brute fact that after the second phase of the unrest broke out in March, the UoH administration shut the gates of the campus to all so-called "outsiders", including the media.

A deeper cause was highlighted in other media commentaries, about a systemic tendency to neglect issues of deep concern to those disadvantaged by tradition, who have claimed the identity of 'Dalit' (or oppressed) in contemporary political contests. This in turn may arise from an absence of Dalit representation in the newsrooms. Affirmative action, now a part of Indian public policy which no political party has dared to oppose, ensures that the Dalit achieves fair representation in the universities and institutions of governance. A small minority of news organisations have implemented policies of diversity to improve Dalit representation among their staff. The mainstream media though, is yet to achieve a state where it can claim to be fairly representing matters of immediate consequence to the Dalit communities. The few Dalits who manage to break into the mainstream media have an uphill battle, as Vijay Kumar, journalist with Kannada daily *Vijayavani* found out. Highlighting the discriminatory practice of denying Dalits entry to the local temple in Sigaranahalli village in Hassan district – adjacent to the native village of HD Deve Gowda, who was briefly the prime minister of India in 1996 – Vijay Kumar earned the ire of the dominant castes in the village. After skirmishes with the local administration in April 2016 over the temple-entry issue, and a vilification campaign run by the dominant caste politicians, Vijay Kumar was inexplicably transferred and continues to face hardship at work.

As the popular Hindi news anchor Ravish Kumar put it in a recent column for the monthly magazine *Seminar*: "There are no Dalits in the newsroom. This has been revealed through numerous surveys. Yet there is little discussion on what might be a solution to this problem. If everyone makes it to the newsroom based only on merit and chance, then surely some Dalits should also have made it. There is a serious lack of diversity in the media. Perhaps that is why the media sometimes ends up taking a stand against diversity."

In March 2016, writers in the Urdu language were issued a circular by a body administratively controlled by India's Human Resource Development (HRD) Ministry, asking them every time they availed of financial assistance out of public funds, to sign a declaration that nothing they wrote was contrary to official government policy. The circular came ironically from

the National Council for the Promotion of the Urdu Language (NCPUL), a publicly funded but autonomous body. Urdu is a language of great literary refinement with a classical and a modern history, and a vast corpus of explicitly political poetry and commentary. Urdu literature and journalism in India has been falling into neglect because linguistic competence has been diminishing. Since Independence and partition, Urdu has been subtly stigmatised as the language of Muslim culture in South Asia. The NCPUL works on a mandate of acquiring contemporary works in the Urdu language in bulk for distribution, so that the narrow readership for Urdu does not stand in the way of good literature and journalism. Its most recent circular led to widespread protests among India's journalists and litterateurs, since it was read as part of a pattern of profiling and stigmatizing a particular faith as likely to promote anti-government opinions.

### CHALLENGES IN INSURGENT AREAS

Regions of endemic insurgency reported recurrent threats from underground groups insisting on gaining traction for their message, and security agencies often operating with opaque agendas, even making strategic use of certain banned organisations. In December, the editor of Impact TV, a channel based in the north-eastern state of Manipur, received death threats from a militant organisation for not broadcasting a press note. In what has become a regular feature of journalistic life in Manipur, all newspapers in the state left their editorial columns blank on December 16 and called a general strike. Not one newspaper came to the stands the next day. The national media watchdog, the Press Council of India described the situation as "unacceptable" and resolved to send a fact-finding team to Manipur.

Highlighting the problems arising from another quarter, in November, the Assam Rifles, a paramilitary force deployed in the north-east under Indian Army command, issued an order to the media in the state of Nagaland, prohibiting the publication of any statement by the militant outfit, the National Socialist Council of Nagaland (Khaplang). Doing so, said the order issued by an officer of the rank of colonel, amounted to rendering "intentional and unintentional support" to a militant organisation banned under the Unlawful Activities (Prevention) Act.

Five newspapers were served the order and three among them – *Eastern Mirror*, *Nagaland Page* and *The Morung Express* – ran blank editorial spaces on November 16, observed in India as National Press Day. Though almost a routine matter in neighbouring Manipur, it was the first such protest in



↑ The situation for media personnel in India has deteriorated rapidly, with eight journalists killed in the last year. Journalist Jagendra Singh suffered from severe burns and later died from his injuries after an altercation with police in his home. The family of Jagendra Singh at his funeral in June 2015.

Nagaland state. Editors described the Assam Rifles directive as an effort to stifle their voices and impede the public right to know. The governor of the state, appointed from Delhi under the Indian system of federalism, justified the order as a necessary part of the counter-insurgency effort.

Following a submission by Indian union, IJU the Press Council held an inquiry of the full council at Guwahati on December 11, 2015. It heard from the Assam Rifles and editors of Nagaland and directed the Assam Rifles to withdraw the circular meant to gag the media. It also directed the Assam Rifles and media representatives to hold discussions and resolve their difference.

After a meeting between the top officers of the Assam Rifles and editors of various media organisations, the gag order was withdrawn in the first week of January. The Press Council also appointed a committee to evolve guidelines for the media and security forces on reporting in conflict zones with particular reference to the North East India.

The insurgent group concerned has had a chequered history, having only recently exited from a ceasefire agreement and truce negotiations with the government. Its influence in pockets of Nagaland and across the international border in Myanmar, is significant and newspapers in the state argue that there is a public interest in reporting its statements, since its actions have a substantive influence on ordinary lives.

## FATAL INTENT

Lives continued to be lost in the profession as journalists ran risks to bring to light serious wrongdoing by powerful individuals and lobbies. In June 2015, Jagendra Singh, a freelance journalist from Shahjahanpur in the state of Uttar Pradesh, suffered serious burn injuries, reportedly after local police raided his home in

retaliation for critical reporting and social media posts on a powerful minister's misdeeds. He died soon afterwards but the agony of his last moments, when he accused the minister of ordering his killing, was captured on video and widely circulated. The state government stepped up with an offer of financial relief for the bereaved family, but insisted that its minister was blameless. Soon afterwards, the family made a public declaration that Jagendra Singh's burn injuries were self-inflicted. Journalists in the know believe that the family did try to hold out and secure justice, but caved in under relentless pressure.

June claimed another victim when forty-year-old Sandeep Kothari, who worked independently with a number of newspapers based in Jabalpur in Madhya Pradesh, was abducted in Balaghat district. Two days later, his half-burnt body was found near the city of Nagpur in adjoining Maharashtra state. There have been suspicions since then that Kothari's reporting on illegal mining in the area may have been responsible for his killing.

A scandal involving recruitments to medical colleges and government health services in the central Indian state of Madhya Pradesh has left a trail of mysterious deaths. In July 2015, Akshay Singh, a reporter with Aaj Tak, a Hindi news channel that is part of the highly diversified India Today media group, died while interviewing the family of one of the putative victims of the scandal. The Central Bureau of Investigation – a police agency controlled by the Union Government – has taken up the case as part of its wider investigations into the scandal. The agency has since taken possession of all relevant medical records from Akshay Singh's family.

In a northern suburb of Mumbai city, two journalists Shashi Sharma and Satish Mishra were attacked by the staff of an unlicensed bar while covering a police raid. Raghavendra Dubey, editor and owner of a local newspaper, arrived at the venue



← An Indian television journalist reports from outside the sessions court in Mumbai on February 8, reporting on the court case into the Pakistan-based militants behind the 2008 Mumbai attacks

Credit: AFP/PUNIT PARANJPE

## THE IJU AND OTHER SAMSN PARTNERS HAVE BEEN PRESSING FOR A STANDING COMMITTEE TO MONITOR COMPLIANCE WITH STATUTORY WAGE BOARDS ON AN ONGOING BASIS.

during the raid and soon afterwards visited a local police station to lodge a complaint. He was found dead on a nearby railway track the next day. The manager of the bar has since been arrested for the murder.

Sandeep Pathak was killed in Bareilly district of Uttar Pradesh in August 2015. One person has been taken into custody in connection with the murder of the freelance journalist. With the killing of Ajay Vidrohi in Bihar in August and Hemant Yadav in Uttar Pradesh in September, the year was rapidly turning out to be one of the worst for journalism in India. In February 2016, Tarun Mishra, bureau chief of the Hindi daily *Jan Sandesh Times* was shot and fatally injured while driving to Sultanpur in Uttar Pradesh. Here again, a connection to his work in writing about black-marketing activities in the area may have triggered his murder.

### GOVERNANCE ISSUES

Early in February 2016, the Telecommunications Regulatory Authority of India (TRAI) formally ordered an end to any kind of “discriminatory pricing” of data services over the internet. This upheld the principle of “net neutrality” which had been affirmed as integral to internet governance by the U.S. Federal Communications Commission in February 2015. India’s debate over net neutrality began with plans by two telecom companies to offer free services. One of these was explicitly premised on websites paying the cost, i.e., it was just about transferring the cost burden from one end of the information chain to another. The other worked on the premise that advertising revenue

would cover the cost of rendering the special favour of free internet access.

Public petitions led TRAI to decree a temporary halt on these plans, following which a broader and more measured process of deliberation was instituted. A consultation paper was issued late in 2015, inviting comments on the proposal to create two strata within the internet. In ruling on the matter the regulatory body took on board submissions on both the positive and negative consequences of differential pricing. Although increased access was a desirable object, price differentiation it held, would spell the end of the internet as “a neutral end-to-end carrier of information”, investing service providers with gate-keeping powers. This would “restrict consumer choice” and work against “free speech and media pluralism”.

Because of the “unique architecture of the internet as a global communication network”, TRAI was disinclined to accept the plea that differential pricing was a “recognized” practice “across utilities”. In traditional markets, including public utility services, there were “for the most part, distinct producers and consumers”. But on the internet, users were also consumers. Allowing a service provider which was “at one edge of the internet to charge differentially for data that it does not alone process, could compromise the entire architecture”. It would also result in the hazard of “allowing service providers to define the nature of access (which) would be equivalent of letting (them) shape the users’ internet experience”.

On another front, the National Security Council Secretariat (NSCS) in February 2016 hinted that it was actively considering

the establishment of a “media analytics centre” to track all social media postings. Social media usage has reached a stage of explosive growth in India and ever since the 2008 amendments to the Information Technology Act, the security and intelligence agencies have been very sensitive to its potential for good and ill. Section 66A of the IT Act was struck down by the Supreme Court last year as a vague and over-broad provision that fatally compromised the constitutional rights. The security establishment sought to the last to retain the law, but has since been exploring other options. The implications for privacy and the exercise of basic rights remain a matter of public discussion.

In the broadcast sector, the introduction of a new audience measurement mechanism and the migration of most subscribers in the larger urban areas to a “digitally addressable system”, seem to promise an end to rampant corruption in the allocation of advertisement monies between channels. There remain reservations about how fair the estimations are and in particular, the government-owned broadcaster, Doordarshan – whose transition to a public service broadcaster has been repeatedly initiated and stalled – has been vocal about its grievances.

In India’s northernmost state of Jammu and Kashmir – and especially in the Kashmir Valley – internet services and in fact all communication facilities, remained prone to disruption at the slightest hint of a security challenge. Internet services were cut off when India’s Prime Minister visited Kashmir in November 2015. A similar disruption occurred for three days in October, when there was an apprehension of communal strife, after a Hindu nationalist party with a strong base in the Jammu region exerted its influence as a member of the ruling coalition in the state, to impose a ban on the sale and consumption of beef in Kashmir. On April 16, 2016, the District Magistrate of Kupwara in the Kashmir Valley issued a circular ordering all WhatsApp groups to be registered at his office, and declared that administrators of the groups would be held responsible in case ‘irresponsible’ remarks were made on the groups. It also warned

government employees in the district to refrain from making comments on WhatsApp about the policies and decisions of the government.

## WAGES AND WORKING CONDITIONS

There have been a few notable instances of the award decreed by the Majithia wage board being implemented in the newspaper industry. The IJU and other SAMSN partners have been pressing for a standing committee to monitor compliance with statutory wage boards on an ongoing basis. At a plenary session of the IJU in May 2015, the Union Labour Minister, Bandaru Dattatreya held out an assurance that a central tripartite committee would be set up to monitor the implementation of the Majithia wage award. This promise is yet to be fulfilled.

Journalists’ unions unanimously protested against a proposal advanced by the Finance Minister as part of his budget proposals for the year, to tax withdrawals from the Employees’ Provident Fund (EPF) to the extent of 40 percent. With pensions being denied as a retirement benefit, the EPF and gratuity are the main social security props for journalists. Taxing the former at any rate at all, was seen as grossly unfair. Thanks to vociferous protests from a number of unions, the Finance Minister was quick to withdraw the proposal.

The National Union of Journalists of India, NUJ(I), in February met the President of India, Pranab Mukherjee and briefed him about the perils facing the profession and sought his good offices in getting supportive legislation passed. Among the priorities underlined was a special law for the protection of journalists. This demand has at various times been articulated by other SAMSN partners, such as the IJU. It has acquired a special urgency in a year that has witnessed an unprecedented number of attacks on journalists, several of them with fatal intent and consequences.

## BATTING FOR JOURNALISTS’ SAFETY

India is witnessing an alarming increase in murders and attacks on journalists in recent years. Despite being the world’s largest democracy, journalists in India have been constantly subjected of threats – from criminal gangs to state actors; and from developed cities to conflict-prone regions.

In 2015 alone, eight journalists were killed in India. Yet, its record in punishing the murderers of journalists is dismal. With 31 murders of journalists since 2010 and 83 since 1990, many victims are still awaiting justice. The Press Council of India noted that among 80 cases of murders of journalists since 1990, justice has been delivered in only one case. It said that most cases are pending in the courts or the police are yet to file charges.

Worried by the ever-present threat and increasing impunity, the journalist unions, including IFJ affiliates National Union of Journalists (India) (NUJI) and the Indian Journalists Union (IJU) have identified the need for a ‘Journalists Protection Act’, and are campaigning for special legal protection for the

journalists. The journalists’ community is demanding that the Act have provision for speedy registration of First Information Report (FIR) at the police station; investigation of the cases of intimidation, attack or torture of journalists; and a fast-track court to ensure speedy justice for journalists murdered.

The NUJI, which passed a resolution in its biennial assembly to enact the Journalist Protection Act, ran a month-long digital campaign with activities cumulating in a huge rally in New Delhi on December 7, 2015. Journalists also organized demonstrations all over India in more than 200 places and memoranda were presented to concerned authorities. A memorandum in this regard was presented to the President of India, the Prime Minister of India and various other government officials and authorities.

The IJU too has taken the issues of security of journalists and impunity seriously with authorities and is trying to mobilize public opinion on such issues. The involvement of IJU leadership in the Press Council of India has been crucial in raising such issues with the government.

# MALDIVES

## CONTINUING EMERGENCY

The situation of media freedom and access to information in the Maldives is deteriorating with every passing day and increasingly the battle lines have been drawn between the media and the judiciary. It is a well-known local fact that the Maldives' judiciary is heavily influenced by the executive powers of the government, to the point where we now find the media caught between that judicial and political power.

*Haveeru News*, the only print newspaper and the longest running news agency in the Maldives was shut down by a temporary order from the Civil Court of Maldives on March 31, 2016. The order came from the court as a result of a case regarding the ownership of the agency. People have lost count of how many times journalists have been arrested or summoned to the courts in the past year. Legal battles are also on-going in the courts about the ownership of certain media outlets, which again is linked to political propaganda.

## JUDICIAL BLACKLIST

The judicial blacklisting and of Raajje TV employees around the reporting of the terrorism case against former President Mohamed Nasheed was a noted area of press freedom concern in early 2015 and was accordingly reported in the South Asia Press Freedom Report.

It followed the filming of the then-Prosecutor General of the Maldives, Muhtaz Muhsin, and Criminal Court Justice, Abdul Bari Yusuf, meeting at a public cafe. Two Raajje TV employees,

journalist Ahmed Ibrahim and cameraman Adam Zareer, who captured the incident were threatened and ordered to immediately delete the video footage inside the cafe. According to one Raajje TV crew member, the threats came from pro-government MP Ahmed Assad and a group of 'gangsters'. The two Raajje TV staff were arrested and detained for a day. Afterward, the Criminal Court denied access to all reporters of Raajje TV to President Nasheed's trials, alleging Raajje TV spreads false information. Significantly and high in the public's interest was the fact that Justice Abdul Bari Yusuf was also the judge hearing the case of former President Nasheed.

Then, on March 13, 2015, the same night that former President Nasheed was sentenced to 13 years in prison, the media covering the trial were forcefully detained inside the Criminal Court and denied permission to leave the building. Journalist Mohamed Afsal, of MBC; Muizzu Ibrahim, of *Avas Online*; and Misbah Abbas, of CNM; filed a police complaint regarding their detention inside the court.

Earlier this year the harassment and blacklisting continued when Criminal Court Justice Abdul Bari Yusuf passed an order specifically barring Raajje TV reporter Murshid Abdul Hakim from attending the trial of opposition party Adaalat's President

↓ Journalist Ahmed Rilwan Abdulla was last seen on August 8, 2014. The Maldives government has received widespread criticism for its inaction on investigating the disappearance. On August 8, 2016, Rilwan's family, friends and the media community held a massive rally in Male calling for action.



↓ Criminal defamation was outlawed in the Maldives in 2009, but under new proposals delivered in 2016 those found guilty could face up to a year in jail and a fine of five million Maldivian Rufiya (USD 326,797).



## PEOPLE HAVE LOST COUNT OF HOW MANY TIMES JOURNALISTS HAVE BEEN ARRESTED OR SUMMONED TO THE COURTS IN THE PAST YEAR.

Imran Abdulla, on February 10, 2016. The Criminal Court failed to provide a justification for the specific ban on attending the trial, and said only that he could enter because “Justice Bari said so”.

The Criminal Court also banned certain media outlets from attending hearings, from taking pictures of a Criminal Court Justice, outside the court building. The staff of four media stations, *Avas Online*, *Haveeru Online*, *Vmedia* and *Raajje TV* who took photographs of the judge outside the court building were also threatened and forced to delete the photographs from their cameras. Pictures were later recovered from their equipment and carried with the news after the incident. Despite requests, the Criminal Court also failed to inform the four media stations as to why they were banned from attending the hearings.

On March 10, 2016, Adam Nawaz, a senior editor of online news website *Vaguthu*, was summoned to the Criminal Court and questioned if he had written an article based on a lawyer’s tweet. He was also asked if anyone had ever contacted him and instructed him to report in a specific way. Nawaz denied both allegations. The Court justified the questioning saying that witnesses hesitated to provide testimony in the courts due to certain news published by the media outlets.

### MEDIA HARASSED

Journalists were arrested and detained a number of times in the past year. After the mysterious explosion on President

Abdulla Yameen Abdul Gayoom’s speedboat on September 28, 2015, mysterious ‘improvised explosive devices’ (IEDs) started appearing at various locations in Malé City.

