



# NEW FRONTS, BRAVE VOICES

## PRESS FREEDOM IN SOUTH ASIA 2016-2017

FIFTEENTH ANNUAL  
IFJ PRESS FREEDOM REPORT  
FOR SOUTH ASIA (2016-2017)



NORWEGIAN MINISTRY  
OF FOREIGN AFFAIRS



United Nations  
Educational, Scientific and  
Cultural Organization





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

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List of Media Rights Violations,  
May 2016 to April 2017

**Cover:** A gathering tide of protest against the brutal killing of journalism student Mashal Khan in Mardan in Khyber Pakhtunkhwa province of Pakistan on baseless accusations of blasphemy. Credit: AFP/Farooq Naeem

**Contents:** Maldivian blogger Ahmed Rilwan Abdulla was last seen on August 8, 2014. His family have maintained a campaign ever since, demanding action from the Maldives police to find their son, April 2016. Credit: Dying Regime/Creative Commons



# FOREWORD

**A**cross South Asia, journalism has always been a tough profession. Its diverse terrain for media workers is ever challenged by the complex socio-cultural and political dynamic that also weaves it together.

Out in the field, in local and regional beats as well as on high-profile political trails, journalists and media workers are too often exposed to the dangers this volatile mix presents. As the numbers of incidents recorded by the IFJ and its affiliates show, they are exposed to threats, violence or intimidation in a bid to silence. For too many, it takes the highest price - life.

Sadly, two more lives were tragically taken as we prepared the final pages of this year's report. A 23-year-old journalism student, Mashal Khan, was bludgeoned to death in a mob attack in Mardan in North Western Pakistan for posting allegedly blasphemous content on social media. Just days later, the Maldives woke to the news that 29-year-old blogger Yameen Rasheed had been brutally stabbed to death as he returned home from work. A bold and influential voice against injustice, autocracy and extremism, Yameen was a tireless journalist, campaigner and friend. He was also despised by those who wanted him silenced.

These killings horribly encapsulate the latest picture of threat and danger emerging from the violent discourse overtaking parts of South Asia, and more broadly around the world where authoritarian rule is eroding the very essence of democracy. With it, suffers press freedom and the public's right to know.

This 15th annual review of journalism in the region, *New Fronts, Brave Voices: Press Freedom in South Asia 2016-2017*, presents the current critical nexus for journalism and freedom of expression in this difficult space.

With each year, this important record is created through the dedication, commitment and ongoing determination of the South Asia Media Solidarity Network (SAMSN). 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 the network.

Around South Asia, as well as contending with democracies in transition and the broad economic challenges that come hand in hand with that, we see how journalism is fighting for its very existence and survival on numerous old and new fronts.

Media outlets are wrestling with a digital transition that is changing the flow and access to information in a way never seen before. Journalists are doggedly pursuing, creating and sharing stories with ever wider audiences with incredible speed and efficacy. Their ranks are becoming more diverse and ever more representative as new opportunities present

for women and religious and ethnic minorities. But this fragmentation has also challenged and eroded traditional media, and with that journalists' ability to recruit, organise and defend their right to decent and regular wages. Together they are confronting ever aggressive controls placed by governments in the name of national security.

By the close of 2016 the region had a combined population of over 1.7 billion and over 415 million active internet users – four out of ten persons in the region. Yet, South Asian countries have significant digital rights challenges including growing official controls on access, censorship, surveillance, and privacy rights violations of both media and citizens.

In the past year, South Asia took the dubious honour of

**THESE KILLINGS HORRIBLY ENCAPSULATE THE LATEST PICTURE OF THREAT AND DANGER EMERGING FROM THE VIOLENT DISCOURSE OVERTAKING PARTS OF SOUTH ASIA, AND MORE BROADLY AROUND THE WORLD WHERE AUTHORITARIAN RULE IS ERODING THE VERY ESSENCE OF DEMOCRACY.**

↑ Members of the public peer into a damaged TV news channel van after an assault in Karachi on February 12, 2017. Gunmen shot dead Taimur Abbas, an employee of Samaa TV news channel shortly after launching a grenade attack on a police vehicle.

Credit: AFP/Rizwan Tabassum

leading the world in imposing total internet shutdowns either on a national or state wide basis, in the name of national security and riot control. In an overtly aggressive measure to counteract the escalating waves of public protests in Kashmir, the government in India's Jammu and Kashmir state notified internet service providers to block the transmission of messages on 22 social networking services, including Facebook, WhatsApp and Twitter, for a month, or until further orders were issued.

The move highlights the fundamental challenges ahead for media workers. While governments and extremists continue to put a megaphone to fear and less to reason and moderation, the stories of South Asia and, importantly,

the work of its journalists are as vital as ever and must be defended defiantly and bravely.

This report documents the challenges, battles, triumphs and ongoing efforts by incredible individuals and strong unions that are determined to remain vigilant and defend their professionalism and rights.

For these reasons and more, *New Fronts, Brave Voices* 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

South Asia is a region of enormous contrasts, but from the vastness of India to tiny and placid Bhutan, journalism faces several problems in common. The safety situation has improved in some of the countries that were racked by internal strife, but journalists remain at acute risk in India and Pakistan. Nepal and Sri Lanka have perhaps improved their records since they came out of decades of internal conflict, the former through a negotiated truce and the latter by a military victory. But the legacy of years of conflict remains to be reckoned with, without which a full reconciliation seems unlikely.

Public opinion within Bangladesh remains polarised by rival perceptions of history and disagreements over identifying friend and foe in the contemporary geopolitical landscape. Democratic procedures have been instituted like in other parts of South Asia, but remain limited in their ability to create authentic political consensus because of the bitter rivalry between the main political forces. This has cast a long shadow over media functioning, with political pressures from both the ruling party and the opposition – the latter in recent times acquiring an increasingly fundamentalist hue – creating multiple hazards. More than mainstream journalism, the new and growing population of bloggers, representing the freethinking spirit of the youth, has

been at risk in Bangladesh in recent times.

Nepal similarly, continues to be in transition, two general elections since the monarchy was overthrown. A republican constitution has been adopted with substantive guarantees for freedom of speech, but fails to attend to the complexity of ethnic aspirations in a very diverse country. That failure has stoked fresh tensions and impacted the function of media.

Several lacunae have emerged in the implementation of Nepal's free speech guarantees, many of them produced by a legacy of years of conflict. Even if violence has declined, accountability for frequent acts of lethal aggression against journalists remains incomplete. Nepal made a serious effort and did succeed in bringing some conspicuous cases to trial and conviction, but several instances of violence against journalists evaded scrutiny, making opportunistic use of differences of perception among the main political actors. This creates a potential hazard of continuing violence and also endangers that transition itself.

Pakistan continues to struggle with the internal turmoil it has plunged into since being designated as one of the active theatres of a global war. Journalists remain on the frontlines, often providing real-time coverage of militant strikes and counter-strikes by the security forces. This creates one category of danger, compounded enormously by growing sectarian

Credit: AFP/Shah Marai



## PUBLIC OPINION WITHIN BANGLADESH REMAINS POLARISED BY RIVAL PERCEPTIONS OF HISTORY AND DISAGREEMENTS OVER IDENTIFYING FRIEND AND FOE IN THE CONTEMPORARY GEOPOLITICAL LANDSCAPE

divides that make objectivity in conflict reporting a serious risk. The price of failing to assume the partisanship demanded by active combatants can often be death. Pakistan's journalists have unified as never before to combat impunity for crimes against journalists, and have succeeded in raising global awareness, which in turn has created a degree of pressure on the national and provincial governments.

India's vastness and complexity makes it difficult to generalise about the nature of the hazards facing journalists. Endemic conflict in certain of its regions is an ever-present danger. The intricacies of its politics have created multiple local actors with significant clout and a more-than-casual interest in localised networks of business and crime. This is a specially challenging situation, rife with lethal potential, for rural and small-town journalists. Despite India's elaborately worded apparatus of legal enforcement, journalists still remain for most part devoid of the protections they have sought in order to fulfil their public mandate. India's media unions have long campaigned for a law specifically guaranteeing their safety, and the year under review

Credit: AFP/Stringer

← Mustafa, 10, son of Afghan reporter Zabihullah Tamanna, is comforted during a funeral ceremony in Kabul. Tamanna, 38, was killed along with American reporter David Gilkey in a Taliban ambush in southern Helmand province. Tamanna was one of 13 media workers killed in Afghanistan in 2016.

↑ Prominent pro-opposition Bangladeshi editor Mahmudur Rahman celebrates his release on bail from Kashimpur prison near Dhaka. Rahman spent more than three years in jail on charges of sedition and "inciting religious tension".

may have brought an important breakthrough, with one state government enacting such a law.

Perhaps Sri Lanka was where the embitterment between media practitioners and political authorities was the deepest. All through a twenty-five-year long civil war, media professionals who spoke up for the cause of ethnic peace and harmony were targeted with verbal and physical attacks. The end of the civil war promised to open up a pathway towards reconciliation, but the regime that had overseen its bitter end seemed for a while intent on deepening the ethnic estrangement to capitalise on the political dividends yielded by military triumph.



The January 2015 election to the powerful presidency in Sri Lanka brought about a surprise result which awakened hope. This was followed in August the same year by parliamentary elections which underlined the political change earlier signposted. The spirit of reconciliation has since been strong, as also symbolic gestures of contrition by the political establishment towards Sri Lanka's bruised media community. That conciliatory spirit may perhaps have not percolated into improved media practice, with the country's Sinhala and Tamil media still remaining wildly divergent in terms of the perceptions they promote and the formulae they recommend to resolve long-running power sharing disputes.

The spirit of accord has started wearing thin. Towards the end of 2016, both the president and prime minister of Sri Lanka were on record with stern warnings to the media community that it should not abuse its freedoms. The suspicious attitude in official circles is best symbolised in the untrammelled powers that the Terrorism Investigation Department of the Sri Lankan Police enjoys. Several cases that were registered under the draconian emergency powers invoked during the years of civil war, have been retained, implicating courageous human rights defenders and journalists in terrorism offences. This continues to be a slur on Sri Lanka's reconciliation process after the long trauma of the civil war.

After the democratic political transition in 2008, the Maldives had realistic hopes of evolving a free and democratic media culture, quite distinct from that prevalent during the thirty-year long presidency of Maumoon Abdul Gayoom. Mohammad Nasheed, who assumed the presidency in 2008, promised significant change but was beset from the very beginning by the resistance of powerful political actors from outside his administration. With the suspicions that this created, Nasheed may have responded by slowing the pace of reform, before he was forced to resign by a threatening law and order situation.

Yameen Abdul Gayoom was elected president in November 2013 after the brief transitional arrangement that followed Nasheed. The years since have witnessed the rolling back of all the gains registered in earlier years. Intimidation of critical news outlets and draconian enactments that criminalise certain kinds of reporting, have made a comeback. A unique feature of the Maldives' newly enacted constitution, which assures journalists of the right to protect their sources, is now under threat.

After years of progress, the situation in Afghanistan has seemingly stuttered into a state of stagnancy. There has been little mitigation in the risks arising from the country's unending conflict. The lines between powerful political actors and media ownership remain disturbingly blurred, and the sustenance of external aid for a free media has been tapering off. Some of the news media outlets that have established a standard of professionalism in these challenging circumstances are often stigmatised as mouthpieces of foreign interests or the Afghan government. This generates its own distinct dynamic of threats.