On November 2, 2015, an IED was spotted near Muleeagee, an official residence of the president. It was immediately taken by the MNDF’s bomb diffusing squad to the Ekuveni Stadium in Maafannu, a suburb of Male. Three staff members of *Raajje TV*, who were part of a larger media group covering the operation, were arrested at the sports grounds in a melee with police. They were *Raajje*’s chief operating officer (COO), Hussain Fiyaz Moosa, and journalists Mohamed Wisam and Livan Ali Naseer.

Murshid Abdul Hakim of *Raajje TV*, who witnessed this scene, said that the *Raajje TV* crew members were outside the cordoned area near the Ekuveni Stadium when special operations police personnel began verbally abusing the *Raajje TV* head. When Fiyaz asked the police officer the reason for the unnecessary shouting and profanity, it was alleged the police officer charged Fiyaz to physically attack him. The two *Raajje TV* journalists then intervened to rescue their colleague, and all three were arrested and detained. The police version of the arrest was that they were ‘obstructing police duties’.

The three *Raajje TV* staff also alleged police took them to a local police station and beat them and subsequently lodged a complaint along with evidence, with the National Integrity

**PRESS FREEDOM HAD GONE TO THE POINT WHERE LOCAL TV STATION RAAJJE TV DECIDED TO STOP BROADCASTING THEIR USUAL NEWS AND CURRENT AFFAIRS CONTENT ON NOVEMBER 6, 2015, DURING THE COUNTRY'S STATE OF EMERGENCY PERIOD IN THE COUNTRY.**

Commission (NIC). The commission is an independent body appointed by the government to investigate cases of misconduct involving the Maldives Police Service, Customs Service, Correctional Services and the Immigration Department. To date, the NIC has not commenced an investigation into the matter.

Raajje TV journalist Murshid Abdul Hakim was also briefly arrested and detained in a police vehicle on November 6, 2015. He was released shortly after, but the police later denied the arrest had taken place. Murshid's version of events was that while he was covering a political opposition protest that day, a policeman had used profane, filthy and sexist language at him. Murshid later filed a case at the Maldives Police Service. The police investigated the case and in February 2016, said that the policeman was guilty of verbal abuse of the journalist was advised not to repeat such an act again.

Another journalist of Raajje TV, senior sports journalist Hussain Fariyaz, was arrested early in 2016 for taking a picture of a police operation being conducted in public. When the police asked for his media identification, Fariyaz had informed them that his press card was in his office and went to his office building to get his card. But the police entered the Raajje TV building without a warrant and grabbed the journalist violently to the extent that his shirt's buttons came off. Later, the police version of events was that Fariyaz was arrested for disobeying orders, and that he was arrested in front of Raajje TV's building and not from the inside. Raajje TV filed a complaint after this incident to the Maldives Broadcasting Commission. The progress of looking into this complaint is yet to be known.

*Sun Online's* deputy editor and member of the Maldives Media Council, Hussain Hassan was arrested on January 6, 2016, for taking a photograph of former Maldives vice president, Ahmed Adeeb. Hassan took the photo of Adeeb as he was being taken from a police car to be transported back to prison after seeking medical care in Malé City. Police said the journalist was "disobeying repeated instructions" to not take photographs in "an area closed down by police for security reasons".

Another well-known case of harassment came from the top media official of the current government, the presidential spokesperson Ibrahim Muaz Ali. On September 28, 2015, as the media in Malé awaited the arrival of President Yameen, an explosion took place on the president's yacht and the media briefing was cancelled. Nevertheless, the media stayed on near the jetty in order to get a clearer picture of the situation. As government officials struggled to get off the yacht, the presidential spokesperson was alleged to have shouted profanity



at the media present at scene and demanding they leave. He later denied having done so.

After a dramatic period following the explosion and discovery of weapons around Malé and the breaking of the humunous corruption scandal at the Maldives Marketing and PR Corporation, the Maldives government declared a state of emergency in late 2015. During this time on November 6, 2015, police raided local TV channel Sangu TV without a warrant; a situation only permissible during circumstances of a 'state of emergency'. Police refused to allow legal representation of the TV station while they conducted their raid and police went on to remove hard disks and other equipment from the station for analysis. Some of the Sangu TV hardware and equipment was returned to the station on April 16, 2016.

Press freedom got to the point where local TV station Raajje TV decided to stop broadcasting their usual news and current affairs content on November 6, 2015, during the country's state of emergency period. Raajje TV COO, Hussain Fiyaz Moosa, said the station would not broadcast news and current affairs content until a safe and conducive environment was ensured for the media to perform its journalistic duties. Raajje TV resumed their regular news and current affairs content two days later.

### **MISSING RILWAN**

*Maldives Independent* journalist Ahmed Rilwan Abdulla disappeared mysteriously on August 8, 2014, on his return via a ferry connecting the capital Malé and his hometown of Hulhumalé. His movements were last recorded by the ferry terminal's CCTV and his last tweet was sent at 1:02am.



↑ Maldives President, Abdulla Yameen, continued his manipulation of the media through control of coverage and state intimidation. In February 2016, media workers were threatened and blocked at protests for former president, Mohamed Nasheed while more broadly only the Public Service Media (PSM) are allowed to cover presidential events

Rilwan was known for his scathing reports highlighting corruption in politics, Islamic extremism and the destructive gang culture of the country. He had written about death threats made to more than a dozen local journalists, and done investigative stories on Maldivian militants going off to fight in Syria.

The CCTV footage recorded at the ferry terminal showed some people following him. Eyewitnesses said that at around 2am, a man fitting his description was forced at knife-point into a vehicle. Police later found a knife on the ground. Four men were detained and then released. One of these suspects was later reported to have fled to Syria with a group of four other people, who also were suspects in notorious criminal activity.

At the time, President Abdulla Yameen Abdul Gayoom declined to comment on the case but said authorities would investigate. The Maldivian Parliament, which is fully controlled by the current government, has so far refused to look into Rilwan's disappearance.

Last year, a close associate of the former vice president, Ahmed Adeeb Abdul Gafoor, and social media activist Ahmed Ashraf alleged that the President of Maldives was actually involved in Rilwan's disappearance. He also alleged that Rilwan had been drowned in the sea near Hulhumalé island. But these allegations were never taken seriously by the authorities or the police.

On April 2, 2016, the Maldives Police Service revealed in a press conference that they were certain that Rilwan was abducted, and not just missing. The police took almost two years to reveal a fact that everybody else was certain of. The police said that they had found Rilwan's DNA in the mysterious red car that was reportedly seen by eyewitnesses near Rilwan's apartment the

night he went missing. The police also named a suspect in the case, but to date his whereabouts remain unknown.

The same information the police revealed 600 days after his disappearance was released within the first month after Rilwan's abduction, by the Maldivian Democracy Network in collaboration with a private investigator from the UK. The investigation report was denounced by the police at the time of its release in 2014.

## MASS ARREST OF JOURNALISTS

On April 3, 2016, a number of journalists staged a mass protest in the capital city Malé, calling for press freedom and the rights of the media personnel. The protest led by young journalists, was staged in front of the president's office - an area which is off-limits for any protests.

Police went on to use disproportional force and pepper spray directly aimed at certain journalists. In all, 17 men and women journalists were arrested in the protest. The journalists belonged to the currently-halted *Haveeru News*, Sangu TV, V Media, Raajje TV, CNM and *Maldives Independent*. All were kept in police custody and released after 10 hours.

## PRESIDENTIAL OBSTRUCTION

After the mysterious explosion on President Abdulla Yameen's yacht in September 2015, his public outings became extremely controlled by the president's office and security forces. Currently, only the state broadcaster Public Service Media (PSM) is allowed to carry out media coverage of events attended by the President. Online media stations have to



cover presidential events by watching through the PSM's TV channels, and must wait until the president's media uploads the event's pictures to the 'official' website. So too, journalists and photographers from private stations and online media stations are not allowed to enter events attended by the president, yet social media activists and photographers of the Yameen's own hand-picked propaganda press team and social media handlers are given carte blanche access.

## ONLINE INTIMIDATION

On October 15, 2015, city-based newspaper *Addu Live* had its website hacked and its office received threatening phone calls. The newspaper located in Addu City in the south of Maldives, alleged the calls came from acquitted suspects from the criminal courts. The callers demanded that the outlet take down reports on corruption of judges and articles critical of the government.

Hassan Zaheen, a journalist at *Addu Live*, said that the website was hacked after it started reporting on the beginning of the vice-presidential impeachment. Vice President Ahmed Adeb was charged with terrorism in what the government called a plot to kill the President. The accusations relate to the explosion on President Yameen's yacht in September. Within three hours of the report going live, *Addu Live* received a call from an overseas number threatening to attack the website if the report was not removed. Zaheen said they refused to remove the article and the website remained down for over a week. Journalists from *Addu Live* received threatening messages for two consecutive months from October 2015.

## REGULATORY BIAS

The top regulatory body of the media in the Maldives is the Maldives Broadcasting Commission (MBC), yet political influence has crept into this independent commission. The body's mission is to regulate and develop the broadcasting sector and establish sound regulatory mechanisms for broadcasters with a view to create a conducive environment for developing

↑ A protest against the forced closure of the Maldives longest-serving daily newspaper Maldives *Haveeru Online*. On April 2, the Maldives Civil Court ordered to shut down its online operations so a legal trial relating to the outlet could remain 'fair and just'.

and expanding the broadcasting infrastructure services in the Maldives. It is also to facilitate and support the professional development of broadcasters in order to ensure responsible exercise of the freedom of expression, and to foster the growth of a free and credible media.

Ironically, the Commission has not done any more than release statements of condemnation at the points where they must take actions to hold the media outlets accountable and responsible.

After the 'state of emergency' was declared in November 2015, instead of providing protection or instructing journalists and the media on how to perform their duties at the time, the MBC instead began threatening media stations of holding their broadcasting licenses. This was supposedly in the event of them broadcasting any content that is a 'threat to national security'. But the very vague warning by the MBC did not elaborate what type of content would be classified as a 'national security threat'.

The MBC is also identified as a regulatory body that takes prejudiced decisions when it comes to condemning and taking action and it seems their bias only extends to certain media stations. Meanwhile, media outlets with connections to the government and top officials are never found at fault, even if they do violate certain regulations.

The MBC's future is unpredictable. On April 5, 2016, President Yameen Abdulla appointed six members to the MBC. Out of those, four are known propagandists and activists of the government and the ruling party.

## A LEGAL DEATH

Pro-government members of parliament have proposed a new bill to the Maldivian parliament, called the 'Defamation and Freedom of Expression Act'. In effect, this bill, which was

## AS LONG AS THE ALLEGATIONS OF CORRUPTION ARE NOT INVESTIGATED AND SENT TO THE COURTS, THEY REMAIN MERE RUMOUR, AND ANY JOURNALIST WHO SPEAKS OF THE CASE CAN BE TRIED IN THE JUDICIARY FULLY CONTROLLED BY THE PRESIDENT.

introduced on March 22, 2016, violates the right to free speech and journalism, two fundamental rights bestowed on every citizen of the Maldives by the constitution. The bill is a direct threat to journalists and the media and will have the impact of preventing the media from performing its duty to inform the public on what is really happening in their country.

The draft of the bill states that “any party who publishes anything that is stated in this bill that violates the dignity or reputation of a person, will take responsibility to it under this act, the broadcasting act and any other act regarding media”.

According to the bill, there are four main ‘crimes’ of content that the media should take responsibility for publishing: content that defames a person; content that violates the values and teachings of Islam; content that is a threat to national security; and content that violates public order. Any violation can lead to a criminal investigation, a court proceeding and a possible fine of five million Maldivian Rufiya (USD 326,797), and inability to pay the fine can lead to a jail sentence of no more than one year.

The proposed bill also states that the media must report on judicial proceedings and trials with regards to a specific regulation that the courts and tribunals are to compile and publish. This gives the judiciary of Maldives the power to decide how little or much of information of trials and court proceedings can go public through the media. It also gives the judiciary and courts the power of deciding what can or cannot be published about court proceedings - again a major violation of the freedom of the press.

The bill came into existence after the infamous corruption scandal of the Maldivian government, involving top government officials and the Maldives Marketing and PR Corporation. The people and politicians who know bits of information about the scandal have revealed that the President himself has played a huge role in the scandal. But if the Defamation and Freedom of Expression act is ratified, the pro-government politicians get a chance to sue the journalists who publicise the allegations involving them.

The cases of alleged corruption, even the ones that allegedly involve President Yameen are not investigated by the relevant authorities. But as long as the allegations of corruption are not investigated and sent to the courts, they remain mere rumour. Any journalist who speaks of the case can be tried in the judiciary fully controlled by the President.

There have been reports about the former Chief Justice of the Criminal Court, Justice Abdulla Mohamed, secretly entering the private residence of President Abdulla Yameen in the middle of the night, aided by pro-government members of the Parliament. Media who have attempted to capture pictures of this were yet again threatened and obstructed by notorious gangsters and members of parliament.

### MEDIA SOLIDARITY

The Maldives Media Council (MMC) is an independent legal entity with a separate seal. It has the power to sue and to initiate undertakings in its own capacity. This council consists of eight representatives from media organisations and seven from the general public, making this body a friendlier and closer body to the media organisations. The good news is that the MMC has done a lot to promote journalism and to bring solidarity within the journalists and media organisations.

It has instituted a Journalist of the Year award since 2013. Last year, there were four recipients of the award. On World Press Freedom Day in 2015, the MMC also organized a televised debate, where eight journalists from several media organisations discussed the state of press freedom. The same day, the MMC carried out newspaper production and news anchoring competitions for various schools in Male City.

In collaboration with UNICEF, the MMC has also travelled to some islands in the Maldives to raise awareness among citizens and island-based journalists on how to report and react to sensitive news involving children and their rights.

The Maldives Journalists Association (MJA), the sole body of the local media in the Maldives has sadly been defunct for over a year, due to havoc created by certain media houses every time the association attempts to hold its polls to elect a new board.

### HONING PROFESSIONALISM

A few training and refresher programs were conducted by different institutions in the past year including a training program by the National Disaster Management Center of the Maldives. This training focused on instructing media how to ethically report and broadcast content related to natural calamities and man-made accidents.

The Ministry of Law and Gender and the Society for Health Education (SHE) also conducted a training program to instruct the media on how to ethically report cases of domestic and sexual violence. The Maldives Media Council in partnership with UNICEF, carried out a workshop on how to compile reports about children and their rights. The workshop was targeted at, and attended by MMC staff, reporters and journalists, editors, members of the media regulatory commission the Maldives Broadcasting Commission (MMC) and various staff of the Information Commission.

Journalists in the Maldives are convinced that more programs and refresher courses must be arranged by institutions and authorities of different sectors, for journalists and other staff working in media stations.

It is only a professional and ethical media that can stand as a pillar of democracy when the separation of powers between the executive, legislature and judiciary is under threat.



# NEPAL

← More than two million people were left homeless by the devastating earthquakes that struck Nepal in April and May 2015. The rebuilding effort continues more than a year on from the disaster. Relief camps have played an important role in rebuilding Nepal.

## A DIFFICULT YEAR

The massive earthquake of April 2015 devastated Nepal, already reeling under the impact of a shaky political transition. The earthquake and the Madhes movement in the plains, along with the unofficial blockade by India at the transit points on the southern border put the Himalayan republic, media and journalists into an immensely difficult situation.

On September 20, the Constituent Assembly (CA) elected to power in 2013 approved the long-due new constitution with an overwhelming two-thirds majority. Nepal had been waiting for the constitution since the formation of the first assembly in 2008 after the end of the bloody Maoist conflict and the abolition of the monarchy. Prompted by the urgency arising from the earthquake, the CA showed unprecedented unity and alacrity in promulgating the much-awaited Constitution, to the relief of many Nepalis.

However, the Constitution was not universally welcomed, as some of the provisions and especially the provincial demarcations were unsatisfactory to many sections of Nepali society. As a result, some Madhesi groups launched agitations in the Terai region protesting the proposed delineation of federal provinces and 'discriminatory' provisions on citizens' rights. Some of their demands were addressed when the legislature-parliament amended the Constitution; yet lingering dissatisfaction caused the agitation to continue. The agitation was a trying time for media and journalists as there were numerous attacks on media houses and journalists for their coverage.

Immediately after the earthquake, the media showed praiseworthy resilience and response to continue dissemination of emergency information despite immense personal suffering and loss. As most of the journalists were not specially trained, an immediate need was identified to train journalists on disaster reporting and also how to cope with the trauma of reporting disasters. The overall press freedom situation suffered during the Madhes agitation. These two events defined the difficult year for

Nepal's media as many other urgent issues – including impunity; justice for the numerous killings and disappearances of journalists during the Maoist conflict; escalating self-censorship and journalists' rights went off the radar.

## LASTING TREMORS

On Saturday, April 25, 2015, a massive 7.8 magnitude earthquake struck Nepal, with its epicentre just northwest of the capital Kathmandu. It was the worst quake to strike the country in more than 80 years. The first quake was followed by a second 7.3 magnitude tremor just 17 days later, on May 12, causing further damage. Nearly 9,000 people were killed – including two media workers, 22,000 injured, over half a million houses damaged and three million people rendered homeless by the earthquake and its continuous aftershocks. The fear of aftershocks that gripped the people of Nepal for days forced almost everyone in the affected areas to spend many nights outside their homes under makeshift tents or the open sky.

The earthquake killed sports journalist Suman Bomjan of the *Gorkhapatra* daily and two other media staff. Bomjan, 30, went missing on the day of the earthquake and his body was recovered from the rubble of his house at the Bhotahiti Galli of Kathmandu on May 2. A stringer for the state-owned daily for three years, he had earlier worked for Nepal FM and media in his hometown of Makwanpur, where he also chaired the Nepal Sports Journalists Forum's (NSJF) district chapter. On the day of earthquake, Bomjan was assigned to cover ongoing football matches.

Srijana Lama, a radio presenter with Radio Planet in Sindhupalchowk, and Achyut Raj Subedi, media administrator with *Nepalgunj* daily in Nepalgunj also lost their lives in the earthquake. According to the Federation of Nepali Journalists (FNJ) the umbrella organisation of Nepali journalists, more than two dozen journalists lost their relatives, a dozen journalists were injured and more than 500 journalists lost their homes. Many of the journalists continued to do their job of informing the public,

while having lost their own homes, relatives and friends.

More than 40 media outlets suffered the infrastructural damage. Immediately after the first earthquake, a few national daily newspapers of Kathmandu were unable to publish until they shifted to tent facilities either outside the building or in open spaces within printing press facilities. Kantipur Publications has abandoned its main building, while Kamana Publications building suffered severe damage with its press closed down. Kantipur TV was forced to broadcast from an outdoor van for a number of days and dozens of FM radio stations, especially the community radio stations, were closed and some continue to broadcast from outside or makeshift studios. Kathmandu-based Nepaliko Radio has been broadcasting from a car since the quake. The radio stations were unable to move back to their buildings either due to the damage caused by the earthquake or widespread fear of continuous aftershocks.

Community radios are still struggling under severe strain. According to data released by the Association of Community Radio Broadcasters, almost all community radio stations in the affected districts suffered damage of equipment in the earthquake.

According to 'Nepali Media in Disaster: Assessing the Aftermath', a study published in August, 2015 by the Freedom Forum which covered eight crisis-hit districts namely Dhading, Gorkha, Kavrepalanchowk, Nuwakot, Ramechhap, Rasuwa, Sindhuli and Sindhupalchowk, the total damage caused to the media sector amounts to NPR 477 million (USD 4.5 million) with journalists themselves suffering in terms of huge financial losses due to damaged and lost equipment and property; as well as the trauma of coping with a disaster. In those hard-hit districts, there has not been a single media institution that was spared from the damage caused by the earthquake and those which have managed to limp back to business were forced to depend on donated tents and locally-made makeshift shelters. The study also found that the impact of the earthquake not only compromised journalists and media workers' physical and professional safety, but also restricted their effective watchdog role to reveal facts and keep the society informed at the time of the crisis. In the aftermath of the earthquake, the support provided to media and journalists by media organisations, including IFJ-affiliates FNJ and Nepal Press Union (NPU) was instrumental in bringing media back to their professional duties.

The Media, Safety and Solidarity Fund (MSSF) an initiative of the Media Entertainment and Arts Alliance, Australia, to support journalists in the Asia Pacific region, pledged more than USD 10,000 to the FNJ to support the families of journalists who died in the earthquake. The fund was also used to provide trauma counselling and disaster reporting training to journalists across the country. In February 2016, the IFJ, FNJ and DART Centre held a three-day trauma counselling, disaster reporting and train

the trainer workshop in Kathmandu, Nepal with journalists from across the country. The aim of the workshop was to train journalists in disaster reporting and for them to take the skills out to the regional and rural areas and train other local journalists.

## MADHES AGITATION AND BORDER BLOCKADE

On September 24, 2015, the United Democratic Madhesi Front (UDMF), an alliance of four political parties based in the southern plains or Terai, decided to close down roads on the border points halting imports and exports with India. The decision was a part of the agitation that the UDMF had launched on August 16 after the promulgation of the Constitution of Nepal.

The agitation was a protest against some of the provisions of the Constitution that the Nepalis of Madhesi origin and Tharu minorities claimed discriminated against them. Three days prior to that decision, India – unhappy with the promulgation of the Constitution against its advice – had restricted the supplies to Nepal imposing an 'unofficial blockade'.

The UDMF called off the protest on February 8, 2016, a day after the lifting of the 135-day blockade by India. During the agitation, 50 Nepalis of Madhesi origin and eight security personnel were killed in several incidents.

The 177 days of the agitation in the Terai was a tough period for the media; journalists became victims of violence by both sides – the protesters and the police. Despite media persons wearing press jackets and identifying themselves as journalists, both parties continued harassment and attacks on journalists. The political unrest impacted free media in several ways: attacks on media offices and media persons; threats; intimidation; silencing; obstruction on newspaper circulation; vandalizing of press vehicles and more. According to the FNJ, in addition, publication, distribution and broadcasting of hundreds of print and radio were obstructed because of the transportation strike; and shortage of fuel and raw material like newsprint.

Media, especially the Madhes-based media, faced pressure to censor the content due to threats to physical security. Some media also published and/or broadcasted questionable content going against journalistic principles and ethics.

Out of 97 incidents of violation of press freedom recorded during the unrest, 80 occurred in the Terai. The FNJ noted that there were incidents of press freedom violations every day in the first 100 days of the agitation. An independent report by the Center for Media Research Nepal pointed out that 177 journalists were subjected to press freedom violation in 177 days of the Madhes agitation from August 16, 2015 to February 12, 2016.

## CONTINUED ATTACKS

Since May 2015, the FNJ's media rights monitoring unit recorded 134 incidents of press freedom violations. Majority

**NEARLY 9,000 PEOPLE WERE KILLED IN NEPAL'S EARTHQUAKES - INCLUDING TWO MEDIA WORKERS, 22,000 WERE INJURED, OVER HALF A MILLION HOUSES WERE DAMAGED AND THREE MILLION PEOPLE WERE RENDERED HOMELESS.**



Credit: Ujjwal Acharya/IFJ

of this violence was directed at individual journalists: 103 male and three female journalists were victims. There were 28 incidents against media houses. The highest number of incidents was recorded as 'harassment to journalists on duty' with 35 such incidents followed by 'attack' (33), 'deprived of performing duties' (16), 'threats' (13) and 'obstruction of distribution of media or broadcast' (13). There were two detentions of journalists for brief periods.

On April 22, Kanak Mani Dixit, 61, founding editor of Himal Southasian and publisher of the Nepali Himal Khabarpatrika magazine, was arrested in Patan Dhoka, in southern Kathmandu, by the Commission for Investigation of Abuse of Authority (CIAA), a constitutional body to probe corruption by public institutions and officials. He was charged with accumulating disproportionate assets as the Chairman of Sajha Yatayat, a transport cooperative with majority of shares with the government. Statements calling for his release termed the arrest a 'vengeful act' in retaliation for his leading public protests against the appointment of Lokman Singh Karki as the CIAA chief commissioner because as the chief government bureaucrat during King Gyanendra's regime, Karki had been involved in the suppression of the April 2006 popular movement, a fact substantiated by a commission formed to investigate the excesses committed during that time. Dixit is also a human rights activist demanding justice for perpetrators of war crimes during the Maoist insurgency.

The following examples of violation of press freedom demonstrate the situation under which journalists are performing their duties in Nepal, braving the ire of both the state administration and protesters.

On September 7, photojournalist Bikram Rauniyar was attacked by police personnel while he was covering a clash between police and protesters near Ram Mandir, Janakpur, in southern Nepal. Rauniyar, also the secretary of FNJ district committee sustained injuries and his camera was destroyed in the attack. "I was about to take photos when a group of policemen walked towards me. I tried to enter a shop but a policeman pulled me from behind and hit me with a stick. Then they snatched my camera bag and hit me with gun butt... I was shouting 'press' but they continued hitting me indiscreetly and also got my camera," Rauniyar said. Two days later, Jitendra Narayan Yadav, the FNJ district committee member and correspondent of state-owned *Gorkhapatra* daily and Navin Karn, correspondent of Makalu Television, were attacked at Rani,

◀ In a bad year for press freedom in Nepal, the FNJ recorded 134 press freedom violations. Photojournalists Ashok Maharjan and Prakash Mathema were attacked and their equipment damaged while covering political protests in September 2015.

↑ Despite the devastating impact of Nepal's earthquakes in April and May 2015, the media responded positively, returning to work in make-shift shelters after media houses were destroyed.

Biratnagar of eastern Nepal by protesters. They also set Karn's motorbike on fire. "I told them that we were journalists but they didn't stop and dragged my motorcycle to a burning tire nearby," Karn recalled.

On September 14, 2015, Baban Singh, an ex-parliamentarian and central committee member of the political party Madhes Samajbadi Forum, threatened to "burn journalists alive" on live radio. Singh, while being interviewed on Kohinoor FM, threatened to burn Shiva Puri of the *Kantipur* daily, Madan Thakur of the *Nagarik* daily and Gautam Shrestha of Avenues Television for their news reports on his party's demonstrations in Rautahat district, in central Nepal. No action was taken against Singh.

On the same day in the capital Kathmandu, photojournalist Ashok Maharjan was injured and his camera lens broken by stones pelted by protesters who were demanding Nepal to be constitutionally declared a Hindu nation. During the demonstrations, police also directed water cannons towards photojournalists Prakash Mathema of AFP, Navesh Chitrakar of Reuters and Bikash Dware of *Gorkhapatra*, whose cameras were damaged.

On the night of January 24, 2016, an unidentified gang attacked Hira Lal Biswakarma, a journalist of the Nepali daily *Himalaya Times*, while he was returning home from office in Kathmandu. The attack left Biswakarma injured and requiring hospital treatment. The attackers also stole Biswakarma's wallet and personal documents. Biswakarma is also a Central Committee Member and Head of the Dalit Department of the Nepal Press Union. No one was arrested in connection with the attack.

Five days later, a gang of 15 unidentified people entered the office of Radio Madhes 89.3 Mhz and the *Madhes Post* weekly in Sarlahi district at 6 pm and vandalized the office and threatened staff for their news. The attack left the office's doors and windows damaged, with the radio station stopping its broadcast after the attack, citing security concerns. No action has been taken against anyone in connection with the attack.



↓ On April 25, a massive 7.8 magnitude earthquake struck Nepal, leaving 8,000 people dead and more than 21,000 injured. A second 7.3 magnitude earthquake struck on May 12, 2015.

## THE EFFECTIVE IMPLEMENTATION OF THE WORKING JOURNALIST ACT CONTINUES TO BE ELUSIVE AND THE JOURNALISTS' UNIONS HAVE A LONG ROAD AHEAD TO ENSURE THAT WORKING JOURNALISTS ACCESS THEIR RIGHTS.

The most concerning trend that's seen in all the attacks against the media is that no one was held accountable for the attacks and threats. This is a reflection of the state's continuing apathy towards the cause of journalists whose attackers and threat-issuers walk free, thus increasing the number of such events. Impunity reigns high, even in murders. In Nepal, 35 journalists were killed since 2001 and four other forcibly disappeared. Yet only six cases have been taken to prosecution and others are not even being investigated. As most of the cases occurred during the Maoist conflict, there is a lack of political will on the part of the state to investigate the incidents as the former rebel group is a political powerhouse which is likely to be impacted if investigations are initiated. The Maoists, also important coalition partners in the current government, maintain that all conflict-era cases should be dealt with through the Truth and Reconciliation Commission, and not on a case-by-case basis by courts.

### STRUGGLE FOR JOURNALISTS' RIGHTS

The effective implementation of the Working Journalists' Act (WJA) has remained an issue for a long time. The FNJ last year decided to take concrete action for the implementation of the WJA, including ensuring labour-friendly media houses and its delegation met with the prime minister and senior ministers to press for its implementation while also simultaneously holding open dialogue with media owners.

Three television stations – Himalaya TV, Avenues TV and Mountain TV – were having serious problems with the implementation of the WJA and the FNJ targeted them for the first round of protests. The journalists at those TV stations had been facing problems for a long time; and managements had ignored previous agreements with journalists' unions.

Beginning June 16, the FNJ called for protests in those TV stations, putting forward five-point demands that included payment of due salaries to journalists and media staff and timely payment of future salary; immediate implementation of the WJA including issuing appointment letters and paying minimum wages; guarantee of physical safety of journalists and inclusive and

gender-friendly working environment. After a few days of sit-in protests, the managements of the media houses agreed to fulfil the demands. There are problems in other media houses which are being addressed through dialogue. However, the effective implementation of the Working Journalist Act continues to be elusive and the journalists' unions have a long road ahead to ensure that working journalists access their rights. According to the report of the Minimum Wage Fixation Committee, 54 percent of journalists do not receive their salaries on time, while FNJ estimates that nearly one-half of all journalists do not enjoy at least some of the other benefits required by the Act, such as insurance and long service leave.

In July 2015, the Image FM summarily sacked journalist Sandeep Yogi allegedly under pressure from the chief of the Commission for Investigation of Abuse of Authority (CIAA). Yogi was taking photographs of the traffic jam caused by the CIAA chief's vehicle when he was manhandled by the security personnel and accused of trying to defame the CIAA chief. After his return to the office, the FM management asked him to leave his job. The Nepal Press Union and the FNJ responded sharply and campaigned for his reinstatement. After allegations and counter-allegations, agitation by his colleagues and a few round of talks, the management finally reinstated him after a week, issuing a statement denying that he was sacked, and requesting him 'to return to work'.

Meanwhile, the Minimum Wage Fixation Committee recommended the Ministry of Information and Communication (MoIC) to double the minimum wage for the journalists making it NPR 20,500 (USD 200) per month including NPR 1,000 as mandatory communication allowance. The MoIC said it was taking the proposal to the Cabinet meeting to implement it in the beginning of the Nepali New Year, that is, mid-April, 2016. However, publishers raised serious concerns over their non-representation in the process and told the government that they would be forced to close down publications if the new wage regime was implemented. The Ministry has since been trying to negotiate a solution by organizing stakeholder meetings

## THE SAFETY SITUATION FOR JOURNALISTS IN NEPAL HAS IMPACTS BEYOND THE SIMPLE SECURITY OF THE MEDIA COMMUNITY, WITH A STRONG CORRELATION WITH POSITIVE OVERALL WORKING CONDITIONS FOR JOURNALISTS.

with the publishers and journalists and the wage committee's recommendation remain in a limbo. The current monthly minimum wage of NPR 10,800 was fixed in 2013.

### SAFETY MECHANISMS

In April, 2015, the Nepal International Media Partnership (NIMP), previously known as the International Media Mission and comprising of media rights organisations working in Nepal including the IFJ, was hosted by the FNJ. The NIMP, which includes members from the IFJ, AMARC (World Association of Community Radio Broadcasters), Article 19, Centre for Law and Democracy, Committee to Protect Journalists, International Media Support, Open Society Foundation, Reporters sans Frontières, SAMSN and UNESCO, were in Nepal for six days. They assessed the media freedom situation in the country, with the aim of expanding the space for freedom of expression and also to express solidarity with the local media community.

The NIMP launched the 'Report of the International Mission to Nepal for Promoting Freedom of Expression and Safety of Journalist' in March, 2016 calling on the Nepali government to take effective steps to resolve all serious cases of attacks and killings of journalists as well as introduce a journalist safety mechanism at the National Human Rights Commission (NHRC).

Among the key recommendations of the report are specific recommendations regarding safety and impunity to improve the situation facing Nepal's media. The recommendations call for effective steps to resolve all serious cases of attacks on journalists; the implementation of the Working Journalists' Act; the development of ethical guidelines and professional standards and protection measures for all media staff. The NIMP report also called for the development of a safety mechanism based at the NHRC, tailored to the specific situation and needs of Nepal. The report recommended that the mechanism be developed through consultation with key media groups and stakeholders, and adequate resources be allocated to ensure that it could discharge its mandate effectively. The mechanism should be designed to provide rapid protection and measures against impunity and to be comprehensive in its coverage of journalists, human rights defenders and others attacked for exercising their right to freedom of expression.

The need for a safety mechanism has long been articulated. During the decade-long Maoist insurgency, the safety of journalists was at a record low with a high number of attacks, disappearances and deaths. A number of journalists were killed or forcibly disappeared with little or no action from authorities, making impunity another key issue. While there have been significant improvements in recent years, NIMP notes that both journalists and media employees share concerns about safety, but many media organisations have failed to put in place adequate systems despite clear vulnerabilities. The safety situation for journalists has impacts beyond the simple security

of the media community, with a strong correlation with positive overall working conditions for journalists.

With safety of journalists still being a big issue in Nepal, IFJ-affiliate the Nepal Press Union (NPU) ran a digital campaign to raise awareness for the safety of journalists. A basic security guide was issued and a video raising awareness on safety of journalists was produced by the union during the campaign.

In a welcome move, on November 26, 2015, the Government of Nepal in association with FNJ started the journalist accident insurance system. Under the system, the government will bear 75 percent premium for journalists who bear 25 percent premium through FNJ. The insurance will cover treatment cost up to NPR 200,000 in case of accidents and provides up to NPR 500,000 in case of 45 percent or more disability incurring from any accident. The first call saw 554 journalists taking the facility while the second and subsequent calls are in the offing.

### ATTEMPTS AT REFORM

The Government of Nepal, through its various agencies, has made attempts to reform the media. The Cabinet meeting on February 3, 2016 formed a High-Level Communications Committee under the chairmanship of law and communications expert Kashiraj Dahal to prepare a draft of a new mass communications policy with Chairman of the Press Council Nepal, Borna Bahadur Karki, and FNJ President Dr Mahendra Bista, and many others representing various journalists' unions as members of the Committee. The Committee will formulate a draft of a new mass communication policy, review all existing acts related to mass communications as well as to give suggestions regarding solutions to different problems that have surfaced in the sector of working journalists, journalists code of conduct, democracy and communication as per the aspirations and sentiments of the new Constitution.

The Ministry of Information and Communication (MoIC) also circulated a draft of the 'Directives for Online Media Operation 2016' which carries some restrictive clauses such as licensing system for online media. The Press Council of Nepal (PCN) also issued an initial draft of the revised 'Code of Conduct for Journalists' (jointly evolved with the FNJ) for feedback where some of the clauses do not match the international standard. The draft consists of provisions to scrap the press card of those journalists not following the code of conduct. However, given the government-appointed PCN's structure and potential for arbitrary decisions, it could be highly controversial.

The safety and security of journalists; the reigning impunity for crimes against journalists; the trend of self-censorship; justice for slain and disappeared journalists, and the implementation of the Working Journalists' Act are long-standing challenges for Nepal's media and journalists' unions. While these have not been adequately pushed through due to various reasons in the recent past, the time may have come for journalists in Nepal lobby for their own progressive agenda for journalists' rights.

↓ Nepal's Prime Minister, KP Sharma Oli, was elected on October 11, 2015. The Nepalese government has made efforts to reform the media, with a new mass communications policy.

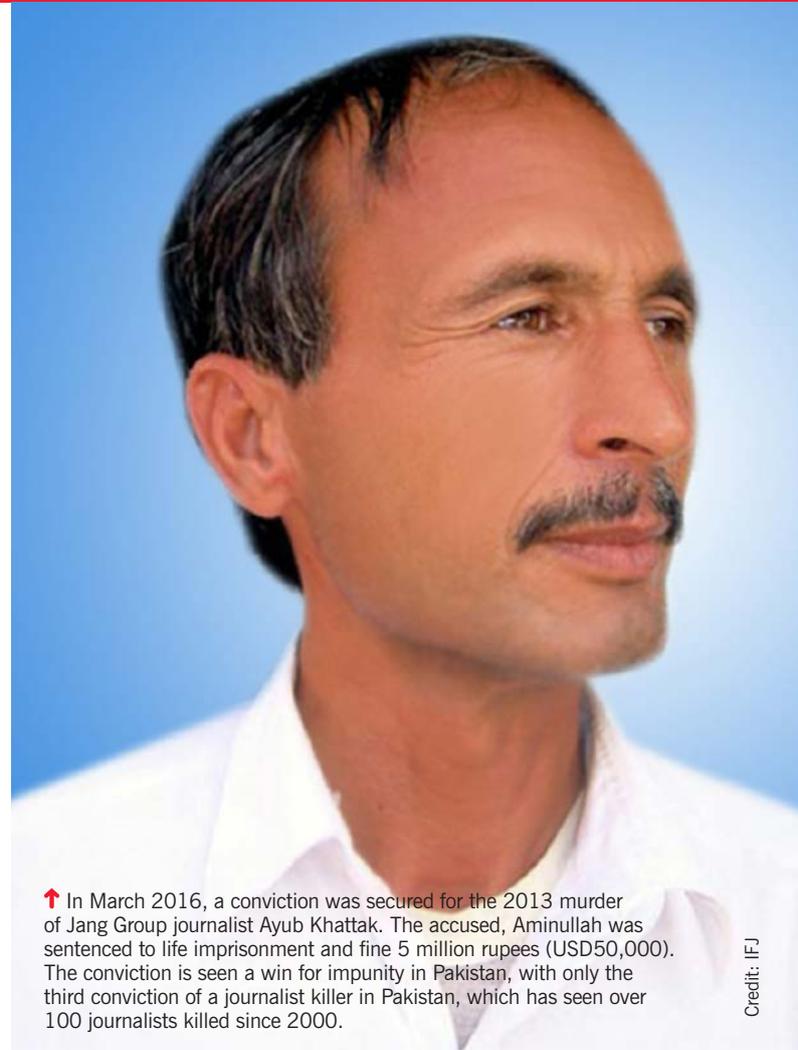


# PAKISTAN

## SECURITY IN UNITY

It has been a difficult year to practice journalism in Pakistan. A key characteristic is a discernible pressure on the media to censor it through both classic pressure tactics and implied procedural effect. A wide-ranging crackdown on non-state militancy and terrorist violence by the military under a National Action Plan (NAP) approved by parliament in early 2015 and implementation of which continues deep into 2016 has posed problems for the media in reporting. While not targeted against the media, one of the key outcomes of the NAP has been a loss of tolerance by the authorities for adverse reporting about the crackdown against militancy and terrorism through increased media regulatory restrictions on criticism and dissent. While being squeezed by the authorities, including the security establishment and the Pakistan Electronic Media Regulatory Authorities (PEMRA), the media was also targeted by banned militant and sectarian groups for not reporting about their public acts of violence, reporting on which is now restricted and discouraged under NAP, which warns against 'glorification of violence' and reporting 'hate speech'.