Journalists continue to die at the frontlines of the Afghan

conflict, sometimes as "collateral damage" and often as targeted victims. State authorities have shown little inclination to deal with the issue with any manner of urgency, often adopting a "blame the victim" attitude and frequently questioning the bona fides of journalists. With multiple security and intelligence agencies operating, all with their distinct command centres, it is often difficult for Afghan journalists to gain necessary clearances to report on matters of public importance. The character of the armed insurgency has also changed, with the mostly indigenous Taliban yielding ground to the Islamic State militia, nurtured on foreign soils. While the Afghan media community has over time learnt how to deal with the Taliban, the Islamic State imposes standards that are impossible to meet except at the cost of professional self-immolation.

Bhutan has encountered a few furrows on its hard fought path toward a democratic political order. Low population size and limitations of the market continue to be a problem, as in the Maldives. Recognised as a desirable goal, media diversity has proved difficult to achieve in practice because of the smallness of the market, which provides an overwhelming degree of influence to state-controlled media. Moreover, in a small society where personal networks tend to be all encompassing, the values of objectivity and impartiality in news reporting are often difficult to cultivate.

The burgeoning use of social media has posed its own set of unique problems in all countries. In Bhutan, a defamation case, which seemed suspiciously like a defence of privilege, was filed against a Facebook user. The case it seems, was filed for the sake of demonstration. Having served its purpose of nudging the social media user to leave powerful official sensitivities out of the critical discourse, the case was withdrawn.

All countries have seen repeated instances when issues of national security, the symbolism of national observances and the reputations of state officials, have intruded into the daily functioning of the media. Bangladesh has witnessed editors being arrested and charged thoroughly implausibly, of involvement in conspiracies to assassinate senior governmental figures. Maldives has charged journalists with obstructing public officials in the performance of their duty, when all they were doing was covering an event. Similar incidents have been reported from the insurgency prone Central Indian state of Chhattisgarh, where journalists have been held in prison for long periods of time, seemingly on merely the whim of local police officials.

Defamation laws were tightened in the Maldives and have since been invoked to suppress political dissent. India squandered an opportunity to lessen the chilling effect of unreasonable laws, when the Supreme Court in a ruling that has many experts puzzled over its verbosity and lack of clarity, declined a petition demanding that the offence of defamation be rubbed off the criminal statute.

Concerns over the "viral effect" that could be engendered through social media are acute in all South Asian democracies. There is also a great deal of worry about the absence of a curatorial process over content that is posted on social media. This creates a fertile ground for "fake news" to flourish with potentially destabilising political effect.



↑ Maldivian journalists in Malé protest the passing in 2016 of the criminal defamation bill and lack of progress in the investigation into the disappearance of journalist Rilwan.

## INTIMIDATION OF CRITICAL NEWS OUTLETS AND DRACONIAN ENACTMENTS THAT CRIMINALISE CERTAIN KINDS OF REPORTING, HAVE MADE A COMEBACK IN THE MALDIVES

That said, there are several ways in which social media is being used credibly as a means of mobilising dissent and campaigning for democratic rights. The Maldives has had a group of activists who have organised through social media. Mid-March, the main opposition group in the island nation, the Maldives Democratic Party (MDP), put out a press release criticising the increasingly repressive measures adopted by the Yameen government in preparation for a visit by the King of Saudi Arabia. Among the measures that the government adopted was the confiscation of the mobile phones of a number of social media activists.

Controls over the internet have become a frequent recourse in most South Asian countries. India imposed a particularly draconian internet blockade in Kashmir where widespread civil disturbances broke out in July 2016. Most countries exert their control through local internet service providers (ISPs) which are easy to hold liable under domestic law. Nepal revised and reintroduced a series of registration and annual renewal requirements for news websites. These norms have been in force in Sri Lanka since the years of active internal hostilities and have

not been revoked since peace returned.

In a context where all are able to speak out with candour over the social media, the problem of online harassment and trolling has begun to assume epidemic proportions in particular South Asian countries. Invariably, online trolls who are aligned with entrenched systems of power escape without any manner of accountability. A book published in India over the course of the year by a well-known woman journalist, profiles a "troll" who provides a candid confession of how she went to work for the ruling party through a contentious election campaign, trolling and knocking down real and perceived opponents.

Social media in some of its applications has become a powerful accessory of the growing intolerance in civil society. This intolerance is often expressed in a masculine and hyper-nationalist idiom and targets all dissidents, reserving a special fury for women who dare to challenge orthodoxies. As women acquire a higher profile across all forms of media platforms in South Asia, this is a new challenge that they have to deal with.



# IMPUNITY

## THE STRUGGLE FOR ACCOUNTABILITY

Nineteen journalists and media staff lost their lives in South Asia between May 2016 and April 2017. Afghanistan led the grim tally with eight killings, followed by Pakistan with five, India with four and Bangladesh with one.

In 2016, the IFJ put focus on two South Asian countries – India and Pakistan – as part of its global campaign to end impunity. Despite the high number of killings, prosecution against those responsible for crimes against journalists is rare. On November 2, 2016, the UN International Day to End Impunity for Crimes Against Journalists, IFJ affiliates reiterated the demand for concrete actions by the governments to end the culture of impunity and ensure justice to the slain journalists. What is clear is that the struggle for accountability and rule of law must be carried out simultaneously on several fronts: in the corridors of the United Nations, by national governments, by media houses, and on the streets by journalists unions and the public.

In order to strengthen democracy in each of the countries in South Asia where attacks on journalists are rife, journalists and their unions are pushing ahead with campaigns to end impunity.

## BANGLADESH: SMALL BREAKTHROUGHS

Impunity reigns high in crimes against journalists and freethinkers in Bangladesh. Two verdicts marked a notable step toward justice.

In March 2017, a Bangladesh court convicted six accused in the murder of photojournalist Aftab Ahmed in 2013. In another ruling, Judge Abdur Rahman Sardar, of the Dhaka Speedy Trial Tribunal 4, sentenced five accused to death and another to seven years in jail for their involvement in the murder of award-winning photojournalist Ahmed. Ahmed, 79, was killed at his residence during a robbery in Dhaka's Rampura on December 25, 2013. Death sentences were handed down to Humayun Kabir, 32, Billal Hossain, 35, Habib Howlader, 21, Raju Munshi, 22, and Russel. Two of them – Raju and Russel – were sentenced in absentia and are still on the run. Md Shabuj Khan received seven years in prison. Ahmed's photography during the country's 1971 war and political upheavals in Bangladesh were career highlights, after starting as a photographer at the Bangla daily *Ittefaq* in 1962. In 2006, Ahmed was awarded the Ekushey Padak, the second highest civilian award in Bangladesh.

On November 30, 2016, the Khulna Divisional Fast Track Tribunal convicted and sentenced nine people to life in prison for the 2004 murder of journalist Manik Saha. Judge M A Rob Hawladar delivered the verdict in the case, which had been under trial since June 2008. The court also fined convicts Akram Hosain Hawladar, Ali Akbar Shikdar (alias Shaon), Nuruzzaman, Mithun, Suman, Sattar (alias Disco Sattar), Bellal (alias Bulbul), Saka (alias Sakawat Hossain), and Sarwar Hossain (alias Saro) Tk 10,000 each (USD123). However, four remain at large and only five were sent to jail. Among the 14 accused, a further two were acquitted and three – Abur Rashid, Altaf and Mahfuz – are dead.

Saha, a journalist with *New Age* and BBC, was killed on January

15, 2004, while returning home from covering a meeting of the opposition Awami League. Saha was decapitated and killed instantly when unidentified assailants threw a hand-made bomb at him after stopping his rickshaw. Born in 1956, Manik Saha began his career as the Khulna district correspondent of the Bangla daily *Sangbad* in 1982 and served as the president of Khulna Press Club. He had also worked for Ekushey TV.

Despite the breakthroughs in these cases, justice is long overdue in the brutal murder of Sagar Sarowar, the news editor of private network Maasranga TV, and his wife Meherun Runi, senior reporter of private channel ATN Bangla. Investigators remain clueless about the perpetrators five years on from their murder. Investigators are still in the dark over the murder of the couple who were stabbed to death in the bedroom of their apartment in Dhaka on February 11, 2012. Sagar received 28 stab wounds and Runi five.

The killings triggered widespread outrage in Bangladesh's media community. Shortly after, the then-home minister, Shahara Khatun, declared the killer would be arrested within 48 hours. Nine months after the minister's assurance, the incumbent home minister, Muhiuddin Khan Alamgir, claimed a breakthrough at a press conference after several arrests. But nothing substantive has emerged so far. Apart from shifting the case from one investigative body to another and between hollow promises, investigators have not been able to produce tangible results. The probe agency, the elite RAB, has been submitting progress reports on the investigation every month following a court directive, repeatedly seeking an extension each time. Though the RAB says it is making every effort to crack the case, Runi's brother Nowsher Alam Roman does not see light at the end of the tunnel to resolve the murder mystery.

## SRI LANKA: MILITARY STILL MIGHTY

Despite continued efforts by media freedom organisations, the Government of Sri Lanka has failed to bring to justice those responsible for the crimes against journalists committed during the previous regime.

There are at least five ongoing investigations on crimes against journalists: the abduction and disappearance of journalist Prageeth Eknaligoda; the killing of *Sunday Leader* editor Lasantha Wickremetunge; the abduction and assault of journalist Keith Noyahr; the assault on journalist Upali Thennakoon and the assault and attempted abduction of journalist and media trainer Namal Perera.

Incidentally all incidents happened outside the war zone and in the capital, Colombo. None of the victims belonged to the minority Tamil community, who faced the atrocities of war. So far, there is no public information on any investigation on killings and abductions of Tamil journalists in Sri Lanka. Speaking at a media function in Jaffna on November 7, 2016, Chief Minister C.V. Wigneswaran accused the government of not investigating the killing or disappearance of Tamil journalists, while

DESPITE CONTINUED EFFORTS BY MEDIA FREEDOM ORGANISATIONS,  
THE GOVERNMENT OF SRI LANKA HAS FAILED TO BRING TO JUSTICE  
THOSE RESPONSIBLE FOR THE CRIMES AGAINST JOURNALISTS  
COMMITTED DURING THE PREVIOUS REGIME



← A Sri Lankan mourner lights a candle on January 8, 2017 at the grave of prominent editor Lasantha Wickrematunge on the eighth anniversary of his death in Colombo. The investigation into his killing in broad daylight is still ongoing.



investigating cases involving Sinhalese journalists.

Ongoing investigations have pointed towards the involvement of a military death squad that operated under political and military authority in four cases. In the case of abduction and assault of journalist Keith Noyahr, the Criminal Investigations Department (CID) has disclosed concrete evidence in the form of communications, media has reported.

On March 20, 2017, the CID told the Mount Lavinia Magistrate's Court that Gotabhaya Rajapaksa, who was Sri Lanka's Defence Secretary during his brother's rule, directed a secret unit which is accused of assassinating a newspaper editor in January 2009. Furthermore, the CID stated that it had found evidence that the death squad was controlled by Gotabhaya Rajapakse.

According to the CID, testimony of the former Army Commander Sarath Fonseka shows that there was a special secret unit outside his authority controlled by Gotabhaya Rajapakse through the then Chief of National Intelligence Kapila Hendawitharana. "This unit operated outside the army command structure and was used to target journalists and other dissidents," the CID report stated.

All suspects arrested in relation to the abduction and disappearance of journalist Prageeth Eknaligoda are either serving or retired army officers and informants. The investigation and court case of the abduction and disappearance of Eknaligoda faced strong resistance from the military establishment since the beginning.

On October 13, 2016, Additional Solicitor General

Sarath Jayamanna told the Supreme Court that the army was not giving any support for the ongoing investigation into the disappearance of Prageeth Eknaligoda. He added that a high ranking officer of the army was summoned to Attorney General's Department and requested to support the investigations, but the army did not respond to the request.

On December 10, 2016, Sri Lanka's Navy Commander, Vice Admiral Ravi Wijayagunaratne, assaulted a local correspondent for *The Island* and *Divaina* dailies Roshan Gunasekera, while he was reporting navy action to open the port blocked by protesting port workers. Video footage recorded by journalists showed the Navy Commander darting towards Gunasekera, assaulting him and using foul language. However, the Director General of the Department of Government Information, Ranga Kalansooriya, said there would be no further official investigation into the attack on the journalist. He further stated that an investigation was unwarranted as Gunasekera had indicated that no inquiry or investigation was necessary when officials of the Department had visited him to record a statement. Thus the Navy Commander was given complete impunity over the assault. In

→ Impunity for crimes against journalists is still a big concern for Nepal's media. The aftermath of civil conflict, ongoing political challenges and earthquake recovery continue to challenge journalists. A pigeon soars above the recently renovated Boudhanath Stupa in Kathmandu on December 13, 2016.

↓ Activists of the 'Dead and Missing Persons' Parents' Organisation' hold placards as they demonstrate outside the offices of the United Nations in Colombo on May 10, 2016. UN officials say that up to 22,000 people are still missing seven years after the end of the war in 2009.



Credit: AFP/Lakruwan Wanniarachchi



## IMPUNITY FOR CRIMES AGAINST JOURNALISTS IS STILL A BIG CONCERN FOR THE STAKEHOLDERS IN NEPAL. ALTHOUGH THERE HAS BEEN JUSTICE IN SOME CASES - SUCH AS IN KILLINGS OF JOURNALISTS DEKENDRA THAPA AND UMA SINGH

February 2017, President Sirisena granted a six month service extension to the commander.

In several recent incidents, the Attorney General complained to the court that the military hierarchy was being uncooperative regarding ongoing investigations. In the face of such strong resistance, President Sirisena also strongly defended the "war heroes" against any such inquiry. He promised to stand by them and protect them.

Issuing a statement the Free Media Movement (FMM) said the statement by President Maithripala Sirisena may cause investigations to be discouraged. The IFJ too stated that, "the statement by the President of Sri Lanka hints at the Government's unwillingness to deliver justice to journalists who were victimised by the earlier regime."

In the face of mounting criticism of his stance promoting impunity for military personal, President Sirisena made a slight change in his usual 'I will protect war heroes' tone. On March 28, 2017, speaking at a military function he reaffirmed his stance on alleged war crimes by the military during the last phase of war. He went on to say that he was unable to protect those who are guilty of acts not connected to national security

and those guilty of killing media persons or sportsmen.

### NEPAL: A LONG ROAD AHEAD

Impunity for crimes against journalists is still a big concern for the stakeholders in Nepal. Although there has been justice in some cases - such as in killings of journalists Dekendra Thapa and Uma Singh - most journalist murders, primarily cases of the conflict era (1996-2006) are still waiting investigation and prosecution. Attacks and threats to journalists are rarely investigated. The verdicts in some cases represent tiny steps on the long road to dismantling impunity and establishing press freedom.

On March 14, 2017, the Janakpur High Court upheld the lower court's verdict in the 2009 murder of journalist Uma Singh convicting three accused and handed life imprisonment along with confiscation of their entire property - the highest possible punishment under Nepali law. A division bench of Janakpur High Court justices Narayan Prasad Pokharel and Chandra Bahadur Sadu delivered the verdict. Nemlal Paswan, Umesh Yadav alias Swamiji and Singh's sister-in-law Lalita Devi Singh were convicted. Singh, who worked for the local Janakpur Today newspaper and a local FM radio station, was murdered at her

Credit: AFP/Prakash Mathema





rented room on January 11, 2009.

The justice in the case of Thapa is unique as it was one of the cases from the conflict era; and the investigation and prosecution happened despite all odds due to the relentless efforts from his family, with support from friends and the Federation of Nepali Journalists (FNJ). On December 7, 2014, the Dailekh District Court awarded punishment to the five accused ranging from imprisonment of one and a half to two years. Although the sentence is light, and the prime accused is still at large, the sentencing is a significant victory for journalists against impunity in Nepal.

“The prosecution in Dekendra Thapa’s case is an important landmark in FNJ’s history and transitional justice in Nepal,” Dr Mahendra Bista, the FNJ president said. “Such cases were either not investigated or taken to court or even if taken to court, political unwillingness impeded the process. It also boosted the confidence of the FNJ, that with relentless effort and commitment, a dent in impunity can be made. Success was achieved due to continuity in local, national and international voices for justice.”

According to UNESCO, among 35 killings of journalists in

Nepal, only six were taken to prosecution - one of which, in the case of killing of Gopal Giri, the government has withdrawn the case citing it’s conflict-era case and should be dealt by the Truth and Reconciliation Commission. Even in the cases which the courts have pronounced its verdict, the implementation of verdict is still a challenge as the main convicts are absconding. Similarly in four cases of disappearance of journalists, no prosecution is ongoing as the government has withdrawn the only prosecution, in the case of Prakash Singh Thakuri, citing it a conflict-era case.

### PAKISTAN: EMERGING LEGAL FRAMEWORK

Speaking at an event the National Press Club in Islamabad, Abdur Rehman, son of slain journalist Zaman Mehsud said, “No progress in murder case of my father has taken place so far.” At the same event, senior journalist Hamid Mir gave away the award money he received as the Most Resilient Journalist, 2016, from the International Free Press. It was equally distributed among families of killed journalists including the family of Zaman Mehsud who was gunned down in north-western Pakistan on November 3, 2015.

The lack of progress in the investigation into Mehsud’s killing



← ← Journalist Mehmood Khan was killed when a Taliban suicide bomb exploded at a Pakistani hospital in Balochistan on August 8, 2016. Khan was at the hospital reporting on a fatal shooting earlier in the day when the bomb exploded. He was among 70 to lose their lives that die.

← One of the key reasons for poor progress on fighting impunity is believed to be the lack of a legal framework. Pakistan Federal Minister for Information & Broadcasting, Maryam Aurangzaib addresses a consultation of journalists in Islamabad on April 10, 2017, to seek inputs on the proposed government-backed ‘Journalists’ Welfare and Protection Bill, 2017’.

to establish that the United States was using drones to hunt down the terrorists in remote tribal areas of Pakistan along the border with Afghanistan.

Seven years ago, Peshawar-based journalist Iqbal Khattak interviewed the children of Hayatullah Khan in June 2010. They asked him the same question again when he met them in early April 2017: “Tell us, who are the killers of our father?” Kamran Hayat was eight years old then; now 15. On behalf of his family he received assistance from Hamid Mir. “I will not stop dreaming of knowing who killed my father,” he said.

Between January and March 2017, three journalists were killed – one each in Balochistan, Sindh and Punjab provinces respectively. From the monthly threat analysis by the Freedom Network it is clear that attacks on media and its practitioners are unabated.

The cost of exercising the right-to-know has increased in Pakistan, giving more rights but at the same time pressures grow while exercising freedom of expression despite the country took a giant step forward to amend its Constitution empowering the citizens with right-to-know for the first time in 2010.

Pakistan has been chosen as a pilot country among others for the UN Plan of Action on the Safety of Journalists and the Issue of Impunity to map journalists’ safety indicators. The move worked to a great extent. It brought the issue of impunity to limelight under the United Nations banner bringing all media stakeholders together around single point agenda of journalists’ safety.

The Pakistan Coalition on Media Safety (PCOMS) has provided a unique platform for these stakeholders ranging from media industry, practitioners, editors, owners, political parties, government ministers, civil society, national and international media rights organisations.

Adnan Rehmat, Pakistan’s leading media rights activist with decades-long journalism background also, was one of many architects of the PCOMS and he believes: “A key milestone for Pakistan moving towards a state response to the menace of impunity of attacks journalists was in 2012 when the United Nations instituted the UN Plan of Action on Safety of Journalists and Issues of Impunity, which included Pakistan as one of five initial pilot countries for its implementation.”

The UN Plan of Action provided the impetus for Pakistan to fulfil its stated commitment to protect freedom of expression and keep journalists and other media practitioners from harm. The second key milestone was in the same year the PCOMS was established.

“PCOMS helped the government end its ambivalence and endorse the UN Plan of Action and make a formal promise to bring a new federal law on safety of journalists and other media practitioners. After several rounds of consultations with

is illustrative of the deep-rooted culture of impunity of crimes against journalists and media in Pakistan. According to IFJ records, more than 120 journalists were killed in the line of duty since 2000.

Pakistan has been unable to effectively fight impunity, and one of the key reasons is believed to be the lack of a legal framework. “One of the prime reasons is vacuum of law dealing with combating impunity,” said media laws specialist Muhammad Aftab Alam. Many others also hold this belief, including Hamid Mir who spoke at the roundtable consultation Federal Ministry for Information and Broadcasting arranged in Islamabad in the second week of April 2017. Together with the Pakistan Federal Union of Journalists and the National Press Club, Islamabad, they shared inputs on a draft “Journalists Welfare and Protection Bill, 2016.”

A living example of how much perpetrators of crimes against journalists enjoy impunity is Hamid Mir himself. He was attacked in April 19, 2014, and received six bullets. He survived the attack with two bullets still inside his body. The judicial commission report investigating the attack has not yet been made public. A leaked report of the commission failed to identify the attackers. It is not the first time judicial commission failed. The Judicial Commission to investigate Saleem Shehzad’s killing had similar results. Similarly, the family of tribal journalist Hayatullah Khan is still awaiting findings of judicial commission for a very long time. Hayatullah’s dead body was discovered in June 2006 after he was taken away from a main road near Mir Ali town in North Waziristan, a former hotbed of Taliban-linked militancy. The journalist disappeared days after he had taken photos of a missile

**THE UN PLAN OF ACTION PROVIDED THE IMPETUS FOR PAKISTAN TO FULFIL ITS STATED COMMITMENT TO PROTECT FREEDOM OF EXPRESSION AND KEEP JOURNALISTS AND OTHER MEDIA PRACTITIONERS FROM HARM.**

Credit: AFP/Arif Ali

Credit: Iqbal Khattak





stakeholders, it appears Pakistan will finally have this coveted legislation before the end of the year." Rehmat added.

The leaked Hamid Mir Judicial Commission report recommended the government should consider the PCOMS recommendations demanding resolute support to fight back impunity. It was received with great victory for journalists' safety PCOMS rendered through the UN Plan of Action.