Under this growing restrictive reporting environment, PEMRA has issued dozens of warnings and notices, both general and specific, to news TV channels for criticism of the military, Saudi Arabia as well as reporting about banned organisations. The irony is that while some of the banned organisations can operate in public spaces, reporting about events in public spaces cannot be freely undertaken. The squeeze on this reporting has angered the banned groups which, in concert with religious groups that have not been banned, have staged several attacks on media personnel for covering their public protests but 'not giving adequate on-air coverage' to their activities, demands and causes. Violence erupted in many parts of Pakistan in March 2016 when thousands of supporters belonging to a specific sect came out on the streets to protest the hanging on February 29, 2016, of Mumtaz Qadri, convicted by the Supreme Court for the murder of Punjab governor Salman Taseer in 2011. The authorities had behind the scenes actively dissuaded the media from either live coverage of Qadri's funeral or reporting about it extensively. Several journalists covering the funeral were beaten up by supporters of Mumtaz Qadri in Rawalpindi and their equipment smashed. A follow-up remembrance



↑ In March 2016, a conviction was secured for the 2013 murder of Jang Group journalist Ayub Khattak. The accused, Aminullah was sentenced to life imprisonment and fine 5 million rupees (USD50,000). The conviction is seen a win for impunity in Pakistan, with only the third conviction of a journalist killer in Pakistan, which has seen over 100 journalists killed since 2000.

Credit: IFJ

ceremony for Qadri by his supporters on March 28, 2016 swelled into a large crowd which entered Islamabad from adjacent Rawalpindi and laid siege to the parliament and federal seat of government in the capital city for several days. Subdued media coverage of the violent event led to several journalists, including women reporters, again being beaten up and harassed by Sunni Tehrik, organizers of the protest.

The period under review has also been characterized by an alarming spurt in attacks on media houses, TV channel and newspaper offices as well as press clubs by religious groups. In cities across Pakistan including Lahore, Rawalpindi, Islamabad, Faisalabad, Multan, Hyderabad, Peshawar and Karachi media properties were attacked and ransacked. In two instances, crude bomb and cracker grenade attacks were carried out against two TV channels – ARY TV in Islamabad and Dunya TV in Faisalabad. Significant attacks were also carried out against press clubs in Hyderabad and Karachi leading to major damages to Hyderabad Press Club and injuries to journalists in Karachi Press Club.

**THE SQUEEZE ON REPORTING HAS ANGERED BANNED GROUPS WHICH . . . HAVE STAGED SEVERAL ATTACKS ON MEDIA PERSONNEL FOR COVERING THEIR PUBLIC PROTESTS BUT 'NOT GIVING ADEQUATE ON-AIR COVERAGE' TO THEIR ACTIVITIES, DEMANDS AND CAUSES.**



↑ In March 2016, protests broke out following the execution of Mumtaz Qadri. The former Punjab government staffer was convicted by the Supreme Court for the murder of Punjab governor, Salman Taseer, in 2011. During the protests, the media were accused of not reporting on Qadri's funeral, and several journalists were attacked covering the protests.

Another key issue for the media in Pakistan in the period under review has been the ongoing struggle to develop a specific legal and executive mechanism to combat impunity against journalists and administration of justice for aggrieved journalists and media workers. The government which has been amenable since 2014 to enacting legislation on media safety, failed to complete its consultations with stakeholders to develop a consensus draft. A few disorganized rounds of discussions with representatives of working journalists, the Pakistan Federal Union of Journalists (PFUJ), All Pakistan Newspapers Society (APNS) and Pakistan Broadcasters Association (PBA) have not led anywhere concrete. A key stumbling block is the division of responsibility of providing safety to journalists and media workers by the federal and provincial government authorities, media employers and journalists' bodies. The government seems to want to limit its responsibilities to providing security for media house buildings and leaving it to media houses to arrange for complete security of journalists and media workers. The media houses on the other hand, hold that the security of life and limb is the state's responsibility. The federal Ministry of Information and Broadcasting is currently leading the painfully slow process of consultations on drafting a media safety law.

While the country has a long way to go before it can provide justice to the families of over 100 journalists and media workers killed for their work since 2000, a small victory was won when a court awarded life imprisonment and a fine of five million rupees (USD 50,000) to the alleged killer of journalist

Ayub Khattak. The punishment handed out to the killer of Khattak on March 16, 2016, is only the third time that the murderer of a journalist in Pakistan has been found guilty. After a trial lasting about two years, Judge Kamal Hussain Shah of the District and Sessions Court in Karak district of Pakistan's northwest Khyber Pakhtunkhwa province found accused Amin Ullah guilty of murdering Khattak on October 11, 2013. Khattak was a reporter for the daily *Karak Times* based in Karak city of Khyber Pakhtunkhwa. As per police reports filed by Mukhtiar Khan, the brother of Khattak, the accused was a drug runner and shot dead the journalist after he reported on his trafficking in the district.

So what prompted greater self-censorship in Pakistan in 2015-16? Some blame not just official and unofficial government controls but also the monopolistic media ownership structure, weak legal system and the lack of security for journalists for this self-imposed 'safety mechanism'. The presence of an array of violent militant groups adds further pressure on journalists to conform or pay a high price. To an extent, the dangers faced by journalists in Pakistan are the same as those faced by every other citizen: an increasingly poor law and order situation where no one can be guaranteed fool-proof protection against a myriad of threats. This is demonstrated by the fact that so many journalists' killings in 2014 (the worst year for journalists in Pakistan with 16 killed) and 2015 took place in Balochistan, a province where the writ of law has been weakened after years of a bloody tussle between separatists and security services.



↑ Pakistani Hazara Shiite Muslims gather as they shout slogans during a protest in Quetta on June 8, 2015, against the killing of their community members in an attack. Conflicts across Pakistan continue to threaten the stability of the country, and the media remain caught in the deadly mix.

## IMPUNITY

Over 100 journalists and media have been killed in Pakistan in the line of duty since 2000, including more than 70 shot dead for their work while others fell victim to bombings and suicide attacks in public places while on duty. These include five journalists and two media workers killed between May 2015 and March 2016. Pakistan has a poor record of punishing predators of media and prosecuting killers of journalists. However, a small victory was won when a court awarded life imprisonment and fine of USD 50,000 to the killer of journalist Ayub Khattak.

The only two other journalists killed in Pakistan whose killers were identified, prosecuted and convicted are *Wall Street Journal* Regional Bureau Chief Reporter Daniel Pearl who was kidnapped and eventually beheaded on February 22, 2002 in Karachi and Geo TV reporter Wali Khan Babar who was shot dead on January 13, 2011 in Karachi. For most of the rest of the journalists and media workers killed in the line of duty, the legal process of justice has not even moved beyond the primary stage of investigation. Most of their killers remain unknown and free. This is one of the highest rates of impunity against journalists anywhere in the world.

In 2012, the United Nations named Pakistan as one of the five pilot countries for its global Action Plan on Impunity against Journalists and Issues of Safety. Despite increasing demands by the media and rights defenders' communities in the country, Pakistan remains without media safety laws or special prosecution and protection mechanisms to investigate and prosecute cases of attacks against journalists to combat impunity.

In the period under review, another major step forward in the fight against impunity in Pakistan was the report of a judicial commission established to probe the circumstances and culpability of a murderous attack on one of Pakistan's most well-known journalists Hamid Mir who miraculously survived a gun attack in Karachi on April 19, 2014. He sustained six bullet injuries. Two bullets are still lodged in his body, making him perhaps the only journalist of the world working with bullets in his body. However, the report of the commission, led by Justice Anwar Zaheer Jamali (currently chief justice of the Supreme Court of Pakistan) and also comprising Justices Ejaz Afzal Khan and Iqbal Hameedur Rehman, which became publicly available around mid-April 2016, was leaked rather than officially made public. The 41-page report (available here in full: <http://www.fnpc.org/judicial-commission-fails-to-identify-attackers-of-hamid-mir/>) has not been rejected officially either by the government or the members of the judicial commission and is now widely accepted as authentic.

Significantly while the Hamid Mir Judicial Commission failed to identify culprits of the attacks against him and refused to hold the intelligence agencies, as principally accused by the journalist and his family, responsible, it reiterated recommendations made by another judicial commission to probe into the murder of journalist Saleem Shahzad in January 2012, in which case also the intelligence agencies were accused but the allegations were not proved. A raft of recommendations in the Shahzad Commission, however, focused on greater accountability of security agencies. The

## THE LEGAL PROCESS OF JUSTICE HAS NOT EVEN MOVED BEYOND THE PRIMARY STAGE OF INVESTIGATION. MOST JOURNALIST KILLERS REMAIN UNKNOWN AND FREE.

Hamid Mir Judicial Commission report also endorsed the recommendations made by the Pakistan Coalition on Media Safety (PCOMS) to investigate attacks against media practitioners in Pakistan, including appointment of a special prosecutor on journalists' safety, legal aid unit for journalists in distress, counseling unit for families of journalists killed and a primary case investigation unit to actively pursue cases of attacks against journalists and media.

### MASS GAG ORDERS

In 2015, one of the key exceptions to freedom of expression under Article 19 of Pakistan's constitution – criticism of foreign countries friendly with Pakistan – has joined the list of reasons to browbeat the media. On May 13, 2015, an Orwellian missive arrived at the headquarters of the All Pakistan Newspaper Society (APNS) from the Press Council of Pakistan (PCP). Signed by PCP Director Judicial, it says: "The Chairman, PCP has desired that while reporting on Yemen Crisis and Saudi Arabia provision of Article 19 of Constitution of Islamic Republic of Pakistan may be kept in view by our print media. Acute case should be taken to avoid negative comments to ensure about our bilateral friendly relations with Arab countries are not adversely affected." It also spelled out Article 19 (freedom of expression) and Article 19A (right to information) to detail the exceptions to freedom of expression as an added emphasis to its directive.

This unprecedentedly specific official directive to the media, the first in what has emerged as a long list of directives issued with regularity well into 2016, is disturbing for several reasons. First, this is nothing less than a mass gag order on the entire print media. Second, it aims to impose overt censorship without declaring it so. Thirdly, an intermediary body with an essential mission to strengthen freedom of expression is being employed to do the exact opposite. Lastly, the print media has been put on notice to prove its innocence for a crime that has not even been committed through the very mechanism that allows for a due process of indictment. It was disturbing that the PCP with its official mandate limited to strengthening print media and adjudicating disputes related to it is now seen also in charge of managing the public narratives on foreign policy.

So, is PCP overstepping its mandate? The 11-page PCP Ordinance, 2002, seems to indicate so. Section 3 outlines its core mission, which is stated to be, "to implement the Ethical Code of Practice." Section 8 has 14 clauses detailing the functions of PCP. None of these provide for singular or blanket directives to the media on restricting coverage on any issue. Clause (i) says "The Council, while preserving the freedom of the press, shall maintain highest professional

and ethical standards of newspapers and news agencies with a view to making them more responsive to the issues and concerns of the society in Pakistan." This seeks to defend press freedoms and strengthen ethical reporting, not dictate or prohibit a certain type of coverage. Clause (ii) seeks, "To help newspapers and news agencies to maintain their independence." The PCP directive to APNS seems to actually contravene this clause. Clause (iii) explicitly mandates PCP, "To keep under review any development likely to restrict the dissemination of news of public interest and importance." The PCP directive, again, seemingly does the opposite.

Then Clause 1 of Section 9 expressly states that a complaint needs to be in place before the PCP can act against an erring print media outlet. The PCP directive, by implication, obviates the need for and pre-empts any complaint, or demonstrated grievance, while directly ordering a remedy! Section 10 outlines an elaborate process for filing complaints, none of which has been followed before issuing the directive. Clause 1 of this section actually prohibits PCP from offering any directive or binding advice without first a complaint filed in compliance with the outlined procedure. It says: "No complaint shall be entertained by the Council unless the complainant has first given a notice to the concerned editor or publisher within 15 days of the publication of the matter complained against or appropriate relief." This has not happened.

In short, the PCP has seemingly taken the liberty of arrogating to itself authority not vested in it under the law that governs it. According to Section 9, only an inquiry commission that independently investigates a complaint and suggests a solution provides the legitimacy of action that PCP can advise. This is not the case here. The PCP has no suo moto authority. Without an alleged crime and without following the due process of this law to indict there can be no remedy.

It is worrying that a supposed ally of the print media and a guarantor and advocate of greater media professionalism has seemingly chosen to serve as the Pakistani print media's gagger-in-chief. The PCP's directive to APNS is all but an overt edict of censorship. When defenders turn tormentors, professionalism suffers and arguably even lives are endangered. The PCP directive has threatened media freedom in Pakistan. This can only hurt the constitutionally enshrined right to freedom of expression. Freedom Network urges PCP to reconsider and recall its unnecessary directive and for APNS to not strengthen attempts at censoring the newspapers of Pakistan by accepting and not challenging such directives.

About the only bright spot relating to censorship in Pakistan this year was the government lifting a three-year ban on YouTube. On January 19, 2016, the government

## PAKISTAN'S SECURITY AND INTELLIGENCE AGENCIES HAVE LONG DEMANDED TOTAL ACCESS TO THE PERSONAL DATA OF CITIZENS WITHIN THE COUNTRY, AND HAVE COME DOWN HARD ON ENTITIES THAT REFUSE TO HAND OVER THE SAID DATA.

announced the reversal of the ban on YouTube after the Google-owned video-sharing website launched a local version that allows the government to demand removal of material it considers 'offensive'. Pakistan had banned access to YouTube in September 2012 after an allegedly 'anti-Islam' film, 'Innocence of Muslims' was uploaded to the site, sparking violent protests across major cities in the country.

Under the new version of YouTube, the Pakistan Telecommunication Authority (PTA) can ask for access to offending material to be blocked, the Ministry of Information Technology and Telecom said in a statement. Google, however, said that it would not automatically remove material without conducting a review, and that the vetting process was the same as in other jurisdictions with local YouTube versions. Government requests to remove content would be publicly reported, it added. Over the last few years, even as Internet access has grown, Pakistan has blocked thousands of web pages it deems 'undesirable', a move that is seen by activists as an attempt to muzzle liberal or critical voices.

### SPECIFIC GAG ORDERS (MAY 2015-MARCH 2016)

- May 1, 2015: PEMRA [Pakistan Electronic Media Regulatory Authority] serves notices on 24 channels over telecast of live speech of exiled political leader Altaf Hussain from London 'defaming the military'
- May 13, 2015: Press Council of Pakistan asks newspapers to avoid criticism of 'friendly countries'
- May 29, 2015: Federal Information Minister Pervaiz Rasheed says media 'covered up' coverage of suicide attack in Lahore as encouraged
- May 28, 2015: Ministry of Information and Broadcasting asks PEMRA to stop Bol TV channel from going on-air (because its parent company Axact was embroiled in illegal business practices)
- Jun 1, 2015: Pakistan-administered Kashmir government bans Geo News TV channel over telecasting a map of Pakistan with Kashmir shown as Indian territory
- July 30, 2015: PEMRA bans TV channels from airing "vulgarity, excessive consumerism and foreign content"
- Aug 31, 2015: Lahore High Court bans all future live coverage of speeches by exiled political leader Altaf Hussain as he is tried for 'subversion' and 'incitement to violence'
- Sep 30, 2015: PEMRA warns channels against criticizing Saudi Arabia for a Haj pilgrimage stampede in Makkah leaving thousands of pilgrims, including Pakistanis, killed

- Nov 2, 2015: PEMRA serves notices on some TV channels for violation of code of ethics and National Action Plan guidelines on coverage of activities by banned militant groups
- Jan 06, 2016: PEMRA fines AabTak TV channel for 'derogatory remarks' in one of its programs
- Jan 21, 2016: PEMRA serves show cause notice to Din News TV for 'airing foul language' against the judiciary
- Feb 14, 2016: PEMRA advises PTV, Geo Super, and TenSports channels to edit 'indecent and objectionable scenes' during live sports events
- Feb 19, 2016: PEMRA serves warning to Express News TV channel for airing 'controversial and provocative sectarian program'
- Feb 19, 2016: PEMRA issues notice to ARY News TV for using 'derogatory language' by Shahid Masood in live talk show
- Feb 24, 2016: Pakistan revives 'Defense Censorship Committee' to censor electronic media in the name of 'national interest'
- Feb 29, 2016: PEMRA warns all TV channels to refrain from 'inciting sectarianism, hatred or violence' through shows, reports, tickers
- Feb 29, 2016: PEMRA issues notice to Dunya TV for airing 'indecent remarks'
- Mar 4, 2016: PEMRA fines News One TV channel for 'fanning ethnic divide and provincial hatred'
- Mar 14, 2016: PEMRA issues notices to Channel 92 and Aaj TV for airing 'insulting and derogatory remarks' against cricketer Shahid Afridi
- Mar 17, 2016: PEMRA issues notice to Samaa TV for airing 'indecent language'
- Mar 24, 2016: PEMRA warns TV channels 'not to create sensation, despondency and fear' while reporting incidents of terrorism
- Mar 27, 2016: PEMRA advises channels to 'responsibly cover' Lahore, Islamabad and Karachi incidents (protests by religious groups)
- Mar 31, 2016: PEMRA censures Dunya TV for airing 'unedited indecent language' in its talk show

### LEGAL SHACKLES

In the period under review there were some developments on the legal front that raised the spectre of additional restrictions with adverse media outcomes as well as negatively impacting freedom of expression in the country. One such development was the proposed law to prevent cyber crimes.