The government was under pressure to respond to the popular demand from the journalist community and leading national and international media rights groups seeking urgent legal framework to bring perpetrators of the crimes against journalists and media.

The pressure was visible when Federal Minister of State for Information and Broadcasting, Maryam Aurangzaib, set an April 30 deadline for journalists and other stakeholders to provide inputs to the draft 'Journalists Welfare and Protection Bill, 2016' during the consultation on April 11, 2017.

The draft law is under scrutiny from all stakeholders. Its careful review leads to the conclusion that the draft law needs major changes to meet minimum standards. Critics say that it falls short of what is required to provide mechanisms for prevention of crimes against journalists and media, protection of victims, prosecuting the perpetrators and combating impunity.

Unless the void in law is filled and stakeholders, particularly media houses are legally bound to enforce safety policy and protocols and ensure strict compliance, enemies of the free press will be encouraged to continue attacks. Unfortunately, media houses lack adequate policies and safety protocols and simultaneously, journalists are also taking risk to "get the story" even taking on risky assignments. As of now, the state regulators have no legal framework to make a safety audit mandatory while issuing or renewing licences for radio stations, TV channels or newspapers.

Pakistan looks determined in 2017 than ever before to meet the

↑ Protests against the killing of Hindustan bureau chief Rajdeo Ranjan in Siwan on May 14, 2016. Two days earlier, television journalist Akhilesh Pratap Singh was shot dead by unknown assailants in the neighbouring state of Jharkhand.

longstanding demand of a legal framework to protect journalists. As the current federal government seems to be tabling the draft bill in the national Parliament before the general elections in 2018, moves are afoot to draft a model journalists' safety bill at the provincial level separately as law and has become more provincial subject since the constitutional amendments in 2010.

These moments must be seized and used to achieve the stated goals of journalists' safety and combating impunity of crimes against journalists and media.

## INDIA: LENGTHENING SHADOW OF IMPUNITY

With five journalists murdered in the period under review, the lack of accountability appears to be having a cumulative effect – journalist killers now know they can get away with murder.

Akhilesh Pratap Singh (alias Indradev Yadav) was shot dead in Chhatra, Jharkhand on May 12, 2016. Rajdeo Ranjan was shot dead in Siwan in Bihar on May 13 and Dharmendra Singh was shot dead in Sasaram in Bihar on November 12. Police claimed that property disputes, not professional reasons, claimed the lives of two other journalists - Kishore Dave in Junagadh in Gujarat on August 22 and Kewal Krishan in Dhuri in Punjab on October 20. "Political rivalry" and "business rivalry" were reasons given by the police for the killings of Brajesh Kumar in Samastipur, Bihar in January 2017 and S. Karthigai Selvan in Sattur, Tamil Nadu a few days later. Given that both, like many journalists in small towns and rural areas of India have several professions and work part-time as news-gatherers, attributing cause for attacks on them is more complex.

As Geeta Seshu says in her compilation of cases for media watch

**IT IS NOT UNUSUAL THAT OFFICIAL QUARTERS WOULD IN THE FIRST INSTANCE REACT TO A MURDER BY BLAMING THE VICTIM, BY ARGUING THAT HE SOMEHOW BROUGHT THE FATE UPON HIMSELF BY QUESTIONABLE CONDUCT**

website The Hoot says, "With poor investigations and sluggish follow-up, the current near-zero conviction rate will remain and the political and business mafias that sponsor most of these killings will get away scot free, yet again."

Indradev Yadav is believed to have been targeted for exposing several instances of gross corruption in the local and state administration. A day later, on May 13, 2016, Rajdeo Ranjan, a Siwan-based reporter for *Hindustan*, was also shot dead.

A Press Council of India team visited Chatra in Jharkhand a few days later to inquire into the murder of Akhilesh Pratap Singh Yadav (alias Indradev), encountered a very different reality in the practice of journalism in India. Yadav, it turned out had a past in the Maoist insurgency in the neighbouring Bihar state before he relocated to Jharkhand where too an active insurgency existed. He had then taken up a career in journalism, while joining a relative in a business venture bidding for public contracts.

According to interlocutors that the PCI team met, Yadav's business ventures excited the interest of a Maoist faction active in Jharkhand. His murder may have been in retaliation for his refusal to yield a cut from the value of contracts he was awarded to the Maoist faction. In another account, his killing is put down to the Maoist faction that he was earlier associated with, which allegedly has a tradition of punishing apostasy with death.

It is not unusual that official quarters would in the first instance react to a murder by blaming the victim, by arguing that he somehow brought the fate upon himself by questionable conduct. The argument often holds the field for a while because nobody pursues the competing narrative in the public domain with necessary vigour. There is thus a degree of ambiguity about identifying when the murder of a journalist could attributed unambiguously to his work, and when it arises from collateral causes.

The only way to arrive at a sound judgment, which would enable media organisations and journalists' unions to initiate necessary correctives, would be to have the full facts established by investigation. The fact is, however, that this does not occur in most cases.

Likewise, with the killing of Dharmendra Singh in Sasaram, Bihar, in November 2016, his family maintains that he was killed for exposing the "police-illegal mining mafia nexus". However, even before the investigation could be launched, the police issued a statement describing Dharmendra as a person with "criminal antecedents" without substantiating the charge.

Arrests have been made in the near aftermath of the killing of Yadav, Ranjan and Dharmendra, but no charge-sheets have been filed. Under India's criminal statute, all accused detainees are eligible for bail if charges are not filed within six months and that

indeed is what has happened in the cases of Yadav and Ranjan.

Despite a fairly comprehensive framework of law for the defence of free speech and other basic rights, India's journalists are often impeded in their pursuit of basic security by serious weaknesses in the enforcement machinery, and the infirm commitment of media industry owners. If these two hurdles are cleared, there are delays in the judicial process and the ability of powerful local actors to stretch proceedings out interminably. Though journalists are not murdered with quite the same frequency in India as in other conflict prone countries in the neighbourhood and beyond, impunity remains a major issue. The two murders in May 2016 represent a spectrum of possible risks. Subsequent incidents show that diligent investigation has been lacking and the brevity of public memory often results in authorities getting a free pass.

Taking note of the growing attacks on journalists, IFJ affiliate the National Union of Journalists of India (NUJI) in its working committee meeting in October 2016, reiterated its demand for the enactment of a Journalists Protection Act in a memorandum submitted to Prime Minister Narendra Modi. The passage of the Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017, on April 7 makes attacks on journalists punishable with a prison term and fine, as well as compensation for damage inflicted.

The law has its beginnings in the campaigns for journalists safety launched by the Patrakar Halla Virodhi Kruti Samiti (Action Committee Against Attacks on Journalists) in Maharashtra. The memorandum they submitted to the Press Council of India and draft Ordinance from the then Congress-NCP government in 2011. As welcome a step as the law is, its main flaw is that it could end up diluting punishment for assault. Instead of charges under the Indian Penal Code (IPC) of Sec 326 for grievous assault and even Sec 307 of attempted murder, both of which can attract punishment of life imprisonment, as compared to the three years imprisonment under the new law. Another issue is that it does not cover freelancers, stringers or bloggers and social media writers.

The Chhattisgarh Special Act for Protection of Journalists and Human Rights Defenders drafted by human rights lawyers though yet to become law, is another step towards ending impunity for those who attack journalists.

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.



## STATUS OF INVESTIGATIONS INTO JOURNALISTS' MURDERS (2010-2016)

	NAME & EMPLOYMENT	DATE OF DEATH	CIRCUMSTANCES OF DEATH	IN INDIA	STAGE OF INVESTIGATION
1	Hem Chandra Pandey, freelancer	02.07.10	Killed along with suspected Maoists in a "fake" encounter or alleged shoot out between Maoists and police Fact-finding teams and the family term it as a cold-blooded murder	Andhra Pradesh	Investigation by special investigation team of central bureau of investigation
2	Bimala Prasad Talukdar, editor, <i>Swatantra Avaaz</i>	04.09.10	Killed with a sharp object	Hojai, Nagaon district, Assam	No arrests
3	Sushil Pathak, <i>Dainik Bhaskar</i>	20.12.10	Shot dead by unidentified gunmen while returning home	Bilaspur, Chhattisgarh	Investigation by special investigation team of Central Bureau of Investigation
4	Umesh Rajput, correspondent, <i>Nai Dunia</i> ;	23.01.11	Killed by two masked gunmen on motorbikes outside his home	Chhura, Chhattisgarh	Investigation by special investigation team of Central Bureau of Investigation
5	Jyotirmoy Dey, <i>Midday</i>	11.06.11	Assailants on motorcycles shot Dey as he drove past them on his motorcycle in Mumbai	Mumbai, Maharashtra	10 arrested; trial on
6	Chandrika Rai, <i>Navbharat, Hitavada ki</i>	18.02.12	Chandrika Rai and his family were found bludgeoned to death in their home.	Umaria, Madhya Pradesh	Investigation by special investigation team of Central Bureau of Investigation One arrest made Charge sheet filed
7	Rajesh Mishra, owner-editor, Hindi paper <i>Media Raj</i>	01.03.12	Two assailants hit Mishra on the head with an iron rod a public tea stall	Rewa, Madhya Pradesh	Three arrests made Two acquittals One conviction, appealed
8	Chaitali Santra, freelance journalist	26.09.12	Died after opening a parcel bomb containing an explosive device	Howrah, Kolkata, West Bengal	Four arrests made
9	Thangjam Dwijamani Singh, Prime News channel	23.12.12	Killed by police	Imphal, Manipur	No arrests made
10	Nemi Chand Jain, freelance journalist	12.02.13	Stabbed to death	Chhattisgarh	Dead end: no convictions, no progress in investigation
11	Jitendra Singh, stringer, <i>Prabhat Khabhar</i>	27.04.13	Shot dead visiting a construction site with two friends	Murhu Jharkhand	Dead end: no convictions, no progress in investigation
12	Rakesh Sharma, Aaj	23.08.13	Left home after a phone call, was shot by assailants on motorbikes	Etawah, Uttar Pradesh	No arrests made First Information Report names five persons