↓ Pakistani media personnel gather at the site after a grenade attack on a private ARY news channel office in Islamabad on January 13, 2016. Unidentified attackers hurled a hand grenade at the Islamabad office of the local television channel on January 13, injuring a channel staffer.



Credit: AFP/Aamir Qureshi

### **Cyber Crime Bill**

The Prevention of Electronic Crimes Bill 2015 was presented before the National Assembly during the spring of 2015. Its draft came to be roundly criticized, both in Pakistan and internationally, for its criminalization of freedom of expression online; its user data retention guidelines; and its lack of oversight and transparency. There have been demands for it to be dismissed due to the concern that it has high potential to harm freedom of expression and access to information. As a result of passionate advocacy and lobbying efforts, the National Assembly Standing Committee constituted a sub-committee to incorporate views of civil society to remove its sharp edges. The debate continues; civil society and media are still unhappy with the current draft. The Bill is still pending before the National Assembly. Pakistan's security and intelligence agencies have long demanded total access to the personal data of citizens within the country, and have come down hard on entities that refuse to hand over the said data. This demand led BlackBerry, the Canadian telecommunication and wireless equipment company to decide to leave Pakistan at the end of 2015, for refusing the Pakistan Telecommunication Authority (PTA) complete access to its encrypted BlackBerry Enterprise Services. After protests in the media, PTA reversed the decision for the time being, which allowed BlackBerry to continue its operations into 2016 but the clouds of uncertainty still hang over the horizon.

### **Federal Right to Information Bill**

The Federal Right to Information Bill is another issue which remained under discussion during this period. The draft of the law was prepared by a sub-committee of Senate's Standing Committee on Information and Broadcasting after extensive deliberation for more than three years. In order to be presented before the Parliament as a government bill and get the shape of a law, it needs approval of the federal cabinet. Unfortunately, due to delay in the federal cabinet meeting, the Bill has yet to be approved by the cabinet. More delays are expected before the Bill comes into effect.

### **Media Safety Bill**

Safety of journalists and media houses has become a critical issue in Pakistan during the past few years. Unceasing demands from the media practitioners' community for special legislation have gone unrewarded. In this regard, a private member bill was submitted by Senator Khurshid Ahmed and 21 other senators in 2011. The Bill was referred to the Standing Committee on Information and Broadcasting by the House Business Advisory Committee in its meeting held on 14 September 2015. The Committee constituted a sub-committee and appointed Senator Mushahid Ullah as its convener. The sub-committee has over several months, leading into April 2016, been engaged with stakeholders to agree on a comprehensive legislative draft. It is expected that an eventual bill may well take most of 2016.

↓ Pakistani Sunni Muslims gather during a protest rally in Islamabad on January 8, 2016, in support of Saudi Arabia after it severed diplomatic ties with Shiite-dominated Iran. Pakistan has been called Saudi Arabia's closest Muslim ally. Pakistan's new media Code of Conduct requires the electronic media to respect various Islamic values and ideologies in its reporting.



### ***Tighter media regulation***

The Pakistan Electronic Media Regulatory Authority (PEMRA) has remained without a chair since 2012. During this period, PEMRA has been unable to emerge as a facilitator of the media sector leaving key decisions hanging, such as digitalization of the broadcast sector and switch to the DTH system. In December 2015 the government finally appointed Absar Alam, with an illustrious journalism background, as full-time chairman. However, since his appointment, almost the entire focus of PEMRA has shifted to media and content management of TV channels. In his first three months in office, the chairman sent dozens of notices to TV channels for alleged violations of PEMRA laws and codes of conduct and ethics. Several channels have also been fined for being too critical. There is a discernible rise in forcing the channels to censor themselves on current affairs and journalism content.

### ***Codifying restrictions for electronic media***

On August 19, 2015 the government notified a new Code of Conduct (CoC) for the country's electronic media in Pakistan. This replaced the CoC, which was part of the PEMRA Rules, 2009, as its Schedule A. Since the notification, questions have arisen over whether a code should be a self-regulatory mechanism or a state-regulation. Similarly, legitimacy and ownership of the CoC are also in question as it was developed and notified by the government, and PEMRA was asked to implement the same. Nevertheless, the Code poses serious threats to the already crumbling state of freedom of expression

in the country. A careful reading of the Code opens up various concerns for free expression and journalistic freedoms.

The Code provides a set of fundamental principles for airing programs. As part of these principles, the Code requires the electronic media to respect various new notions and ideologies in addition to already mentioned restrictions on Article 19 of the Constitution of Pakistan and other state laws including PEMRA laws. For example, the CoC prohibits (PEMRA) licensees from airing any content "which is against the Islamic values, ideology of Pakistan or founding fathers of the nation including Quaid-e-Azam [Muhammad Ali Jinnah] and Dr Allama Muhammad Iqbal." The jury is still out on what exactly constitute 'Islamic values' and what is the ideology of founding fathers of the nation. Activists point out that there can be more than one perspective on these vague terms, which can be interpreted subjectively. Therefore, such vagueness can put the constitutional guarantee of free expression under the subjective interpretation of the media regulator. Not to forget that restrictions given in the constitutional provision (Article 19) are also vague and subjective.

The 'fundamental principles' of the CoC further state that the licensees shall ensure that no content is aired which: "Incites or condones dislodgement of democratic set up against the command of the constitution of Pakistan; includes anything against the integrity, security and defence of Pakistan; contains aspersions against the judiciary or armed forces of Pakistan; and is defamatory as defined in the law for the time being." These 'fundamental principles' seem to further

**THE JURY IS STILL OUT ON WHAT EXACTLY CONSTITUTE 'ISLAMIC VALUES' AND WHAT IS THE IDEOLOGY OF FOUNDING FATHERS OF THE NATION. ACTIVISTS POINT OUT THAT THERE CAN BE MORE THAN ONE PERSPECTIVE ON THESE VAGUE TERMS, WHICH CAN BE INTERPRETED SUBJECTIVELY.**

add to already given – in the constitution and other laws – restrictions on free expression and promote censorship. Similarly, provisions of Clause 4 of the CoC apparently require 'objectivity, accuracy and fairness' in news and current affairs programs. Nevertheless, these provisions can be (mis)used by PEMRA as a pretext to impose ban on political debates and critical analysis of judicial proceedings and judgments in cases of public interest. These provisions, pertinent to mention, are in addition to the contempt of court law and the defamation law being enforced in the country.

The situation becomes critical in the backdrop of PEMRA's recent orders and actions against television channels. These incidents, among various others, include ban on airing programs against 'friendly states' – for example Saudi Arabia in the case of Mina stampede in the 2015 Haj, coverage of Yemen issue and airing footage of Altaf Hussain. Most of these orders were issued before the notification of this CoC. Quite expectedly, since the notification of the Code, PEMRA has issued several warnings to and also took action in 2015 against several television channels for alleged violations of the CoC.

The CoC, from its very nature, is a legal instrument. It is now part of the PEMRA law and, according to Section 30 of the PEMRA Ordinance, violation of PEMRA Ordinance, Rules or Regulation by a licensee can result in revocation or suspension of license. Furthermore, under Section 33 of the PEMRA Ordinance, if a licensee violates or abets the violation of any provision of the PEMRA law, a fine up to 10 million rupees (almost USD 100,000) can be imposed. In case of repetition of the offence, the licensee can also be put behind bars for three years.

#### ***The Khyber Pakhtunkhwa Right to Information Act***

During the period under review, the government in Pakistan's northwest province of Khyber Pakhtunkhwa introduced amendment in its otherwise acclaimed RTI law. An amendment, enacted in June 2015, excluded the provincial legislature from the purview of the law. Civil society groups and networks strongly reacted to this development leading to the government revoking the amendment in September 2015.

#### ***The Punjab Transparency and Right to information Act***

This law was enacted in December 2013. However, despite the issuance of notification of formation of the Punjab Information Commission in March 2014, the government failed to approve its first budget until November 2014. However, for most of 2015 and going into 2016, the Commission is still facing challenges and hardship. The issues

include governmental departmental claims of exemption from the operation of the law, non-compliance in orders of the Commission and delaying in responding to RTI requests. The Commission also has yet to acquire permanent staff as the provincial bureaucracy is creating hitches in getting the staff.

### **THE EXPERIENCE OF JOURNALISTS IN REGIONAL AREAS AND PROVINCES**

The jurisdiction of the Pakistan Electronic Media Regulatory Authority (PEMRA), mandate with issuing licenses for private radio stations and TV channels, does not extend to the Federally Administered Tribal Areas (FATA), Gilgit-Baltistan and Pakistan-administered Kashmir (AJK). This means that by law no independent local electronic media is allowed in these regions. Additionally in FATA, local newspapers are also not allowed. This severely restricts a free media environment. Journalists have traditionally face difficulties operating in these regions freely. In 2015 and 2016, however, journalists in FATA in particular faced heightened pressures and risks due to the launch in early 2015 Zarb-e-Azb, the military operation against terrorist groups and militants. Media coverage is all but prohibited with the military media wing generally the sole source of information on the operations. This squeeze on reporters based in FATA has also brought the journalists into conflict with militant groups extremely unhappy with a media blackout of their acts and perspectives. Several journalists were attacked and at least two killed in the regions.

The notification by PEMRA of a new Code of Conduct for media in August 2015 has heaped additional risks on media practitioners based in regions such as FATA. The Code creates new boundaries for the journalists' operations and their free mobility. These new boundaries include 'conflict zones' or areas "where law enforcement agencies or armed forces are employed for operation to maintain writ of the state." The Code requires the electronic media to "ensure that coverage of the activities in conflict zone are carried out in accordance with the guidelines issues by the concerned law enforcement agencies." This makes the semi-autonomous FATA and most parts of the Balochistan province out of bounds of the reporters of electronic media. This would also mean that only embedded reporting is possible from such 'conflict zones' and no independent journalism is allowed. Moreover, the definition of the 'conflict zone' is so wide that any other settled areas can be declared a 'conflict zone' to keep media away from coverage of certain activities.

## IN NOVEMBER 2015, FIVE OF PAKISTAN'S LARGEST PRESS CLUBS CAME TOGETHER TO LAUNCH A NEW CONCERTED PLAN TO ESTABLISH A NETWORK TO EFFECTIVELY MONITOR, DOCUMENT AND REPORT THREATS AGAINST WORKING JOURNALISTS.

Several journalists have been targeted – many of them don't even wish to report or make their plight public for fear of revenge attacks from either militant groups or the state security agencies. Express Tribune newspaper, based in Karachi but which has correspondents in FATA, openly admit they have been condemned online, their staffers have been targeted and their offices attacked. In 2015 an Express Tribune correspondent in FATA was picked up once by militants and another time detained by law enforcement authorities because of his stories published.

### ATTEMPTS AT UNIFICATION

The Pakistan Federal Union of Journalists (PFUJ) represents the working journalists of the country, an estimated 18,000-strong community. In 2013 it split into two factions creating unrest, bitterness and an active factionalism that has roiled the community already reeling from being targeted by terrorist and extremist groups and often by the state security apparatus as well. Repeated efforts at reconciliation and unification have come to naught. In late 2015 another effort, the strongest yet, was made that seems to be making serious headway and expected to result in reunification by May 3, the international press freedom day. In March 2016, an independent Unification Committee (UC) was agreed to by both factions led by Rana Azeem and Afzal Butt.

They agreed to establish the UC under the chairmanship of widely respected senior journalist Mohammad Ziauddin to draft rules for reunification, and develop a roadmap toward the reunification. The UC members comprise Ziauddin as chairman, I A Rehman, Hussain Naqi, Salman Ghani, Arif Bhatti, Khawar Naeem Hashmi, Rahimullah Yousafzai, Habib Khan Ghorri, Siddique Baloch and Nasir Malick.

After some meetings, on April 2, 2016, the UC met in the Lahore Press Club and “discussed in detail various steps to be taken to develop a broad based consensus and unity among the Union members on the logistics for reviving a unified body of Pakistan's premier trade union of journalists,” says a press release issued by the UC. A suggestion that gained currency was to hold fresh elections of PFUJ office bearers using the same electoral college that had voted in the election of 2013. Both factions have since modified their list of members, swelling their ranks and attracting accusations from both parties that non-practitioners have infiltrated the ranks. The suggestion further opined that the body thus elected through this process would have the limited mandate of holding new elections at the earliest after having

completed the process of scrutinizing the electoral lists of all the member UJs (journalist unions) that had existed prior to the 2013 elections. Meanwhile, the UC will carry out a thorough investigation into the controversy about the results of the elections and allegations against some members in 2013 elections. However, the press release said, the process of holding of fresh elections by an election commission appointed for the purpose by the UC will not be allowed to be held hostage to the completion of the investigation. If the process remained unfinished the revived PFUJ elected body could complete the task, it said.

### EDITORS FOR SAFETY

Efforts to put up a united front by Pakistan's otherwise notoriously fractious media in promoting the agenda of safety of its journalists and workers yielded a small victory through the establishment of Editors for Safety (EfS), a platform focused exclusively on issues related to violence and threats of violence against the media. Editors and news directors of a large number of newspapers and television channels met in December 2015 and decided to formally establish EfS, which will focus on the alarming level of insecurity for media professionals and institutions in Pakistan. Zaffar Abbas, the editor of *Dawn*, was elected its first chairman.

The basic philosophy of EfS will be that an attack on one journalist or media house will be considered an attack on the entire media. Members of EfS will assess such situations and jointly make decisions regarding media coverage of violence and threats of violence against any media house as if it were an attack against themselves. Beyond coverage, EfS will also assist any journalist or media house that needs help in dealing with such issues by providing resources, sharing information and expertise, or reaching out to stakeholders involved. Abbas says the formal creation of EfS ensured close, timely coordination between many newspaper editors and TV news directors on cases of attacks/threats to media professionals, and has already resulted in improving the quality of media coverage of such attacks. The decision has been taken so that media houses can speak with one voice against the prevalent culture of impunity where journalists across the country are being attacked on a regular basis, and perpetrators are rarely brought to justice. In February 2016, EfS and the Pakistan Journalists Safety Fund (PJSF), a volunteer platform established in 2010, decided to cooperate on combating violence and threats against journalists in Pakistan. They



↑ In May 2015, Ministry of Information and Broadcasting asked PEMRA to stop Bol TV channel from going on-air because its parent company Axact was embroiled in illegal business practices. Journalists across Pakistan staged protests against the move.

agreed that PJSF will assist EfS in both documenting and verifying cases of attacks and threats against journalists and will recommend cases requiring urgent media focus in order to collectively highlight them. EfS will refer to PJSF selected cases of journalists being threatened or attacked to provide them any required assistance. The PJSF offers assistance to journalists in distress through in-country relocation of threatened journalists, legal and medical assistance related to attacks or threats against their work and financial assistance to families of murdered journalists.

## JOURNALISTS SAFETY HUBS NETWORK

In November 2015, five of Pakistan's largest press clubs came together to launch a new concerted plan to establish a network to effectively monitor, document and report threats against working journalists. The collective membership of these press clubs represents about half of Pakistan's community of 18,000 working journalists, making this the largest programme ever engaging media practitioners in the country on media safety. The elected leadership of the press clubs, including presidents and secretaries general of the Karachi Press Club, Lahore Press Club, National Press Club (Islamabad), Peshawar Press Club, Quetta Press Club as well as the Dera Ismail Khan Press Club signed an agreement to establish the network with technical assistance of the Freedom Network, a Pakistani media rights watchdog. Each of the six press clubs in January 2016 established journalist safety resource hubs at their premises with the appointment of Safety Hub Managers who

underwent training on media threat response and advocacy to manage the hubs. Under the programme, among other things the Safety Hubs will improve reporting, documentation and analysis of threats and attacks against journalists and media houses as a means of improving response and assistance mechanisms for journalists in distress. The Pakistan Journalists Safety Fund (PJSF), a volunteer platform assisting journalists through financial, legal, medical and in-country relocation to journalists in distress will work with the Journalists Safety Hubs Network to aid journalists. There are plans to expand the network to an additional ten press clubs by the end of 2016.

## MEDIA WORKERS LEGAL AID

In February 2016, a platform was launched in Islamabad to provide legal aid to help media workers in Pakistan defend their contractual interests and decent working conditions. The platform, Muavin, aims at improving realization of labour rights of media workers and facilitating resolution of their issues related to labour rights, social protection, employment contracts, physical safety, and other issues. One of the key features of this program is to award small grants packages to media workers and/or their representatives for litigation to protect their labour and work related rights. This platform will be managed by the Institute for Research, Advocacy and Development (IRADA), a Pakistani legal and civic rights group.

These attempts represent small but significant steps to improving the security for Pakistani journalists who risk life and limb to tell their stories to the world.

# SRI LANKA

## CAUTIOUS OPTIMISM

This January, Sri Lanka peacefully marked the first anniversary of the defeat of the autocratic Rajapaksa regime, and is looking forward to establishing a regime of good governance. Sri Lanka's achievements during this transitional phase are impressive while the challenges remain herculean.

Naturally media and journalists are called upon to play a pivotal role in such a situation. Among the basic goals of achieving human rights, accountability and reconciliation in the transition period, media freedom too becomes a catch word. In Sri Lanka, media freedom and the broader notion of freedom of expression is a contested sphere.

The new government calls itself a 'good governance government' (*Yahapalana Anduwa*). For the first time in post-independence Sri Lanka, two major parties have come together to form a government. President Sirisena belongs to the Sri Lanka Freedom Party (SLFP) while Prime Minister Wickremasinghe is the leader of the United National Party (UNP).

Although the family-centred Rajapaksa semi-autocratic regime is no more, the political culture of control and submission it created still survives. Once again it has been proved that defeating an autocratic regime does not automatically lead to a democracy. Things do not change overnight; they do not change in months or even years.

Rajapaksa's repressive regime from 2005-15 was based on the ideologies of majoritarianism, war triumphalism, war heroism and the binary of traitors and patriots. The pretext of so-called 'national security' was used to bring in a plethora of suppressive laws and practices.

Under Rajapaksa's semi-autocracy, media owners became business partners, editors and senior journalists were given government positions packed with privileges. In worst cases journalists became direct propagandists and informers for the regime. Only a few editors and journalists were able to maintain their independence, facing high risk during those years. Media and journalists who were considered a threat to the Rajapaksa regime were eliminated by diverse measures: abductions, killings, arson, physiological and physical attacks, forcing several to flee the country.

The war-mongering and triumphalist ideology became the most effective weapon in the Rajapaksa armoury to encircle and eliminate the perceived 'enemy'. Submission in the form of self-censorship and propaganda for the state became not only a survival strategy, but the new normal. State intelligence services were deployed to keep constant surveillance on independent journalists. The police force, instead of maintaining rule of law was used to suppress the media and independent journalism. Ruling politicians were elevated to become an untouchable breed and allowed to take law into their own hands; the culture of impunity became imbedded. Press freedom organisations were weakened and their unity was and still continues to be at a



low ebb. This was the situation at the beginning of 2015.

The transition from such a culture of media control and submission has not proved to be easy.

## SMALL STEPS FORWARD

No journalist was killed or abducted in Sri Lanka during the period covered by this report. One journalist was detained for 48 hours on his arrival from Australia since he had left Sri Lanka illegally by the sea route. No cases were filed against any journalist and no newspaper, website, film or stage drama was banned.

One of the first actions of the new government was to revoke the ban imposed by the Rajapaksa regime on dozens of websites. Using this new found space, four popular Tamil language websites earlier run from overseas shifted their operations to Colombo by opening their own offices. Some of them are trilingual. Some run online radio services and television channels. A popular Sinhala website 'Lankanewsweb' which operated from London has also established itself in Colombo.

Following the visit of the International Media Solidarity Mission to Sri Lanka in February - March 2015, an International



← While the Rajapaksa regime has ended, its' legacy continues in Sri Lanka. Jaffna Press Club leader Ratnam Thayaparan was harassed by an alleged 'Terrorist Investigation Division' following a speech he delivered to commemorate the death of a local journalist in January 2016.

**UNDER RAJAPAKSA'S SEMI-AUTOCRACY, MEDIA OWNERS BECAME BUSINESS PARTNERS, EDITORS AND SENIOR JOURNALISTS WERE GIVEN GOVERNMENT POSITIONS PACKED WITH PRIVILEGES. IN WORST CASES JOURNALISTS BECAME DIRECT PROPAGANDISTS AND INFORMERS FOR THE REGIME.**

Media Assessment Mission visited the country from May 8 to 14. Both missions, which were able to conduct their programs without any hindrance, were of the opinion that the media freedom situation had improved. But unfortunately most of their recommendations are still to be carried out by the government.

Restrictions imposed by the Rajapaksa regime on foreign journalists visiting Sri Lanka have also been removed and free access has been ensured. In November 2015, John Snow, producer of the well-known war crime documentary film series on Sri Lanka's war, visited the country and was able to travel freely in the former war zone.

Delegations of a number of international human rights organisations including the Human Rights Watch, Amnesty International, International Crisis Group conducted fact finding

missions in the country and compiled and made public critical reports on the human rights situation.

The NGO Secretariat which functioned under the Ministry of Defence (MoD) was moved to the Ministry of National Dialogue fulfilling a long standing demand by activists. NGOs including those working on media freedom had faced restrictions and military style surveillance by the Defence Ministry under the previous regime.

Out of 16 Tamil Diaspora organisations and 424 individuals banned by the previous regime eight organisations and 269 individuals were de-listed in November 2015. The Government of Sri Lanka (GoSL) had banned them as 'foreign terrorists' under UN Security Council Resolution 1373, in March 2014 soon after the United Nations Human Rights Council adopted a resolution calling for a war crime investigation on Sri Lanka.



↑ 'No More Black January!' was the tagline for the Free Media Movement's (FMM) annual 'Black January' rally in Colombo in 2016.



↓ Sri Lankan journalist J.S. Tissanayagam was detained in March 2008 under the Prevention of Terrorism Act and held for over 6 months. The draft Penal Code (Amendment) Bill introduced by the Sri Lankan parliament on December 11, 2015, was strongly criticised for taking similar articles from the PTA.

This act was considered a violation of the right to freedom of expression as many of those organisations and individuals were penalized for their opinions.

In December 2015 the government issued standing invitations to all UN Special Procedures (SP) to visit Sri Lanka including the SP on Freedom of Expression. The request by the UN SP on freedom of expression to visit Sri Lanka has been outstanding since 2006. The request remains unfulfilled. The present UN SP on the right to freedom of expression, David Kaye is expected to visit Sri Lanka this year. This will provide media and journalists an opportunity to raise relevant issues at the UN level.

A draft bill to replace the Prevention of Terrorism Act (PTA), which had been used to detain and imprison journalists, has been sent to relevant ministries. The foreign minister told the Community of Democracies, a Geneva-based global intergovernmental coalition of states devoted to the ideas of democracy, that the draft bill has also been shared with the UN Counterterrorism Executive Directorate for their views. PTA has long been a sword of Damocles hanging over the heads of human rights defenders including press freedom activists.

The 19th Amendment enacted in April 2015 guaranteed citizens right of access to information held by various public bodies including ministers, government departments and local authorities. However, under Article 14A, this right is only enforceable in accordance with provisions of the right to information (RTI) legislation.

The Right to Information Act has been finalized and it will be tabled in the parliament for debate and approval. The Act drafted in consultation with the civil society groups including media organisations has received positive comments as well as constructive criticisms.

Commenting on the Cabinet-approved draft of the Sri Lanka Right to Information Bill the UK-based Human rights NGO ARTICLE 19 said, "the draft Right to Information Act put forward by Cabinet would firmly protect the right in law and therefore we urge parliament to adopt the Act without changes, so that the people of Sri Lanka can begin to use it."

The UK-based NGO Centre for Law and Democracy accorded it 120 points out of 150, based on the RTI Rating,

adding, "This is a relatively high score which would put the draft Act in a very respectable seventh position globally."

While commenting on the positive aspects of the bill such as the broad scope, a narrow regime of exceptions and a good package of promotional measures, its executive director Toby Mendel provided areas that can still be improved in the draft.

- Foreigners, as well as citizens, should benefit from the right of access.
- A number of measures should be adopted to enhance further the independence of the oversight body, the Right to Information Commission.
- The system for proactive publication should rely more on online publication systems.
- Third parties should not enjoy a veto over the disclosure of information provided by them.
- The overall time limit of ten years should apply to all exceptions that protect public interests.
- The Commission should enjoy enhanced powers and its decisions should be binding.
- The law should provide protection for whistle blowers.

At the end of his mission to Sri Lanka in February 2016, United Nations High Commissioner for Human Rights Zeid Ra'ad Zeid Al-Hussein said that "virtually everyone agrees there has been progress, although opinions differ markedly about the extent of that progress. The 'white van' abductions that operated outside all norms of law and order, and – as intended – instilled fear in the hearts of journalists, human rights defenders and others who dared criticise the Government or State security institutions, are now very seldom reported"

## GOVERNMENT CONTROL CONTINUES

Soon after coming to power in early 2015, the government appointed new set of editors and chairpersons and other top administrative officials to the large state media sector. However, they were selected by the ruling party without a transparent procedure. Only a few of them were respected senior journalists. Others were appointed because of their political allegiance to ruling politicians. The president and prime minister divided the state media sector and appointed their sympathisers to run those institutions. Under this unofficial arrangement

## BOTH INTERNATIONAL MEDIA MISSIONS VISITING THE COUNTRY IN 2015 EMPHASIZED THE NEED FOR PROVIDING FOR THE STRUCTURAL INDEPENDENCE OF THE STATE-OWNED MEDIA.

the so-called National Television alias Sri Lanka Rupavahini Cooperation (SLRC) and Sri Lanka Broadcasting Cooperation is being handled by the President's Office. The Independent Television Network, three FM radio stations run by the network and the state print media house, the Associated Newspapers of Ceylon Ltd, are being handled by the Prime Minister's Office. Appointments to these institutions too have been made under the same arrangement.

Both international media missions visiting the country in 2015 emphasized the need for providing for the structural independence of the state-owned media. The International Media Mission which conducted a fact finding mission to Sri Lanka in May 2015 made two clear recommendations on the issue:

- The three State broadcasters – the Sri Lanka Rupavahini Corporation (SLRC), the Sri Lanka Broadcasting Corporation (SLBC) and the Independent Television Network (ITN) – should be transformed into independent public service broadcasters which enjoy editorial independence, have a clear mandate to serve the public and benefit from public funding which does not compromise their independence.
- Measures should be taken to ensure that the State print media group – Associated Newspapers of Ceylon Limited (ANCL) – is also able to operate independently of government and to enjoy editorial freedom. A broad public consultation should be held to determine the most appropriate way to do this.

Despite these recommendations political control of all state media continues. In addition to the large state print and electronic media government run their own news websites. These sites too carry propaganda for the ruling party.

Content of all the three categories of state control media, print, electronic and online, is clearly favourable to the ruling coalition. This political control of media by the ruling parties sets a bad precedence that allows privately-owned media to justify politically biased reporting and programming.

The government, the president or the prime minister have made no commitment to make state controlled media independent. No political party represented in the parliament has made any such commitment either.

Furthermore, the government has decided to continue to maintain the Sri Lanka Press Council despite the calls for its abolition by many stake holders. President Sirisena appointed a new Board of the Directors including a chairperson in July 2015. Although it has held few public seminars last year it hasn't conducted any hearings on complaints yet. On the other hand the Press Complaints Commission of Sri Lanka (PCCSL) too has not been proactive on unethical reporting by the newspapers. Even after a decade of existence PCCSL website functions only in English and does not have interfaces for two of the official languages i.e. Sinhala and Tamil.

Issuing a press release the constituent partners of the Sri Lanka Press Institute (SLPI) condemned “the Executive actions of the President Maithripala Sirisena to re-activate the Sri Lanka Press Council on July 2, 2015 through the provisions of the anti-democratic Press Council Law No. 5 of 1973”. It further said that the “re-establishment of the government appointed Press Council, re-introduces the dormant legislation that provides for wide ranging punitive powers including that of imprisoning media personnel”.

### TACKLING HATE SPEECH

Hate speech by extremist groups has been a serious issue under the previous regime and continues to be a concern. It is the minority groups that have been at the receiving end of hate speech. Naturally many voices were raised against those groups and the government's inaction in the face of abuse of freedom of expression was questioned.

As a response to this situation, the government gazetted a Penal Code (Amendment) Bill in November 2015. It was scheduled to be taken up in the parliament on 11 December 2015. However, the Bill became an example of good intentions gone sour. As soon as the proposed Bill become public, concerned groups launched a campaign against it on grounds that it restricts freedom of expression. Interestingly, the draft bill had almost copied a section of the draconian Prevention of Terrorism Act of Sri Lanka (PTA):

“Whoever, by the use of words spoken, written or intended to be read, or by signs, or by visible representation, or otherwise, intends to cause or attempts to instigate acts of violence, or to create religious, racial or communal disharmony, or feelings of ill-will or hostility, between communities or different racial or religious groups, shall be punished with imprisonment of either description for a term which may extend to two years.”

As the Human Rights Commission of Sri Lanka pointed out “this formulation [was] almost identical with S. 2(1)(h) of the Prevention of Terrorism Act, No.48 of 1979. The broad wording in the PTA provision did pave the way for abusive applications which resulted in the chilling of free expression. A prime example is the prosecution of journalist Tissanayagam.”

In the face of mounting opposition, the government put the Bill on hold, promising to bring an amended bill in 2016.

### CONTROLLING ONLINE SPACES

In early March 2016, the Ministry of Parliamentary Reforms and Mass Media issued a circular calling for website registration. This was a continuation of previous regime's attempt to control web media without any legal provisions.

The circular said that “All news websites operating in Sri Lanka has to be registered with the Ministry of Parliamentary

## SIRISENA HAS REASON TO BE WARY OF SOCIAL MEDIA, SINCE IT WAS SOCIAL MEDIA THAT SPEARHEADED THE CAMPAIGN AGAINST THE RAJAPAKSA REGIME BY CREATING PUBLIC OPINION AGAINST THE PRESIDENCY.

Reforms and Mass Media enabling them to be operated under recognized ethics and standards without any interruption”. Web sites that had not been registered thus far were requested to take necessary steps to obtain registration before 31 March 2016 and it was informed that “web sites that remained unregistered would be considered as ‘unlawful’” from that date.

Apparently, the circular was aimed at regulating websites. However, what is meant by websites remaining unregistered will be considered as “unlawful” is not spelt out.

In Sri Lanka providing journalists media accreditation identity cards is entrusted to the Department of Media Information. This ID is necessary to cover press conferences and official events. The government argues that registration of websites is necessary in order to provide media accreditation to online journalists.

The opposition to the order was mainly based on its non-legality and ambiguity. There is no law in Sri Lanka that empowers the government to make the registration of news websites mandatory. Agreeing that there is no law to base such an order Deputy Minister for Mass Media said that “there is no piece of legislation... We are in the process of drafting [a law and ] develop a mechanism. We will introduce it to parliament, only then will it become law”.

### A GREY JANUARY

The month of January, which was exceptionally dangerous for journalists and media in Sri Lanka under the previous regime, earned the moniker ‘Black January’, during which the Free Media Movement (FMM) used to commemorate the slain media personal in the country. Even after the regime change the FMM organized the annual protest but this time under a slightly different theme: ‘No More Black January!’

Yet, the month of January 2016 became a reminder of earlier events of *Black January*. On top of the number of threats and intimidations journalists faced, this January saw both leaders of the government dismissing or attacking the media.

On January 24, speaking to BBC Sinhala service President Sirisena dismissed the critical news websites as *kele paththara* (Sinhala for anonymous or slandering publications). Sirisena has reason to be wary of social media, since it was social media that spearheaded the campaign against the Rajapaksa regime by creating public opinion against the presidency.

Four days later, PM Wickremasinghe in Parliament launched a scathing attack on selected journalists and media institutions. He called one journalist a “toad” and another journalist a “blood sucking devil” (*Reeri Yaka*). Some journalists were called “hunters” of the previous regime. The PM was critical of the Editors’ Guild of Sri Lanka for petitioning the Supreme Court

on police taking the note books of journalists covering the magisterial inquiry on an alleged killing by the police. “If you are going to courts, you need to go with clean hands. There is an Editors’ Guild. What did it do when the *Uthayan* newspaper was attacked? If you are going to courts now against police, we too could go there. I could give an affidavit mentioning what the editors did in the past.” Although the Supreme Court requested the Editors’ Guild to file a fundamental rights application on the issue, it was not followed up after the PM’s threatening speech.

The PM rightly challenged media on their selective reporting and highlighted their biased coverage towards Sinhala nationalist extremism. Even if his harsh criticism was justified, naming journalists was uncalled for. “Targeting individual journalists and media organisations was unbecoming for a person holding such high office”, said the FMM. “The Prime Minister has spoken in a threatening manner about media personnel. He has no right to tell editors on what subjects they should base their editorials. By this kind of behaviour, the Prime Minister of the country will not be able to win anything.” the FMM added.

*The Sunday Times*, probably the best English weekly in the country wrote that “Prime Minister Ranil Wickremesinghe’s outburst against journalists and several media organisations is not something to be surprised about, as the honeymoon between a new government in power and the media is almost always short lived.”

The PM’s barrage continued on the following day in Parliament, where he accused certain media persons of being adherents of the ‘Maha Brahma’, who is now no longer in power, referring to the former President Rajapaksa). Few days later PM Wickremasinghe unleashed a more threatening tirade: “*The Daily Mirror* also went behind Rajapaksa. They belong to him. *Daily Mirror* Editor Kesara Abeseyardene once wrote a story calling for my resignation. I have given time for them to correct themselves. If they don’t do it Kesara Abeywardene has to go home. We cannot allow this nonsense to continue. Even Derana [TV] has started to play games once again. If Derana becomes pro Rajapaksa we will have to disclose all their thefts.”

It was clear that PM was on a dangerous path against selected journalists and media apparently on the basis that they are unethical.

“To be clear, the improvement of media ethics is no small matter. Political agendas, sexism, racism and at times, deplorable crudity covertly characterize the manipulation of news and commentary,” wrote a prominent Kishali Pinto Jayawardene, human rights lawyer and columnist. She continued: “More worryingly, Prime Minister Ranil Wickremesinghe’s remarks this week that erring journalists of



↑ Journalists continue to call the government to account for the war on Sri Lanka's media. On January 26, 2016, the Sri Lanka Working Journalists Association (SLWJA) rallied for the establishment of a Special Presidential Commission to investigate attacks against the media and media freedom in Sri Lanka.

Credit: SLWJA

the private media would be dismissed and frequencies given to private broadcasting stations withdrawn 'if they do not behave' raise several concerns; [...] The sight of the Prime Minister threatening to take swift punitive action against journalists and withdraw frequencies of broadcasting stations is unnerving to say the least. This is antithetical to the very concept of 'good governance' which his Government so loudly if not hysterically espouses."

The prime minister's warnings, it seems, were heeded. Derana TV suspended the journalists in question. Among the media organisations only the FMM raised a critical voice. Sri Lanka Working Journalists Association (SLWJA) asked for an appointment with the PM to raise their concerns, while the journalist community was largely uncritical of the development.

## BIG BROTHER STILL WATCHING

Although the wind of freedom ushered in by the change of regime has reached the Jaffna peninsula in the North, surveillance of journalist leaders has not stopped completely. The same intelligence officers who functioned in Jaffna during the war years are still there and they still have the same war-time mentality claims Ratnam Thayaparan, a senior journalist and media activist in Jaffna who is also the convener of the Jaffna Press Club.

On 24 January 2016 in Amparai, at the 10th annual commemoration of co-journalist Sugirtharajan who was murdered in Trincomalee, Thayaparan delivered a speech demanding justice.

Within a week, persons claiming to be the Terrorist Investigation Division attached to Nellyyadi police and Jaffna HQ, made inquiries about Thayaparan from the former MP, K.Sivajilingam, the Grama Officer of his area, village leaders etc. No direct inquiries were made from Thayaparan.

In an email sent to the Free Media Movement on 16 February 2016 Thayaparan said that to his knowledge number of other senior journalists working in Jaffna too had faced similar situations.

Although the Media Solidarity Mission in April 2015 found a "near universal agreement that the situation in Sri Lanka had improved, in some cases dramatically," it noted that "in the country's north and in the northern city of Jaffna there remains a level of uncertainty about whether the atmosphere will last".

Militarization of North and East of Sri Lanka remains as the basis of such surveillance and intimidations. Not only media personal, but human rights defenders too have been intimidated. On February 6, the day before the United Nations Rights Commissioner Zeid Ra'ad Zeid Al-Hussein arrived at a camp for internally displaced people in Sri Lanka's north it was visited by intelligence officers who wanted to know who was organizing his visit and what they were going to talk with him about.

UN Human Rights High Commissioner Al-Hussein too acknowledged that militarization is an issue. "In parallel, the size of the military force in the North and the East can be reduced to a level that is less intrusive and intimidating, as a first step in security sector reform," he said in his final statement at the end of his mission to Sri Lanka.

# ANNEXURE

## SAPFR 2016 – VIOLATIONS (MAY 2015 – APRIL 2016)

### AFGHANISTAN

#### KILLING

##### September 18, 2015: Badakhshan

Freelance journalist, Yama Behroz, was killed in Faizabad, the capital of Badakhshan province. Behroz, a recent journalism graduate, was killed when an IED exploded at his doorstep. He was working as a freelance journalist with a local media organisation. Some of the reports suggested that the IED was planted at his door, and he was then called and asked to come out of the house.