	NAME & EMPLOYMENT	DATE OF DEATH	CIRCUMSTANCES OF DEATH	IN INDIA	STAGE OF INVESTIGATION
13	Rajesh Verma, IBN 7 channel	07.09.13	Shot in the chest while covering communal clashes	Muzaffarnagar, Uttar Pradesh	Dead end: no convictions, no progress in investigation.
14	Hemant Yadav, TV24 news channel	03.10.13	Shot as he returned home	Dheena, Uttar Pradesh	Dead end: no convictions, no progress in investigation.
15	Sai Reddy, contributor, <i>Deshbandhu</i>	06.12.13	Beaten and stabbed by assailants	Bijapur, Chhattisgarh	No arrests made; Maoists claimed responsibility
16	Tarun Acharya, Kanak TV, <i>Sambad</i>	27.05.14	Throat slit	Khallikote, Odisha	Five of the six accused arrested
17	MVN Shankar, <i>Andhra Prabha</i>	26.11.14	Beaten by unidentified assailants with iron rods	Guntur, Andhra Pradesh	Two arrests made Awaiting trial
18	Jagendra Singh, social media journalist	08.06.15	Died from burns to his body sustained during a police raid on his house	Shahjahanpur, Uttar Pradesh	Investigation by special investigation team of Central Bureau of Investigation
19	Sandeep Kothari, freelance journalist	20.06.2015	Found burned and beaten near railroad tracks in Wardha district of Maharashtra	Balaghat, Madhya Pradesh	Seven arrests made
20	Akshay Singh, Aaj Tak channel	04.07.15	Died from what doctors said was a heart attack. Singh was conducting an interview when he drank from a cup of tea and began coughing and frothing at the mouth	Meghnagar, Madhya Pradesh	Investigation by special investigation team of Central Bureau of Investigation
21	Karun Misra, <i>Jansandesh Times</i>	13.02.16	Three gunmen on motorcycles shot Misra while he was driving home	Sultanpur, UP	Two arrests made
22	Akhilesh Pratap Singh (Indradev Yadav), Taaza TV	12.05.16	Shot dead returning home	Chhatra, Jharkhand	One arrest made
23	Rajdeo Ranjan, <i>Hindustan</i>	13.05.16	Shot dead in the head and neck near the local railway station	Siwan, Bihar	Five arrests made
24	Kishore Dave, <i>Jaihind</i>	22.08.16	Found lying in a pool of blood in his office	Junagadh, Gujarat	Three arrests made
25	Dharmendra Singh, <i>Dainik Bhaskar</i>	12.11.16	Three unidentified men shot Singh outside his home	Sasaram, Bihar	Two arrests made

Source: Geeta Seshu, www.thehoot.org with updates on killings by IFJ Asia-Pacific



# GENDER

## THE LONG HAUL

An unexpected problem confronts news reporters in the south Indian state of Kerala – politicians are suddenly refusing to be interviewed by women journalists or meet them privately. This is a fallout of a so-called ‘honey trap’ or using feminine wiles to bait prominent men in public life. In March 2017 a sexually explicit conversation purportedly between former minister of transport A.K. Saseendaran and an unidentified woman was aired on Mangalam TV news channel. The embarrassed Minister protested his innocence but was forced to resign, pending inquiry.

Since the channel edited out the woman’s voice, doubts were raised about the authenticity of the ‘sting operation’. Eight journalists of the TV channel were booked by the police under sections of the Information Technology Act and the Indian Penal Code. The TV channel’s ‘dubious tactics’ became the issue, after Al Neema Ashraf, one of its women journalists, resigned and revealed that the channel had formed an ‘investigative team’, whose job it was to ‘trap’ vulnerable targets.

Upset at the misuse of journalism to create fake news, women journalists under the banner of ‘Network of Women in Media- Kerala’ marched to the office of Mangalam TV in Kochi, declaring that the channel’s sting operation amounted to insulting women media persons. Holding placards with slogans like, “Proud of my integrity, proud to be a woman journalist”, they objected to the claim that the woman reporter had ‘voluntarily’ conducted the sting. They maintained that the episode had hurt their credibility as professionals and created a negative image about women journalists.

## THE FIRST HURDLE

Unfortunately, media women across South Asia encounter a range of problems, prejudices and obstacles in their working environment. While many women enter media schools, families often discourage them from actually entering the profession. This is the first hurdle they must cross. When women journalists in South Asia enter a newsroom they often find that they are one of a tiny ‘minority’ in an ecosystem that is essentially male. Every woman entering the profession must learn to negotiate her way through these male spaces; many do so with some trepidation, others with growing confidence.

Wahida Zaman, apprentice sub-editor with United News of Bangladesh, summed up the problem in an interview to the Inter Press Service: “First of all you’ll have to convince your family

that journalism is not a ‘risky’ profession at all for you. In our society, you’ll often get undermined for being a woman. You cannot go far because you’re a woman, you cannot move alone because you’re a woman, you cannot work late at night because you’re a woman, you cannot be brave enough to do investigative reporting because you’re a woman — and keep coming.”

Barriers to entry also include the dearth of jobs and the reluctance of managements to hire women as special concessions may have to be made for them, such as ensuring safety, providing transport at night and giving paid maternity leave. However, some women do cross these hurdles and enter the profession.

## THE LEADERSHIP ISSUE

The fundamental problem for women journalists in South Asia and improving equity at work is the distinct lack of women in decision-making roles, both in media houses and in the organisations that represent them. Clearly, unless major initiatives are introduced to bring about gender equity at work the problem will remain entrenched.

A significant gathering of women in the Asia Pacific’s media in Kathmandu, Nepal, in November, 2016 organised by the International Federation of Journalists (IFJ) with the South Asia Media Solidarity Network (SAMSAN) and South East Asia Journalist Unions (SEAJU) saw women journalists and union activists evolve strategies to bring about meaningful change in women’s experience of working in the media and the unions that represent them.

The recommendations of the IFJ-UNESCO research *Inside the News: Challenges and Aspirations of Women Journalists in Asia and the Pacific* and other IFJ gender initiatives in the region provided the necessary evidence base for future expanded action on addressing gender inequities in media.

Convinced that regional collaboration is critical to addressing inequities in pay and career advancement, sexual harassment and safety for female journalists, the meeting discussed the potential for campaigning to strengthen regional solidarity and alliances, while also advocating core media approaches to the problem in terms of leadership.

The numbers of women in the media industry – especially in the electronic media – and also in unions and associations

→ Women journalists in Kerala make a strong statement condemning the unethical ‘sting operation’ conducted by Mangalam TV, asserting pride in their profession. The campaign #proudtobeawomanjournalist picked up steam and went viral on social media.



Credit: Network of Women in Media, India, Kerala

**WHEN WOMEN JOURNALISTS IN SOUTH ASIA ENTER A NEWSROOM THEY OFTEN FIND THAT THEY ARE ONE OF A TINY 'MINORITY' IN AN ECOSYSTEM THAT IS ESSENTIALLY MALE**





↑ Sangay Choki, from the Journalists Association of Bhutan (JAB), was among 26 women journalists and activists from across Asia-Pacific who designed campaigns to end gender disparity in wages at the IFJ Gender Equity & Strategy meeting in Kathmandu, Nepal in November 2016.

## WHILE THE NUMBERS OF WOMEN IN THE MEDIA INDUSTRY AND IN UNIONS ARE STEADILY GROWING, THERE ARE STILL BARRIERS TO THEM OCCUPYING DECISION-MAKING POSITIONS

are steadily growing. Yet, there are barriers to them occupying decision-making positions. Apart from the palpable glass ceiling, there is a sticky floor which must be overcome for women to assume leadership roles.

Strengthening women's connection to their unions was one of the key issues to emerge. There is a critical need for unions to have an internal dialogue to understand how to deal with the changing media industry and bring about a culture change for media in South Asia. Clearly, even if there are quotas and other measures of affirmative action, the push has to come from women.

Sharing examples of breakthroughs and best practices, delegates from Sri Lanka said that active mentoring and effective collaboration (instead of competition) between unions and associations along with a 'feminist internet' or a group of women activists taking the lead in campaigning, are some of the successful strategies they have used to take forward the gender equity agenda.

The realities of the region, with countries emerging from conflict and facing multiple challenges were evident. "Fourteen years is too little time to set right what went wrong in the 40 years of war in Afghanistan. Women are not qualified and need training," said Zarifa Ghafari from the Afghanistan Independent Journalists' Association, adding that awareness raising and training of senior male editors to play a supportive role has been an important strategy. "After all these years of concentrating on the war and ethnic strife, we are now doing capacity building and training," said Niranjani Kumari from the Free Media Movement, Sri Lanka.

Two campaigns were formulated, one to combat online harassment of women journalists [See Chapter: *Online Harassment*] and the other to increase women's presence in unions. The campaign was built around the slogan 'with women, stronger unions', as a prelude to increasing leadership of women in unions. Action points were adopted including an awareness campaign to include all women journalists, including freelancers, those on contract and bloggers. Addressing the question of why women are not joining the unions, the campaign was visualised around issues of relevance to women such as sexual harassment; pay gap; maternity benefits and child care.

A resolution 'Towards Inclusion and Amplifying Women's Voices' was unanimously adopted to "claim our rightful place in the media and unions". For this, the resolution recommended that "media unions must effectively address issues of gender equity and adopt best practices in order to strengthen the numbers and voices of women in unions, especially in decision-making positions." Active mentoring; capacity building; leadership training; family-friendly union practices; policies against sexual harassment, and active engagement of men were strategies laid out in order to remove barriers to women's growth in professional and union settings.

Importantly, the resolution reiterated that "change has to come from within unions in order to make a real impact in the wider media environment. Unions must lead and make gender equity a priority and endorse the significant work being done by women and men activists towards furthering gender equity. Setting measurable targets will demonstrate a genuine commitment

to making the goal of gender equity a reality." This resolution was endorsed at the larger IFJ Strategy Meeting on November 23-24, 2016, demonstrating the commitment of the senior union leadership across the region to take forward the outcomes.

### WORKPLACE HARASSMENT

Historically, while many cases of sexual harassment at the workplace went unreported and a conspiracy of silence surrounded the issue, in recent years the multiplicity of media and the presence of social media is making it easier for the story to get out.

Several countries in the region have enacted specific laws to protect women workers from sexual harassment at the workplace: Pakistan in 2010, India in 2013, Nepal in 2015 and Afghanistan in 2016.

In the past six years since Pakistan's 'Protection Against Harassment of Women at the Workplace Act, 2010' was passed, a Federal Ombudsperson for Protection of Women against Harassment at Workplace has been appointed and several cases have been filed.

One case that remained in the news this year was the complaints of sexual harassment at the state-run Pakistan Television (PTV). Six women anchors filed a complaint with the Federal Ombudsperson Against Harassment of Women in the Workplace who slapped a fine of Rs 25,000 and censured PTV Director Athar Farooq Bhuttar in October 2016. Journalists Tanzeela Mazhar and Yashfeen Jamal also accused PTV Lahore's Director Current Affairs PTV Agha Masood Shorish of sexual harassment. Mazhar alleged that when she filed a complaint she was told by the inquiry committee that she should have left the job in such a situation. When the two anchors took to social media and talk shows to highlight the issue, PTV management in January 2017 slapped a ban on the women "as anchors as well as participants in the PTV News". Ironically, instead of justice, they were charged with defaming the organisation while being on its payroll. The Pakistan Federal Union of Journalists (PFUJ) condemned the incident and demanded justice for the journalists. Both Mazhar and Jamal are determined not to back off and will fight their case in court.

In December 2016, Afghanistan's Parliament approved the country's first anti-harassment law. The law, which awaits the president's approval, defines harassment and the penalties for mistreating women and girls. However, the Afghanistan law is already mired in controversy, with women's groups lobbying for and against it. Those opposed to it argue that an earlier law, the 'Elimination of Violence Against Woman Law' (EVAW), 2009 already included harassment defined as "using words or committing acts by any means, which causes damage to the

personality, body and psyche of a woman." The EVAW Act had been buttressed by an Anti-Harassment Regulation approved in October 2015. The fate of the new law remains uncertain.

Several women quoted in an article from the Institute for War & Peace Reporting said that even if the law is passed it may not improve the situation. "I don't believe that men who pester women will be prosecuted and punished," said one woman, adding that she was subjected to persistent workplace harassment at a state-run news agency in Kabul. Although she knew about the new law, she too had little faith that it would help her. "My boss pesters me all the time, so who will listen to me if I lodge a complaint about harassment?" she asked. "I'm sure that no one would listen and that if I lodged a complaint, I'd either be dismissed or transferred to other office."

"Afghan culture is male-dominated and women can't get really get ahead within this kind of society," she said, adding, "The harassment of women on the street and at work has only increased. If conditions at my work continue as they are, I will just have to leave my job."

### INSECURE JOBS

Job insecurity is a major factor behind the vulnerability of media women. When the winds of economic 'liberalisation' began to blow through the sub-continent in the 1990s, countries like India decided to bypass the labour laws and hire people on contracts. The government itself was subcontracting once permanent jobs and the courts did not intervene to stop such anti-labour practices. Trade unions were systematically pushed to the wall and the newspaper industry was no exception. Unions have found it hard to push back, and conversely, contract journalists and other employees are afraid to join unions.

Some women have fought epic battles to retain their jobs. Shashi Kiran Srivastava is still suing her employer, one of India's leading newspaper houses, for declaring her 'surplus'. She was one of many permanent employees victimised in this way, sent to separate holding areas declared 'surplus rooms' and given no work. It was difficult to sit without work for hours at a stretch; court cases dragged on for years. Slowly, many of them gave up the struggle, accepted money under a voluntary retirement scheme and resigned. Srivastava was eventually the only one who pursued the legal battle, staying on in the surplus room for 12 long years while receiving her salary, and duly retired. Last year she became General Secretary of the Times of India and Allied Publications Employees Union, a union that the management refuses to recognise. She is now pursuing a case to secure some pending benefits she is owed.

Struggles like hers are rare. Srivastava is able to fight a legal

**THERE IS A CRITICAL NEED FOR UNIONS TO HAVE AN INTERNAL DIALOGUE TO UNDERSTAND HOW TO DEAL WITH THE CHANGING MEDIA INDUSTRY AND BRING ABOUT A CULTURE CHANGE FOR MEDIA IN SOUTH ASIA**





**THE INDIVIDUAL JOURNALIST MUST NOW ACCEPT THE WAGES AND INCREMENTS ARBITRARILY DECIDED BY MANAGEMENTS. WOMEN FACE DISCRIMINATION IN THIS PROCESS AND OFTEN FIND IT HARDER TO NEGOTIATE BETTER WAGES**

battle as she has been a permanent employee with legal rights. Contract appointees find it much harder to go to court and the prolonged, uncertain legal battles to retain a temporary job are not worth the trouble and expense.

An area where unions often have to intervene is ensuring that women get paid maternity leave. In most South Asian nations, three months paid leave is the norm, at least on paper. India went a step further in 2017 by amending the law to grant 26 weeks' paid leave to all working women in the organised sector. In practice, however media women are often denied paid leave and some are terminated when they inform employers that they are pregnant. The loss of a job when a woman is already going through the stress of pregnancy affects her health and well-being.

Media persons in the region are an increasingly mobile casualised workforce, having to constantly re-invent themselves, upgrade skills and knowledge levels. Print journalists are turning to online work, jobless TV journalists are switching to the newspaper world, some are joining the mushrooming number of media schools as trainers and many are forced to be freelancers with uncertain incomes. Unemployment is rife. Older people are finding the going tough as they are less likely to be hired and most have no pensions or social security to fall back on. Trade unions are trying to re-invent and re-energise themselves in different ways to cope with the challenges they face.

### THE PAY GAP

Until recently, newspaper journalists' wages were fixed by tripartite Wage Boards set up by Governments in various countries. In state-owned radio or television, wages were fixed to defined pay scales. In this scenario, wage discrimination and the gender pay gap was not a major issue. However, increasing contractualisation in the newspaper industry and the growth of private media has dismantled those certainties. Individual journalist must now accept wages and increments arbitrarily decided by managements. Women face discrimination in this process and often find it harder to negotiate better wages.

The IFJ research found a clear pay gap in the Asia-Pacific, with women on average earning the equivalent of USD 436 per month, compared with men earning USD 506 per month. The gap was greatest in Pakistan.

While the global media shakedown has adversely impacted journalists' wages generally, there is increasing understanding of the impact on pay scales with the feminisation of certain industries – media clearly being one. Research by Cornell University professors Francine Blau and Lawrence Kahn in April

2017, found that the difference between the occupations and industries in which men and women work has become the single largest cause of the gender pay gap, accounting for more than half of it. Meanwhile, other studies are finding that when women enter fields in greater numbers, their pay declines — for exactly the same jobs that men did previously.

Credit: NWM Kerala



Credit: IFJ/Ujjwal Acharya

↑ Women journalists and activists from across the region stand united at the IFJ Gender Equity & Strategy meeting in Kathmandu in November 2016 and pledge to fight for gender equity in the media and in unions.

↓ Television anchor Yashfeen Jamal (in picture) and her colleague Tanzeela Mazhar are continuing to fight a case of sexual harassment in the workplace at state-run PTV in Pakistan. When the two anchors took to social media to highlight the issue, PTV management slapped a ban on them.



Credit: Screenshot

### LEG UP FOR WOMEN UNIONISTS

In Nepal, with the ushering in of democracy, the social environment became conducive for inclusion of all sections in the media. Media unions too felt a need for such democratic practice within their bodies. The Federation of Nepali Journalists (FNJ) amended its constitution in 2007, encouraging women and minorities to participate in leadership by reserving seats for these groups. FNJ's membership was restricted to people with a high school degree and some years of practical experience in the media but they made some relaxation for women.

Every FNJ branch or associate committee must have at least one woman member. There must be at least three women members in the 27-member Central Committee, the highest decision-making body of the FNJ. Of the two vice-presidents, one seat is reserved and either a woman or other marginalised community person can be elected. Among the four secretaries, one post is reserved for a woman, another for the marginalised (e.g. Dalits, lower castes, indigenous people). During the selection of delegates for the national convention, FNJ has a rule that for every two male delegates, there should be one female delegate.

At the Nepal Press Union (NPU) there are similar reservations for women and marginalised people.





↑ Staff reporting for work at Radio Sahar in Herat, the first all-woman community radio station in Afghanistan. Life remains extremely challenging for many women journalists in Afghanistan.

Credit: EPA/Jali Rezayee

## ASSAULTS ON JOURNALISTS

According to a 2015 study by the Afghan Journalists Centre, a high figure of 105 cases of violence against women journalists was registered in Kabul and Balkh provinces during the year. The cases included verbal abuse, threats, physical violence and sexual harassment. Journalists often faced violence from common people when they were out in the field as well as violence from security officials. Family members too were responsible for inflicting violence, while some incidents took place in workplaces.

Over the years, journalists in war-torn Afghanistan have been provided training, scholarships and other support by a range of external agencies including the IFJ. Several Afghan women journalists have been given awards for their work. Most recently, on March 8, 2017 the Centre for the Protection of Afghan Women Journalists (CPAWJ) was set up in Kabul. The centre aims to combat the social and material pressures that women in journalism face in Afghanistan. The Centre also aims to be a forum where women journalists, especially those operating in remote regions, can safely obtain and exchange information and contacts without fear of discrimination.

In Pakistan, while male journalists have faced kidnappings, torture and other horrors at the hands of security forces, warlords and fundamentalist groups, women journalists too have faced some dangers. The disappearance of journalist Zeenat Shehzadi who worked for the daily *Nai Khabar* and *Metro News* in Lahore disappeared while on her way to work has never been explained. Her family alleged that she was targeted by Pakistan's Special Forces for her reporting. She had been investigating the disappearance of another person and was due to appear before the Commission of Inquiry on Enforced Disappearances when she went missing.

In October 2016 Saima Kanwal was reporting from a government office in Karachi for the K21 News channel when a security guard tried to stop her cameraman from filming. Kanwal questioned the officer angrily and he slapped her around the face, with the camera falling to the ground as gunfire and screaming could be heard. A complaint was lodged against the constable for “conducting aerial firing and assaulting the modesty of a female reporter”. The authorities lodged a counter First Information Report (FIR) accusing the journalist and her crew of creating “hindrances in official work”. Footage of the attack went viral in Pakistan, triggering a debate about police brutality, violence against women and media ethics.

In India, space for debate and discourse in civil society is increasingly under attack. Not just student protestors who happen to be caught up in a swirl of controversial issues, but also any investigative reporter and activist in a conflict zone, face abuse and attack. Media persons are beaten up if they witness and record attacks by right wing groups and gangs upon people who are opposed to them. In February 2017 several media persons were assaulted during an attack on teachers and students of Delhi University by a right-wing student gang aided by the police. Phones were snatched, cameras grabbed and photographic evidence of the violence – including on women journalists – was destroyed. *Quint* reporter Taruni Kumar has given a videoed statement of how women members of the student group hit her, pulled her hair and broke her phone and mike.

All hell broke loose when *Outlook* magazine in July 2016 published freelance journalist Neha Dixit's painstaking investigative story on the trafficking of tribal girls, ages three to eleven years, who were taken from their poor parents on the promise of education. They were sent away from their homes

**ACCORDING TO A 2015 STUDY BY THE AFGHAN JOURNALISTS CENTRE, A HIGH FIGURE OF 105 CASES OF VIOLENCE AGAINST WOMEN JOURNALISTS WAS REGISTERED IN KABUL AND BALKH PROVINCES DURING THE YEAR**

in rural Assam and indoctrinated by right-wing organisations hundreds of miles away and not allowed any contact with their families. Instead of investigating the child trafficking chain the article had exposed, the police filed a case against Dixit and the magazine. The editor of the magazine, Krishna Prasad, had to quit.

Dixit was given the ‘Chameli Devi Jain Award for Outstanding Woman Journalist of 2016’. In her acceptance speech she said she faced continuous online abuse for the story and “the actual issue of the girls being trafficked was submerged in debates about my credentials as a reporter, my character and my ‘intentions’ behind doing the story and the reasons behind *Outlook* publishing it”.

Chitrangada Choudhury, a gutsy freelance reporter, was one of the first to go to the left-wing affected conflict zone of Bastar and fearlessly report the rape and sexual assault of tribal women in forest villages by security forces and vigilantes. The National Human Rights Commission took suo moto cognisance of her reports and asked the government for a response. Choudhury, who also reported the plight of several local journalists thrown into jail for alleged links with left-wing militants, has faced anonymous threats for her work.

Malini Subramaniam, a freelancer living in Bastar district of Chhattisgarh, filed regular reports for online news website Scroll. in on the counter-insurgency operations of security forces and the abuse of tribals, including rape and torture, jailing of minors, extra-judicial killings and threats to journalists. In February 2016 her house was attacked by a state-backed vigilante group, the Samajik Ekta Manch. Her landlord was told to evict her. Her woman domestic worker was repeatedly questioned at the police station. Subramaniam left the town, in the face of relentless intimidation. Subramaniam was conferred the 2016 ‘International Press Freedom Award’ of the Committee to Protect Journalists for her reporting. In her acceptance speech she said, “I feel greatly honored by this award. But I also feel deeply resentful and angry at having been attacked, intimidated, and forced to leave the town I considered home...Reporters have been arrested with trumped up charges and I was driven out of Bastar. And the government of India watched, doing nothing. However, amidst this, the bold and supportive voices from the journalist fraternity from India and abroad was a huge pillar of strength for me.”