##### October 3, 2015: Kunduz

Zabihullah Pashtonyar, producer at Kaihan radio station, was killed in a US Army airstrike, on a hospital, in Kunduz. Pashtonyar was working as a guard in this hospital after 4 pm to financially support his family.

##### January 20, 2016: Kabul

Production and technical team members of the Tolo TV and MOBY Group: Maryam Ibrahim, Said Mohamad Jawad, Zainab Merzaye, Mehri Azizi, Husain Amiri, Mohamad Ali Amiri and Mohamad Husain of the Tolo TV and MOBY group were killed in a targeted suicide attack on a minibus carrying staff in Kabul, by the Taliban. Seventeen other members of the team were also injured in the same attack.

##### January 29, 2016: Nangarhar

Haji Mohammad Zubair Khaksar, a correspondent for the government-run Nangarhar TV and Radio network, in the Surkhrod district, was shot dead by unidentified assailants as he was returning home from a private gathering. Previously, Khaksar had received threats from the IS or 'Daesh'.

##### March 26, 2016: Kandahar

Bashir Ahmad Reyan, a reporter at *Khabaryal News* and also a freelancer at

other media houses, was gunned down at an unknown location in Kandahar. His body was found on March 27 in the Dabare area of Spinboldak city, near the Pakistan border.

#### ARREST/DETENTION

##### July 8, 2015: Kandahar

Naqibullah Quraishi was arrested without charges by the police in Kandahar city. Quraishi works for Hewad Radio and TV in Kandahar, a popular Pashto language media house in Kandahar. He was working on smuggling, mafia corruption and crime-related issues in Kandahar. He was released after investigation.

##### August 23, 2015: Kabul

Zaki Daryabi, senior member of the Afghanistan Independent Journalists Association (AIJA) and editor-in-chief at the daily *Etilaat-e-Roz*, along with Jawad Neji, editor-in-chief at the *Daily Negar Azad*, were arrested and investigated by National Security Council (NSC) officials, who blamed them for running the famous online Facebook page 'Kabul-Taxi' which has been very critical of NSC's senior management.

##### January 24, 2016: Kabul

Nematullah Karyab, provincial head of the Afghan Independent Journalists Association (AIJA), was arrested along with his driver, by the National Directorate of Security (NDS), inside Kabul city on Dar-ul-Aman main road. Karyab works for the BBC Pashto service in the Konar province. He was investigated about his report on security issues and terrorism related stories, interviews and coverage.

#### POLITICAL

##### November 21, 2015: Kabul

Parwiz Kawa, editor-in-chief of the *Daily 8 am* faced serious pressure to undergo an investigation at the Attorney General's office for publishing some articles critical of the government.

##### December 8, 2015: Kabul

Nasrat Parsa reporter of Ariana News TV channel was threatened by members of the foreign minister's team for broadcasting reports on his visit to Islamabad and the very limited protocol he received in Pakistan.

#### ATTACK

##### June 6, 2015: Parwan

Shafi Mushfiq, owner and station manager of Dunia-e-Naween Radio, was threatened in Charikar City for his radio reports and broadcasting. The main entrance of the radio station was also attacked with a magnetic bomb.

##### June 12, 2015: Jalalabad

The regional office of Pajhwok News Agency, in Jalalabad, was attacked with a magnetic bomb by IS regional groups, and parts of the office and some equipment were damaged.

##### June 13, 2015: Paktika

Ashuqullah Ekhlasyar, head of the Radio Television Afghanistan (RTA), and Abdul Malik Hamrang, a reporter at RTA, were assaulted and badly beaten by border police in Paktika, while covering a story on border issues.

##### July 13, 2015: Kabul

Zubair Aalemyar, editor-in-chief at *Rahe Abreshem* weekly, was seriously assaulted and beaten by the Kabul police department.

##### July 21, 2015: Kabul

Mohammad Amin Babak, reporter and presenter at Khurshid TV was assaulted and beaten by the guards of Nazir Ahmadzai, the second vice chairman of the lower house.

##### August 13, 2015: Balkh

Hamid Safi, reporter and newscaster at Arzu TV, was attacked by unknown assailants while he was travelling to a district in Balkh province.

##### September 9, 2015: Nangarhar

The regional offices of Killid radio station and Safa radio were attacked with magnetic bombs by local insurgent groups (IS and Taliban) and parts of each station were significantly damaged. Station workers and employees at both radio groups received continuous threats from both groups.

#### **September 19, 2015: Herat**

The Saqi TV office, in Ghuryan district of Herat, was attacked with a rocket launcher and partially damaged after a Taliban attack and cross-fighting.

#### **September 29, 2015: Kunduz**

Taliban militants attacked the offices of Roshani Radio and TV during the invasion of Kunduz. The attack severely damaged the station and equipment was destroyed. Roshani Radio and TV is an independent media outlet, founded by Sadiqa Sherzai in 2002. The radio mostly covers women's issues and the majority of its employees are women.

#### **October 12, 2015: Kandahar**

The office of Sanga Radio was attacked with a bomb, by unknown insurgent groups and its entrance was damaged. Before this attack, station management received threatening phone calls as well.

#### **November 10, 2015: Zabul**

Nisar Ahmad, station manager at Shikh Mati Radio station was attacked by the Taliban in remote areas of the Zabul province.

#### **November 11, 2015: Kabul**

Wasiqullah Azimi, a Noor TV reporter, was beaten by Kabul police officers while covering a huge demonstration by citizens against the Taliban.

#### **November 17, 2015: Kabul**

Salem Wahdat, editor-in-chief at the Bukhdi News Agency, was attacked and his colleague injured by unknown armed people who fled the scene.

#### **November 18, 2015: Zabul**

Ahmad Wali Sarhadi, a freelance journalist, in Zabul, was shot, but managed to survive. He has been critical of the government for their poor response in handling issues in Zabul.

#### **December 12, 2015: Kabul**

Said Inaam Salihi, Noor TV reporter, was assaulted and his home was searched by police for unknown reasons.

#### **December 19, 2015: Herat**

Saleem Muqimi reporter of Chakaad TV was attacked with a knife and injured while he was on his way home from work.

#### **January, 2016: Kabul**

Adila Sherzad, a reporter at Maiwand TV, was threatened by unknown groups for his reporting and journalism work with the TV channel through phone calls and letters.

#### **February 3, 2016: Baghlan**

Mohammad Musa Hashimi and his brother Mohammad Ibrahim Hashimi, both reporters at the Adeb Radio station, were injured in an attack by unknown gunmen in Pul-i-Khumri city while they were on their way back home from work.

#### **February 27, 2016: Kabul**

Pajwhok News Agency reporter, Qutbudin Kohi, was beaten by local security officials in Mimana city, capital of Faryab district, while covering a press conference.

#### **March 24, 2016: Kabul**

Ahmad Omid Poya, a reporter for Negaah TV, was attacked and severely beaten by unidentified men in Kabul.

## **KIDNAPPING**

#### **No known date: Zabul**

Asmatullah Omari, reporter at the Zabulistan weekly, was kidnapped by the Taliban, together with his father in Zabul. During the abduction, a fight and cross-firing took place, and Taliban released them, but his father was injured.

## **THREATS AND INTIMIDATION**

#### **June, 2015: Takhar**

Muhammad Akbar Gujarwal, station manager at Ghazian Takhar radio and editor-in-chief at the *Daily Gujran*, was threatened by unknown people for his broadcasting and publication.

#### **June 2015: Kabul**

The names of 14 reporters and civil society activists were published on a Taliban Facebook page. They were

threatened for their work and propaganda against the Taliban.

#### **June 26, 2015: Baghlan**

Sher Ahmad Jahesh, station manager for the local TV channel Tanweer, faced death threats by parliament member Ashqullah Wafa, who represents Baghlan in the National Assembly.

#### **August 22, 2015: Kabul**

Said Masoud Husaini, a well-known photographer working for the international media, was intimidated and insulted by security officials while taking photographs of the aftermath of a suicide attack in Kabul.

#### **September 30, 2015: Kunduz**

More than 40 Reporters from 13 media houses were intimidated and forced to leave their work stations after Taliban attacked Kunduz city. Most of these media workers moved to the neighbouring provinces Takhar and Baghlan, and some left Kunduz for Kabul.

#### **October 12, 2015: Kandahar**

The Taliban in Afghanistan threatened in a statement to 'eliminate' journalists associated with two private TV channels – Tolo TV and 1TV. The Taliban said it 'does not recognize Tolo TV and 1TV channels as media outlets but designates them as military objectives due to their disrespectful and hostile actions towards Afghanistan'.

#### **October 14, 2015: Zabul**

Ahmad Wali Sarhadi, a freelance journalist, was intimidated and threatened by the local Attorney General's office, for his critical report of the office.

#### **November 4, 2015: Helmand**

Ilias Daye, reporter of Radio Free Europe Radio Liberty, was threatened and intimidated by the Helmand governor for his critical reports of local officials.

#### **November 29, 2015: Badakhshan**

Kefayatullah Salimi, was threatened and intimidated by local police in Faizabad city while covering a local demonstration

#### **December 1, 2015: Kabul**

Shakela Ibrahimkhail, a senior reporter at

Tolo TV, was humiliated and threatened by security forces of presidential palace.

#### February 2016: Takhar

Karimullah Danish, editor-in-chief at the weekly *Tasween*, was threatened to death by the insurgent group, Hezb-u-Tahrir.

#### February 9, 2016: Kabul

Mena Habib, reporter at IWPR, was threatened by unknown groups through letters and phone calls for his reporting.

## BANGLADESH

### KILLING

#### May 12, 2015: Sylhet

Well-known atheist blogger Ananta Bijoy Das was killed by an armed group near his home in Sylhet in north-eastern Bangladesh. Das, who worked at a local bank, was attacked by four men with machetes as he walked to work. The murderers chased Das, attacking his head and body with the machetes. He was rushed to hospital but died upon arrival. The Ansarullah Bangla Team (ABT) claimed responsibility for the killing.

#### August 7, 2015

Niladri Chattopadhyay became the fourth Bangladeshi blogger to be hacked to death by religious extremists this year when he was murdered in his home in Dhaka. Chattopadhyay, a secular blogger who used the pen name Niloy Neel, was brutally killed when four men armed with cleavers entered his home. The men stabbed the 28-year-old while holding his wife and sister-in-law at gunpoint. Niloy died on the spot. The Ansarullah Bangla Team (ABT) claimed responsibility for the killing.

#### October 31, 2015: Dhaka

Faisal Arefin Dipan, who ran the publishing company Jagriti Prakashani, was brutally hacked to death in his office in Shahbag in Dhaka. Dipan was declared dead upon arrival to Dhaka Medical College Hospital, after being discovered by his father, who went to his son's office after hearing of another attack in the city. Dipan, 43, was the publisher of secular blogger Avijit Roy, who was hacked to death in Dhaka in February. The attackers

secured Dipan's office, locking several other people inside before carrying out the attack. The Ansarullah Bangla Team (ABT) claimed responsibility for the killing.

#### December 21, 2015: Dhaka

Aurangzeb Sajib, 45, went missing on December 21 and was found dead two days after on a river bank. He was the Dhaka Medical College Hospital (DMCH) correspondent of the *Pratidin* daily and TV stations Banglavisision, Somoy, Jamuna and ITV.

#### December 23, 2015: Rangpur

Mashiur Rahman Utsho, 30, was hacked to death in Rangpur city in Bangladesh. Utsho was a staff reporter at the *Juger Alo* daily. Unidentified assailants hacked him to death after tying him to a tree in an isolated place in the Dharmadas area on Dhaka-Rangpur Highway.

#### April 6, 2016: Dhaka

Nazimuddin Samad, secular activist and free thinker, active with the Ganajagaron Mancha's Sylhet wing was hacked and shot to death in a crowded place at Sutrapur in Old Dhaka. The Ansarullah Bangla Team (ABT) claimed responsibility for the killing.

### MEDIA AND REGULATIONS

#### November 18, 2015: Dhaka

The government blocked the popular social media website Facebook and the instant messaging applications Viber and Whatsapp on security grounds for weeks.

### ARREST/DETENTION

#### August 16, 2015: Dhaka

Probir Sikdar, the editor of *Uttoradhikar 71 News*, was arrested from his office by police after the Minister of Local Government and Engineering Department Khandaker Mosharraf Hossain filed a case against him under the controversial Information and Communication Technology (ICT) Act for his Facebook post. In a Facebook status update, Probit claimed to be under threat and that Minister Hossain would be responsible if he were killed. The status was posted on August 10, just days after police refused to register a general

diary entry over a threat Sikdar and his family received. He was released on bail after a week of detention.

### LAW

#### February 2016: Dhaka

Eighty-three cases, including sedition pleas and defamation cases, were filed against *The Daily Star* editor and publisher Mahfuz Anam in various districts of Bangladesh by various individuals and political groups. The legal actions were launched after Anam admitted during a televised interview on February 3 to a lapse in editorial judgement in publishing reports based on information supplied by the country's task force intelligence cell during the caretaker government regime almost a decade ago without being able to independently verify them.

### THREATS AND INTIMIDATION

#### October 19, 2015: Dhaka

The Ansarullah Bangla Team (ABT), a banned Islamist extremist group responsible for killing bloggers, issued threats against female journalists in Bangladesh. The ABT sent a letter to local media saying that all media outlets should "release their women from their jobs", claiming it is against Islamic law for women to work in the media.

## INDIA

### KILLING

#### June 9, 2015: Uttar Pradesh

Freelance journalist Jagendra Singh was set on fire on June 1, allegedly by the police on directives from a state minister, in Lucknow, capital of Uttar Pradesh. Singh died eight days later from burns to 60 percent of his body. The local police claimed that the journalist set himself on fire when they arrived at his home to arrest him. However, following the incident Singh informed a police officer in a statement prior to his death that he was doused with petrol by the police officer, Sriprakash Rai and set alight.

#### June 19, 2015: Madhya Pradesh

Sandeep Kothari, 40, working for Jabalpur based newspapers, in the Balaghat district of Madhya Pradesh was abducted on June

19. On June 21, Kothari's half burnt-body was found near Nagpur in Maharashtra. Kothari had reported extensively on illegal mining in the area and had filed a case against an illegal mining gang. The journalist was reportedly killed as he refused to withdraw the case against illegal mining in a local court.

#### **July 17, 2015: Maharashtra**

Raghavendra Dubey, the editor of local weekly newspaper, *Khushboo Ujala*, was found dead with head injuries on the side of a road in Mira Road near Mumbai, capital of Maharashtra. A number of hours earlier, the editor had been at a local police station for questioning in connection with a recent attack on three journalists. Dubey was asked to visit the police station regarding another incident and had left at 4am on his motorcycle.

#### **August 14, 2015: Uttar Pradesh**

Local police saw two people dragging a body on Station Road in Faidpur, Uttar Pradesh. The police apprehended one of the individuals carrying the body, found to be 42-year-old male journalist, Sanjay Pathak. The second person, however, escaped the scene. Pathak had been hit several times on the head with a heavy object.

#### **September 29, 2015: Uttar Pradesh**

Local television journalist, Hemant Kumar Yadav, 45, was shot dead when he was travelling home from Kamalpur market in the Chandauli district on a motorcycle. Two motorcyclists confronted him and after a dispute, shot him twice in the chest and fled the scene.

#### **October 24, 2015: Bihar**

Mithilesh Pandey, 40, a reporter with Hindi daily *Dainik Jagran*, was killed in his home in Gaya. Pandey was killed when three masked intruders stormed his house and opened fire as he slept. Pandey had been receiving death threats.

#### **February 14, 2016: Uttar Pradesh**

Tarun Mishra, bureau chief of the *Jan Sandesh Times*, a Hindi newspaper in Sultanpur, in eastern Uttar Pradesh, was driving to Sultanpur with his uncle when two unidentified people on a motorcycle stopped the car and opened fire. Mishra

was rushed to hospital but died en route. Mishra was potentially targeted for his writings about illegal black market activities in Uttar Pradesh.

## **ARREST/DETENTION**

#### **July 16, 2015: Chhattisgarh**

Somaru Nag stringer for *Patrika* was arrested and charged under the Arms Act and sections of the law dealing with arson, banditry and criminal conspiracy. He was charged with keeping a look out on the movements of the police, while a group burnt a crusher plant employed in road construction in Chote Kadma, Bastar district, on June 26.

#### **September 29, 2015: Chhattisgarh**

Santosh Yadav, stringer for *Dainik Navbharat*, *Patrika*, and *Dainik Chhattisgarh* was arrested and charged under sections of the Indian Penal Code, the Arms Act, the Unlawful Activities Prevention Act and the The Chhattisgarh Special Public Security (CSPS) Act, 2005. Yadav's name was added to a case where 18 villagers were arrested and charged with an encounter, which took place on August during a road-opening operation by the security forces in which a Special Police Officer was killed. There is no clarity as to the charges against him, or the evidence which the police hold about their alleged involvement with Maoists.

## **ATTACK**

#### **June 14, 2015: Uttar Pradesh**

Haider Khan, a journalist in Uttar Pradesh's Pilibhit district, was brutally assaulted, tied to a motorcycle and dragged behind it for about 100 meters, allegedly for his report on dubious land deals. Khan remained in hospital for days in a critical condition.

#### **June 18, 2015: Assam**

Prasanta Kumar, the Khairabari correspondent of the Assamese daily *Asamiya Pratidin*, was shot and attacked by a group of five people while returning home on his motorbike. One attacker shot him in the shoulder and after blindfolding him, forced him into a car. The attackers stole his money and mobile phone before throwing him out of the car. Kumar survived the attack as he managed to reach the local police station.

#### **June 29, 2015: Odisha**

Railway Protection Force (RPF) personnel brutally attacked reporter, Satyajit Sena and cameraperson, Sankarshan Patra from Kanak TV and detained them for five hours after they filmed RPF action against protesters at a local railway station in Bhubaneswar, Odisha. Passengers were protesting delays by sitting on the tracks and blocking trains from departing. A local RPF team used force to remove the protesters from the track during which they were filmed mistreating the female protesters. The RPF team then snatched Patra's camera and took out the cassette before attacking Patra and Sena, and detaining them.

#### **November 24, 2015: Uttar Pradesh**

Journalists covering a dharna (a non-violent, sit-in protest) between the Union Minister for Human Resource Development, Ramshankar Katheria, BJP MLA and local traders in Agra, Uttar Pradesh were subjected to police attack. During the protest, police tried to disperse the group and 'baton charged' the journalists. During the incident, over ten journalists were injured, including some seriously, after police beat them.

#### **February 7, 2016: Chhattisgarh**

A group of 20 people gathered in front of journalist Malini Subramniam's residence in Jagdalpur, Bastar, Chhattisgarh, a correspondent of the independent English-language news site Scroll.in. The mob shouted abusive slogans including 'death to Malini Subramaniam' and pelted rocks at her home, which shattered her car windows. The mob tried to encourage her neighbours to attack her, claiming she was a Maoist supporter. Subramaniam left the city on February 18 due to threats to her life.