## SLAPPING SUITS

A more sophisticated way to silence journalists is being adopted by corporations and influential individuals who send defamation notices and demand exorbitant compensation for “loss of reputation”. A SLAPP, or a strategic lawsuit against public participation, intended to censor, intimidate, and silence critics by burdening them with the cost of a legal defence, has been used against several women journalists.

In Bhutan independent journalist Namgay Zam, a former

presenter at the state-run broadcaster Bhutan Broadcasting Service, was slapped with a defamation suit by a leading businessman in 2016. Zam was on trial simply for sharing a Facebook post written by a woman about a property dispute with the said businessman. She was set to be sued for an amount ten times the average salary of an executive in Bhutan, and could have gone to jail if found guilty but unable to pay the fine. In the third week of January 2017, the businessman inexplicably withdrew the defamation suit, with no penalties imposed for filing a false case that caused immense harassment to the journalist concerned.

In India, award-winning environment journalist Keya Acharya received such a defamation notice from an Indian company dealing in worldwide export of cut roses. She had written for the Inter-Press Service in mid 2014 a story on mismanagement, non-payment of wages, alleged land grab and crop failure of the company's operations in Ethiopia. She was sued for Rs 100 crore in damages. The Inter-Press Service took the story off its website immediately. Acharya, who is a freelancer, has been left to find a lawyer and pay legal fees to defend herself.

Leading business journalist Sucheta Dalal too faced a defamation suit from India's National Stock Exchange for a story in *Moneylife* magazine alleging that the Exchange had been manipulating the market to give unfair advantage to some traders. In September 2015 the Mumbai High Court upheld the journalists' right to publish such stories in the public interest and ordered the Stock Exchange to pay exemplary damages to her.

These stories tell us that journalism in South Asia is thriving, vibrant, pulsating and that women are finding a growing share of opportunities and challenges within. Women have entered every type of journalism, leaping over many hurdles to do so. Clearly, South Asia's media women are long-distance champions. They are here to stay and succeed.



↑ Malini Subramaniam, hounded out of her home in Chhattisgarh by a state-backed vigilante group earlier in the year, was awarded the CPJ's International Press Freedom Award in November, 2016.

Credit: Sitara



# INTERNET CONTROLS

## AGE OF THE CYBER CENSORS

South Asia has functional democracies and elected governments in all eight countries. By the close of 2016 the region had a combined population of over 1.7 billion and over 415 million active Internet users – four out of ten persons in the region. Yet, South Asian countries have significant digital rights challenges including growing official controls on access, censorship, surveillance, and privacy rights violations of both media and citizens.

Developments in the online world in South Asia are characterised by the paradox of increased numbers of users and access to the internet and growing curbs on freedom of expression including government-forced denial of service across the region. The exponential growth of internet use, especially due to mobile technology, has provided opportunities that never existed before to citizens to exercise their constitutionally-guaranteed right to freedom of expression. At the same time, this expansion has been accompanied by increasing attempts to control discussion and debate, and to exclude dissident voices.

Government efforts at controlling the new discourse in social media continue – often without a legal mandate – while non-state actors pose another threat to free speech online. Journalists, writers and campaigners working in the digital space have faced a broad range of potential censors. The growing official trend to employ coercive internet controls in recent years is directly linked to national and regional politics and states' response to conflict and terrorism and what is perceived to be national security.

## INTERNET SHUTDOWNS

South Asia has led the world in imposing total internet shutdowns either on a national or state wide basis, in the name of national security and riot control. Several of the closures have been driven by political or other considerations and many have been imposed with no clear legal mandate. Recent reports by the Washington based Brookings Institutions and Global Network Initiative estimated significant economic damage when governments impose internet shutdowns. The social costs of these shutdowns, especially on citizens' right to expression, and right to access to information are also considerable.

Most countries in South Asia over the past three years have cracked down on some of the world's most popular social media and communications platforms, including Facebook, Twitter, WhatsApp, YouTube, Google and Gmail, where the bulk of users engage and opine in their hundreds of millions on a daily basis. The crackdown has taken various

shapes including outright bans on websites, new procedures and laws that restrict dissent and freedom of expression, restrictions on connectivity, limits on content, prosecutions and detentions for online activity and plain old intimidation and violence. While all South Asians are affected by these curbs, the media world, especially journalists, are increasingly finding themselves specific targets of these measures.

A Brookings Institutions' report published in October 2016 analysed the importance of the internet for economic development. The report states that the growing number of internet disruptions has detrimental implications for economic activity in a number of nations around the world. Economic losses in South Asia include USD968 million in India, USD69 million in Pakistan, and USD69 million in Bangladesh.



↑ On assignment covering clashes in Srinagar in April 2017, photojournalist Dar Yasin puts aside his camera to rush an injured school girl to hospital. On April 26, the government of Jammu and Kashmir announced a ban on networking sites and applications including Facebook, WhatsApp and Twitter in Kashmir on the ground that these were being misused by anti-national and anti-social elements to fan trouble. The ban will be in place for at least one month or until further notice.

Credit: Faisal Khan

**THE EXPONENTIAL GROWTH OF INTERNET USE, ESPECIALLY DUE TO MOBILE TECHNOLOGY, HAS PROVIDED OPPORTUNITIES THAT NEVER EXISTED BEFORE TO CITIZENS TO EXERCISE THEIR CONSTITUTIONALLY-GUARANTEED RIGHT TO FREEDOM OF EXPRESSION**

India earned the dubious distinction of having the highest number of internet shutdowns in 2016. Indian authorities ordered service providers to temporarily shut down local mobile internet service in at least 30 separate reported cases, including mobile phone services, SMS, wireless, and fixed-line internet access, for periods ranging from a few hours to several days, purportedly to prevent unrest or even cheating in an examination. The number of these shutdowns has increased significantly in the past two years. To shut down the internet anywhere in India, the police or state government must file a request with the state's Department of Telecommunications which then orders the internet service

providers (ISPs) to cut the data.

A news report in the *Hindustan Times* stated: "Internet services in India are shut down to prevent unrest; in Kashmir, mobile internet services have been shut as the state has been witnessing unrest for more than three months. This has rendered its information technology sector 'dysfunctional' resulting in job-cuts and shifting of operations by several firms to outside the state."

In Pakistan, there are reports of up to 14 full or partial shutdowns of mobile phone networks in 2012 and 2013, although this has eased in recent years. In 2015, the Pakistani government shut down mobile services for each of the major





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**INDIA EARNED THE DUBIOUS DISTINCTION OF HAVING THE HIGHEST NUMBER OF INTERNET SHUTDOWNS IN 2016. INDIAN AUTHORITIES ORDERED SERVICE PROVIDERS TO TEMPORARILY SHUT DOWN LOCAL MOBILE INTERNET SERVICE IN AT LEAST 30 SEPARATE REPORTED CASES.**

public holidays as a precautionary measure. According to a 2015 report by Institute of Human Rights and Business, network shutdowns began in Pakistan around 2005 during violence in the Balochistan region. Today, shutdowns usually occur over religious and national holidays, or during mass protests and political rallies. Network shutdowns in Pakistan usually mean the complete shutdown of cellular services, including voice, SMS, and mobile Internet. Fixed line Internet and telephone access can also be limited at times.

Bangladesh occasionally restricts the use of mobile services during elections and other times of possible unrest. In 2015, Bangladesh ordered at least three shutdowns, especially of social media platforms and communication apps on mobile, to 'prevent civil unrest' and 'restrict terrorist communication'. Although there are no reported internet shutdowns in Afghanistan, Bhutan, Nepal, Sri Lanka and the Maldives,

journalists unions must remain vigilant.

A 2017 report by Digital Empowerment Foundation concludes that all incidents of internet shutdown, ban on mobile services and restricted issuance of licences for community radio stations, which the report called virtual curfews, completely violate an individual's freedom of expression, right to access online and freedom of assembly and association online. It further states: "network shutdowns are usually justified on security grounds, and the counter-argument is often framed around the impact on freedom of expression. However, the impacts of network shutdowns can have far-reaching, adverse economic and social implications and could even affect future economic growth. Furthermore, they can actually endanger the very right it seeks to preserve, the right to life, by denying users the ability to connect to family, health services and emergency services."

## CONTENT FILTERING AND BLOCKING

Most countries in South Asia limit the free flow of information over the internet through various systems of blocking and filtering. In the larger countries, legislation gives the relevant authorities wide powers to filter or otherwise ban content on grounds of obscenity, national security, blasphemy or the broader rubric of 'giving offence', usually on either religious or nationalist grounds.

India, Pakistan and Bangladesh are high on banning particular sites or domain names. Increasingly, filtering powers are being used to block social media sites. Pakistan banned YouTube in September 2012 after the Supreme Court ordered the blocking of a US video deemed blasphemous. In 2014, both Twitter and Facebook agreed to self-restrict 'offensive' content in Pakistan, but were forced to backtrack due to campaigns by users.

In India, filtering is carried out by ISPs on instructions from the Department of Telecommunications, reinforced by a requirement to apply filtering in the licensing arrangements with ISPs. The primary justification of filtering has been to restrict pornography, particularly pornography that is also deemed blasphemous. In Pakistan and Nepal, hundreds of domains remained blocked for their content – pornography or blasphemy. However, blocking has also been carried out in all South Asian nations, including Afghanistan, Bhutan, Sri Lanka and the Maldives, on grounds of social order and to repress political dissent, particularly secessionist dissent and content critical of the establishment.

## MONITORING AND SURVEILLANCE

Mass surveillance of telecommunications and online activities is widespread across South Asia. Often this surveillance is conducted through innocuous sounding organisations relying on over generous interpretations of legislative authority. Although the exact level of surveillance, due to its secretive nature, is not known, there are indications that it is practiced widely and more concerning is that public statements have been made by people in authority about installing monitoring mechanisms.

Governments and security establishments in Bangladesh, India and Pakistan, where more than three-fifths of the internet users in South Asia reside, have cracked down the hardest in the name of national security in recent times. In 2015-16, governments in these three countries have been found to be seriously pursuing and implementing mass internet and mobile surveillance measures, making their citizenry vulnerable to intimidation and censorship and increasingly, to prosecution.

In India, in the wake of the Mumbai terror attacks in 2006 the Indian authorities stepped up mass internet surveillance and put pressure on technical service providers to provide information as part of beefed up national security policies. They have blocked internet access in several states where conflict escalated into political or communal violence. National security was cited for suspension of mobile and fixed-line internet services in Kashmir in 2016 and again in April 2017. The Central Monitoring System also became operational in

New Delhi and Mumbai in 2016, allowing direct government mass surveillance of online traffic. The Centre for Development of Telematics is reportedly implementing the Lawful Intercept and Monitoring Project better known by its more Orwellian sounding name, the Central Monitoring System Project.