#### **February 15, 2016: New Delhi**

During the court hearing of sedition charges against students of the Jawaharlal Nehru University, lawyers threatened media in the court room and began attacking them. Amit Pandey from IBN 7, Ritika Jain from DNA, Alok Singh and Kaunian Sheriff from the *Indian Express*, Amiya Kushwaha from IANS, Prachi Yadav from the *Navbharat Times*, Sana Shakil from the *Times of*

India and Sushil from Total TV were threatened and attacked. The lawyers also stole the journalists' mobile phones deleting photos and data.

## HARRASMENT

### August 6, 2015: Chhattisgarh

A woman journalist heading the Chhattisgarh bureau of IND 24 TV was fired after she complained of sexual harassment by the channel head.

## THREATS AND INTIMIDATION

### August 12, 2015: Uttar Pradesh

Uttar Pradesh's minister for secondary education, Vijay Bahadur Pal, delivered veiled threats to journalists in a public address. Pal said that he would 'cut the journalists to size' if they criticized his Samajwadi Party-led government.

### August 22, 2015: Maharashtra

Nikhil Wagle received death threats from Sanatan Sanstha, a right-leaning Hindutva group based in Mumbai, India. Wagle, the editor-in-chief of Maharashtra One, a Marathi-language news channel in Mumbai received the threats on his personal twitter and also in an article published by Sanatan Sanstha in their publication, *Sanatan Prabhat*.

### February 20, 2016: Chhattisgarh

BBC journalist Alok Prakash Putul left Bastar after concerns about his safety after receiving threatening messages. "Your reporting is highly prejudiced and biased. There is no point in wasting my time in journalists like you. I have a nationalist and patriotic section of media and press which staunchly supports me. I would rather spend time with them," read a message by the Inspector General of Police S.P Kalluri.

### February 26, 2016: Kerala

Sindhu Sooryakumar, a news anchor with Malayalam-language news channel, Asianet, received over 2,000 harassing and abusive phone calls and messages after she hosted a discussion about the celebration of Mahishasura Jayanti. The discussion focused on whether Mahishasura Jayanti, a martyrdom day marking the killing of the demon Mahishasur by Goddess

Durga in the Hindu mythology, which is observed by some tribal communities in West Bengal, Odisha and Jharkhand, is an act of treason.

## MEDIA AND REGULATIONS

### September 25, 2015: Kashmir

The Indian government indiscriminately disconnected of the internet throughout the entire far-north state of Jammu and Kashmir from September 25 to 28 on the grounds of preventing any exacerbation of tension between the state's Muslim and Hindu communities. The suspension of 2G, 3G, GPRS and broadband internet services in Jammu and Kashmir, which borders China and Pakistan, lasted 82 hours, paralysing the work of journalists and media outlets.

### April 16, 2016: Kashmir

The District Magistrate of Kupwara in the Kashmir Valley issued a circular ordering all WhatsApp groups to be registered at his office, and declared that administrators of the groups would be held responsible in case 'irresponsible' remarks were made on the groups. It also warned government employees in the district to refrain from making comments on WhatsApp about the policies and decisions of the government.

## ACCIDENTAL DEATH

### July 5, 2015: Madhya Pradesh

Akshay Singh, a special correspondent of Aaj Tak, a Hindi news channel of TV Today Group, died while on assignment and interviewing the family of a medical student in Meghnagar, Madhya Pradesh, who died under mysterious circumstances in 2012. He fell unconscious during the interview and died. Singh was interviewing the family as part of an investigation of the Vyapam Scam, one of the biggest recruitment scams in India over the past decade. The Vyapam Scam, which has seen over with 2,000 arrests and 45 dozens mysterious deaths, involved the bribing of government officials and politicians associated with the Madhya Pradesh Professional Examination Board (MPPEB).

## LAW

### May 6, 2015: New Delhi

The Aam Aadmi Party-led Delhi Government issued a controversial circular that encouraged defamation action against critical news reports. In the circular, the government asked all its officials to lodge a complaint if they came across any news item which "damages the reputation" of the chief minister or the government, so that further action could be taken. The circular, issued by the Directorate of Information and Publicity, stated that if the government found news items to be defamatory it would launch criminal defamation proceedings. The Supreme Court of India later stayed the circular.

### July 27, 2015: Punjab

The Information and Broadcasting Ministry asked TV channels not to show live coverage of the anti-terrorism operations in Dinanagar town of Gurdaspur district in Punjab. The ministry issued an advisory and said that it had notified the Cable Television Networks (Amendment) Rules, 2015, according to which, no programme shall be carried in the cable service which contains live coverage of anti-terrorist operation by security forces.

### August 27, 2015: Maharashtra

The state government of Maharashtra, issued a circular which gave the state police the power to take action against those who had a critical view or stand against the state or central governments' policies and activities. The circular stated that the sedition clause from the Indian Penal Code could be invoked against "whoever, by words, either spoken or written, or by signs or by visible representation, is critical of politicians, elected representatives belonging to the government."

### October 25, 2015: Nagaland

The Colonel of the General Staff for Assam Rifles, a paramilitary force, issued a directive to six Nagaland-based media houses prohibiting the re-publication of press statements from a banned organisation. The directive said that 'publication of press statements of a banned organisation was complicit

in the illegal activities of the banned organisation.' The Press Council of India took suo moto action and sought to know reasons and necessity behind the move which it said appeared prima facie as having an adverse bearing on the freedom of press. The Nagaland editors responded firmly that they were not parties in the prolonged conflict and that at no point did they cross the limits of the freedom of speech and expression guaranteed to the media by the Indian constitution.

## MALDIVES

### LAW

**November 6, 2016: Male**

The police raided Sangu TV, a private television station, in connection with a YouTube video allegedly threatening President Abdulla Yameen. They removed every computer hard disc and the company's data archive, which ultimately forced the station to stop broadcasting. The YouTube video showed three masked men issuing a death threat against the President; police suspected the video was uploaded from the TV station, a claim denied by Sangu TV.

### THREATS AND INTIMIDATION

**October 15, 2015: Addu**

Addu Live, a Maldivian news website operating out of Addu City, was hacked and threats were made against its journalists in late October. On October 15, Addu Live was hacked, and its offices received threatening phone calls. The threatening calls, which Addu Live alleged came from acquitted suspects from the criminal courts, demanded that the outlet take down reports on corruption of judges and articles critical of the government.

**February 13, 2016: Male**

Hussain Fariyaz, a sports journalist for the opposition-aligned Rajje TV, was arrested when police officers in plain clothes entered the Rajje TV newsroom. Fariyaz was arrested without a court warrant and detained for two hours. When he was released, police reportedly admitted to making a mistake. Raajje TV claimed that Fariyaz was arrested for

taking a photo of a police officer taking out a bottle of alcohol during a raid.

## NEPAL

### ACCIDENTAL DEATH

**April 25, 2015: Kathmandu**

Suman Bomjan, a sports journalist with *Gorkhapatra* daily, went missing in the massive 7.9M earthquake. His body was recovered from the rubble of his house at the Bhotahiti Galli of Kathmandu on May 2.

### ATTACK

**September 2015: Terai Region**

More than a dozen journalists were attacked, a petrol bomb hurled on a photojournalist's house, and photojournalists were attacked both by the demonstrators and security forces during political demonstrations and protests in Terai region. Many newspapers and radio stations were forced to close down due to dawn-to-dusk curfews and a radio station was destroyed in an arson attack.

### THREATS AND INTIMIDATION

**September 14, 2015: Rautahat**

Ex-parliamentarian and central committee member of the political party Madhes Samajbadi Forum, Baban Singh, threatened to kill journalists on live radio. Singh was being interviewed live on Kohinoor FM, when he threatened to burn journalists Shiva Puri of the *Kantipur* daily, Madan Thakur of the *Nagarik* daily and Gautam Shrestha of Avenues Television for their news reports on his party's demonstrations in Rautahat district in central Nepal.

## PAKISTAN

### KILLING

**June 28, 2015: Balochistan**

Unidentified gunmen forced their way into the home of journalist Zafarullah Jatak and opened fire. Jatak was killed instantly and the assailants fled the scene. Jatak was working as a correspondent for the Quetta-based, Urdu language daily, *Intekhab* when he was murdered.

**July 15, 2015: Karachi**

Bol TV Human Resources Manager Nauman Ali was shot dead in Karachi, Sindh. Ali was returning home from work in his car, and was shot by unknown assailants. He passed away from his wounds in the Aga Khan Hospital.

**September 8, 2015: Karachi**

Arshad Ali Jaffery, 45, a Geo TV satellite engineer, was killed as three gunmen fired at the Digital Satellite News Gathering (DSNG) van belonging to Geo TV in Bahadurabad, Karachi. The van's driver Anees was also injured.

**September 8, 2015: Karachi**

Senior journalist Aftab Alam, who was on sabbatical from Geo TV, was killed in a gun attack near his home. Unknown assailants opened fire on 42-year-old Alam and fled the scene. Alam was rushed to hospital by his mother and sister but he died from his injuries.

**November 3, 2015: Khyber**

**Pakhtunkhwa**

Senior tribal journalist Dr Zaman Mehsud was gunned down in the Tank district of Khyber Pakhtunkhwa province in Pakistan. Dr Mehsud was travelling from his home town of Gomel, and heading towards Tank City in Northwest Pakistan, when he was attacked by unidentified gunmen. He was shot five times and rushed to the District Headquarters Hospital, but he succumbed to his injuries shortly thereafter.

**November 22, 2015: Peshawar**

Hafeez-ur-Rehman was shot near his home by two unidentified assailants on a motorcycle. Rehman was shot three times and died instantly. Rehman had been working as a journalist for over 12 years, and was employed with Neo TV. He had also been publishing his own daily, *Asia*, until earlier this year.

**January 15, 2016: Khyber**

**Pakhtunkhwa**

Unidentified gunmen shot dead journalist Muhammad Umar near Niazi Chowk, Dera Ismail Khan. Umar sustained critical injuries and died on

arrival at the District Headquarters Hospital. Umar was a correspondent of a local newspaper.

#### **January 19, 2016: Khyber Pakhtunkhwa**

A suicide bomb attack on the outskirts of Peshawar killed journalist Mehboob Shah Afridi, 33, of Aaj TV at the Jamrud Check Point, in Khyber Agency. The attack also resulted in the deaths of at least a dozen others at the scene.

## **ATTACK**

#### **May 23, 2015: Sindh**

Masked commandos of the Special Security Unit of the Sindh Police attacked a number of journalists who were outside the Sindh High Court to cover the former provincial home minister's appearance at the registrar's office. Police attacked the journalists with wooden staffs and damaged their equipment.

#### **September 8, 2015: Khyber Pakhtunkhwa**

Abdul Azam Shinwari, a journalist working for state television, Pakistan TV, was injured in a gun attack in Peshawar. He remained in hospital for day recovering from his injuries.

#### **November 27, 2015: Karachi**

Dawn News TV channel's DSNG van comes under attack in Karachi leaving technicians seriously injured

#### **December 1, 2015: Lahore**

Three, including two policemen and a staffer, injured in a grenade attack on Din News TV channel's office in Lahore. Islamic State (Khurasani Group) claimed responsibility

#### **December 7, 2015: Punjab**

Attack on Express News TV channel office leaves guard injured and van damaged in Sargodha, Punjab.

#### **January 13, 2016: Islamabad**

One injured in attack on ARY News TV channel bureau in Islamabad when motorcyclists lobbed a hand-grenade and fired shots before escaping. 'Daesh Afghanistan' claimed responsibility

#### **February 2, 2016: Karachi**

At least six journalists and media workers were attacked as they covered a protest

at the Jinnah International Airport in Karachi. The media were covering a protest by Pakistan International Airport (PIA) employees. Police attended the protest and attempted to break it up with batons and water cannons. There were also reports that bullets were fired into the crowd. A number of protesters were also injured in the incident. The journalists and media workers were injured with a number requiring hospital treatment. Dawn News cameraman Shafi Dilshad was left with a fractured hand while cameramen of Express News Rafiq Hassan, and Amjad Iqbal of Waqt News were hit with sticks; ARY News cameraman Hanif, AFP's photographer Rizwan Tabassum, Dunya News' reporter Naveed Kamal and Channel 92's reporter Samar Abbas were also injured.

#### **November 2, 2015: Karachi**

Private guards attacked journalists in Karachi covering the protest of university students.

#### **February 6, 2016: Quetta**

TV journalist Bushra Qamar was injured in suicide attack in Quetta, Balochistan. She was not the target but was on duty at a public event.

#### **February 7, 2016: Lahore**

Shots were fired at the C42 TV channel office in Lahore. According to reports, two unidentified suspects, who were armed and riding motorcycles opened fire on the offices of the private news channel on Jail Road in Lahore. Immediately following the attack the assailants fled the scene. There were no reports of injuries to staff, only damage to the office. The incident has been registered with local police, who are investigating the incident.

#### **March 4, 2016: Karachi**

Angry mob attacks DSNG van of Express News channel in Karachi. Moreover, members of Anjuman-e-Tulaba Islam (ATI) fire shots at the Karachi Press Club and attack it with bottle bombs, injuring Jaag News TV reporter Abdul Rehman and his cameraman, damaging the DSNG van of Jaag News and snatched cameras from three camerapersons.

#### **March 26, 2016: Larkana**

Journalist Rehmatullah Bhutto, working for *Sindh Express News* in Larkana district of Sindh province, was booked under terrorism charges under Anti-Terrorism Act Section 6K-ATA which deals with extortion – allegedly influenced by Sindh Assembly Member Ali Bhutto.

#### **March 29, 2016: Lahore**

Splinter group of Taliban – Jamaat-ur-Ahrrar – threatened to attack the media after claiming responsibility for a bombing that killed over 70 people in Lahore the same day

#### **March 31, 2016: Karachi**

A DSNG driver and two reporters Sarfaraz Kaimkhani and Zahid Ghaffar injured while covering a political rally of Pak Sarzameen Party.

## **HARRASMENT**

#### **September 22, 2015: Karachi**

Chand Nawab, a journalist with 92 News TV, and his crew were interviewing passengers at Karachi's Cantonment Station, regarding an illegal hike in ticket prices on the eve of Eid ul Zuha, the largest Muslim holiday, when police and railway officials heckled the crew and attacked Nawab. The railway officials also tried to turn off his camera and threatened to arrest the crew.

## **THREATS AND INTIMIDATION**

#### **August 2015: Islamabad**

The media wing of the Tehreek-e-Taliban Pakistan's (TTP) Mohmand agency faction threatened Pakistani media over their coverage of ongoing military operation in North Waziristan state. In an email to 'the heads and members of the organisations working for the rights of media around the world', the TTP accused Pakistani media of 'baseless news' and propaganda against the Taliban and threatened attacks against the media. The email said: "This message is aimed at making you aware that if we get engaged in attacking them then no crying and sobbing will be heard and we think accomplishing our legitimate and decent mission without attending to criticism of any criticizer is our appropriate right."

#### **August 24, 2015: Northwest Pakistan**

Tehrik Taliban Pakistan (TTP) said it

would ‘target some journalists’ pending approval by the central Shura, Council, spokesman Muhammad Khurasani emailed a journalist in northwest Pakistan.

#### **September 12, 2015: Tank District**

Police tortured and injured tribal photojournalist Irshad Mehsud in Tank district after he took shots of police allegedly taking bribes from displaced people of South Waziristan.

#### **January 12, 2016: Islamabad**

Punjab Rangers raided the home of *New York Times* correspondent Salman Masood in Islamabad without a search warrant. The Interior Minister, Chaudhry Nisar Ali Khan, criticised the raid and said “Such operations and raids are not acceptable at any cost”.

#### **February 8, 2016: Karachi**

Muttahida Qaumi Movement leader Altaf Hussain issued veiled threat to media practitioners amidst controversy over the Baldia factory fire coverage in Karachi, Sindh.

#### **February 14, 2016: Quetta**

‘Shura Fedayeen Islam’ or ‘Council of Suicide Bombers of Islam’ issued a threat to four journalist members of Quetta Press Club for ‘preaching Christianity’.

#### **March 24, 2016: Northwest Pakistan**

TTP (Tehrik-E-Taliban Pakistan) issued a warning to media about becoming “party” to the conflict with the state of Pakistan.

## **KIDNAPPING**

#### **November 10, 2015: Balochistan**

Afzal Mughal, with the Urdu-language newspaper *Daily Mashriq* and also for Online International News Agency, was abducted from his home by at least eight masked assailants on early hours of November 10. Mughal was tortured and then thrown into a vehicle and driven to an unknown location. For fifteen hours, his captors questioned him about his family, professional life, and especially about phone calls he had received from banned militant groups regarding news.

## **LAW**

#### **May 28, 2015: Islamabad**

The Federal Information Ministry wrote

a letter to Pakistan Electronic Media Regulatory Authority (PEMRA) asking it to stop the broadcasting of BOL TV Channel until the completion of a criminal investigation into its parent company, Axact. BOL TV, currently in test transmission phase, was established by the chief executive officer of Axact, Shoaib Ahmed Shaikh. Axact is currently under investigation for alleged scams involving fake degrees through fake online universities. More than 2,300 journalists and media staff are employed by BOL TV Channel.

#### **August 20, 2015: Islamabad**

Pakistan’s Ministry of Information, Broadcasting and National Heritage issued the revised Code of Conduct for the Electronic Media through the Pakistan Electronic Media Regulatory Authority (PEMRA) following the Supreme Court’s order to issue the Code of Conduct for media to combat hate speech. However, the newly-introduced code of conduct is anti-democratic in nature as it restricts journalists’ basic rights.

#### **September 8, 2015: Lahore**

The Lahore High Court ordered the Pakistan Electronic Media Regulatory Authority (PEMRA) and the Press Council of Pakistan (PCP) on Monday to ensure a complete blackout of all activities of MQM, political party chief, Altaf Hussain in both electronic and print media for his alleged remarks against state institutions, including the army.

## **SRI LANKA**

### **ACCIDENTAL DEATH**

#### **September 8, 2015: Minneriya**

Provincial journalist for News 1st TV Priyantha Ratnayake, 46, was killed when a wild elephant attacked him in Minneriya, near a national park. He had gone to the village to cover incidents of wild elephant attacks in the area. He was admitted to the Hingurakgoda Hospital where he succumbed to his injuries.

### **THREATS AND INTIMIDATION**

#### **January 25, 2016: Homagama**

Galabodaatthe Gnanasara, a leader of the Buddhist group, Bodu Bala Sena, entered

the Homagama Magistrate Court, where the court case against those accused of abducting journalist Prageeth Eknaligoda was taking place. Gnanasara disrupted the court proceeding shouting at the officials and lawyers, also threatening Eknaligoda’s wife, Sandya Eknaligoda.



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The IFJ is a non-government, non-profit organisation that promotes coordinated international action to defend press freedom and social justice through the development of strong, free and independent trade unions of journalists.

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