Pakistan has had its own systems of data collection and monitoring. Telecommunications companies are required to hold communications data which can be accessed under warrant. The Supreme Court also upheld the constitutional validity of laws criminalising defamation, including for online opinion. There was a sharp increase this year in the number of arrests for online speech – at least 17 people were arrested. The Government of Pakistan, acting on recommendations of the National Action Plan against terrorism, formulated with the blessings of the security establishment, enacted a new controversial law in 2016, the Prevention of Electronic Crimes Act, which includes clauses legalising censorship and surveillance and stipulating long prison sentences and prohibitive fines. National security was cited as the sole reason for the law. This is troubling since anti-terrorism courts, also established under the same National Action Plan, sentenced two individuals to 13 years in prison each in 2016 in separate cases involving criticism of security policies and allegedly promoting hate speech on Facebook. Several cases have already been registered for prosecution under within months of the new law. A senior journalist faces charges of treason for reporting what has been described by the security establishment as "putting national security at risk".

In Bangladesh, the government announced in March 2016 that it was going to install internet monitoring equipment within a year, to help combat militancy amid growing concerns about extremists using the internet to spread propaganda. The equipment, to be installed under the project titled 'Cyber Threat Detection and Response', would also help clamp down on cyber threats and crimes and enforce the ban on pornography. It would enable law enforcers to monitor internet activities of people round-the-clock. Bangladesh will spend Tk 150 crore (USD 18.5m) for the project that will see the installation of internet monitoring equipment like deep packet inspection (DPI) machines that would be able to monitor all international gateways and even identify users of virtual private networks (VPN). While the network would assist law enforcement agencies track criminal activities, it would hand enormous power to the government to observe and even control people's online activities.

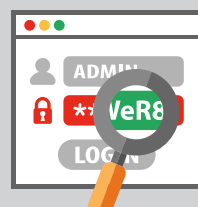
In Sri Lanka, the police and security forces have unlimited authority under the Computer Crimes Act to access telecommunications data without a warrant. The former government is believed to have implemented widespread surveillance technologies with the assistance of China. While severe internet restrictions on freedom of expression of the previous government have eased since 2014, the new government went back on election promises and reactivated the draconian Press Council in 2015 despite media and civil society opposition, impacting both online and offline media. Separately, the government's attempt to introduce legislation to criminalise hate speech, including online, was thwarted.



## DIGITAL SECURITY: BECOME A SAFER, SMARTER JOURNALIST ONLINE

### 1. Be smart with passwords

These are difficult to hack or crack. Eg: laUsPwA%468&.! (to remember: I always Use Strong Password with Alphabets & Numbers & special characters) OR Ltime@go-inag~faaa! OR sTaR\_1976#:-)



### 2. Keep sensitive emails safe

Encryption makes your email impossible to read – except for the person you're sending it to. Encryption is a little tricky to learn, but it's invaluable.



### 3. Erase your online footprint

Avoid using passwords on public computers. While browsing, use 'no history' or 'private' mode in your internet browser. And remember to delete your browsing history and log off!



### 4. Protect your data

Lock your phone with a PIN, pattern, or even better, a passphrase no-one can crack.



5. Be smart  
Technology changes every day. It's important to keep yourself updated on guides and toolkits on digital security. <https://samsn.ifj.org/resources>

SAFER, SMARTER JOURNALISM: DIGITAL SECURITY NEEDS FOR SOUTH ASIA



SAMSN – South Asia Media Solidarity Network - <https://samsn.ifj.org/>  
Source: IFJ Digital Security and Safety Training

## DIGITAL SECURITY: THE DANGERS ONLINE FOR SOUTH ASIA'S MEDIA

Journalists in South Asia use internet connected devices and online communications regularly for their work. But many don't realise the risks they take online.

### Insecure passwords

- 1 in 2 have never amended their email password
- 2 out of 3 haven't changed their social media passwords either!



### Insecure communication

- Even though many write stories on sensitive issues, 1 in 3 journalists never encrypt emails
- 1 in 5 have never erased or 'cleaned' their internet browsing history



### Not so smart phones

- 1 in 3 don't lock their smartphones
- More than half don't realise their phones can geo-tag them



SAFER, SMARTER JOURNALISM: DIGITAL SECURITY NEEDS FOR SOUTH ASIA



SAMSN – South Asia Media Solidarity Network - <https://samsn.ifj.org/>  
Data Source: IFJ Digital Security Survey of South Asian Journalists 2016

## PAKISTAN HAS HAD ITS OWN SYSTEMS OF DATA COLLECTION AND MONITORING. TELECOMMUNICATIONS COMPANIES ARE REQUIRED TO HOLD COMMUNICATIONS DATA WHICH CAN BE ACCESSED UNDER WARRANT.

The threat of surveillance was so high that WhatsApp, one of the most popular messaging applications in South Asia, implemented full end-to-end encryption (meaning that only the sender and receiver can see the actual message whereas any interception will only show encrypted text) on April 5, 2016. Every call, and every message, photo, video, file, and voice message on WhatsApp is end-to-end encrypted by default, including group chats. However, the governments in South Asia are also implementing stricter measures to monitor private messaging systems. One such example is the government of Jammu and Kashmir in India, where the District Magistrates on April 26, 2016 ordered administrators of WhatsApp groups to get themselves registered and police were asked to monitor such groups. The group administrators on WhatsApp have to provide names, mobile numbers and location of all the members of their groups; and that administrators of all social media groups shall be responsible for all the comments / remarks posted by the group and

also for its repercussions. The move is claimed to have been instituted to prevent rumour-mongering in WhatsApp groups leading to violence and disruptions, but is clearly a crackdown on social media communication.

### CRIMINALISING SPEECH

Governments in South Asia have approached the internet with a mindset of telecommunications regulation rather than respect for freedom of expression. They have introduced legislations – either provisions in laws related to technology (Nepal, India and Bangladesh) or separate laws (Pakistan and the Maldives) criminalising speech.

In India Section 66A of the Information Technology Act which criminalised “offensive” matter on the net was struck down by the Supreme Court of India in March 2015 with the court describing it as “open-ended an unconstitutionally vague”. Section 66A was used against citizens, writers, cartoonists and activists.

In August, 2016, Pakistan and the Maldives passed laws criminalising legitimate speech. The Prevention of Electronic Crimes Act of Pakistan was passed despite widespread criticism from opposition parties, stakeholders and media groups on provisions which many believe will curb freedom of expression in Pakistan. Criticisms focused on the vague wording in the law, which is open to misinterpretation, restrictions on freedom of expression online and access to information. Criticisms also focused on the sweeping powers granted to the state authority to conduct surveillance on citizens. Many argued that the provisions of the law could specifically be misused to target journalists' sources and whistle-blowers.

The Maldives passed the Anti-Defamation and Freedom of Expression Act on August 9, 2016. The law criminalises defamatory speech, remarks, writings and actions and also empowers the state authority to shut down media for 'defamatory' content and has a notoriously heavy fine. Under the law, pro-opposition Rajje TV was heavily fined twice, first USD 12,400 on March 6, 2017 and then USD 64,850 on April 6, 2017 for content that was deemed defaming individuals.

To suppress political dissent and hate speech, the Bangladesh government brought in a new law in 2015 to mandate registration of news websites, which has pressured the media into overt censorship as well as self-censorship. The 2006 ICT Act was also toughened in 2013 to drastically

enhance punishment for political dissent and criticism of religion and has since been used to harass and prosecute both journalists and bloggers. The ICT Act of Bangladesh has similar provisions that have been used to raid newspapers and jail journalists. The publication by electronic means of anything likely to “prejudice the image of the State” or “hurt religious belief” is a crime under the ICT Act in Bangladesh. The proposed Digital Security Act 2016 seeks to fortify the ICT Act, further tightening the power of the authorities to restrict alternative views. In fact, the proposed draft of the Digital Security Act has drawn criticism and there are fears that it could be more repressive than the existing ICT Act.

The telecom regulator blocked Facebook and several other social media service and communication applications for more than three weeks in late 2015, citing reasons of state security. Over the past two years several bloggers have been killed, often gruesomely, for expressing secular opinions online, striking fear among the country's millions of internet users. After the Dhaka terrorist strike in 2016 that killed dozens, national security has been used as the main justification to clamp down on online expression.

In Nepal, despite the interim constitution of 2015 that eased freedom of expression, and the new Broadcast Policy of 2015, the threat posed by the 2008 Electronic Transactions Act, under which several journalists have been intimidated and punished, stays. In Afghanistan and Bhutan there have been





Journalist Shazia Bhatti edits video footage on assignment in Islamabad. Growing evidence suggests women journalists are three times as likely as men to be abused online.

no recent steps to tighten the regimes that regulate internet access and restrictions on freedom of expression but there have been instances of websites being blocked and warnings being issued to users.

### PRIVACY AND SAFETY

Experiences in South Asia suggest that those who attack journalists increasingly focus on writers and journalists working online. As access to the internet becomes more widespread, online publications attract greater attention, including from those who wish to censor through murder. Within the internet and online media, there is evidence of increasing trolling and harassment of journalists with women journalists bearing the brunt, being three times as likely to be abused online.

Last year, this report stated that: “while the internet and online media do 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.” Also important to note is that the possibility of surveillance by ISPs and telecom companies is putting journalists at greater risk as South Asian nations lack both transparency regarding access to personal data and metadata and robust laws to protect the privacy of their citizens.

In such a scenario, the digital safety of journalists becomes an all important issue, as crucial as physical security in today’s world. With technology being used in all aspects of journalism, journalists have to be aware of the risks arising from digital tools and technologies. Digital insecurity compromises not only the safety and security of the journalists and their sources but also the integrity of the profession. Digital tools and technologies contain huge amounts of meta-data, creating their own individual digital footprint. The lack of knowledge of digital security puts journalists and their sources at greater risk. While the use of gadgets or internet platforms among journalists in South Asia is very high, many of them are not even implementing basic digital security practices. An IFJ survey of 176 journalists of South Asia in 2016 revealed that while for more than one-third of journalists in South Asia, digital security violations is the biggest threat, but significantly, more than two-thirds of journalists lack knowledge and training on digital security. Nine in every 10 journalists thought that they needed orientation or training on digital security, as it is a big concern in the region.

The survey found that password security for email and social media accounts is a major concern. Journalists’ emails are sensitive, yet half of the South Asian journalists who use organisational email addresses never change the default

Credit: AFP/Aamir Qureshi

Image right: Caught in the web; freedom of expression online. Credit: Aseem Trivedi

**Safer, Smarter Journalism**  
**#BeSecureSAMSN**

Nearly half of South Asian journalists don't clean their browsing history.  
**Be Secure SAMSN**

Find out how to be secure at:  
<http://samsn.ifj.org/>

The global voices of journalists  
<http://www.ifj.org/regions/asia-pacific/>  
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**GOVERNMENTS IN SOUTH ASIA HAVE APPROACHED THE INTERNET WITH A MINDSET OF TELECOMMUNICATIONS REGULATION RATHER THAN RESPECT FOR FREEDOM OF EXPRESSION.**

password. Two-thirds of journalists rarely or never change their passwords. One out of every five journalists does not use secure passwords and shares passwords with colleagues. Nearly one-third of journalists in South Asia do not lock their phone despite containing large amounts of sensitive data.

Although encryption easily protects emails, one-third of South Asian journalists never encrypt emails. Internet browsers such as Chrome, Firefox or Safari track internet viewing history, and nearly half of the journalists indicated that they were unaware of, or do not use tools to delete or hide browsing history.

The survey also found out that many of the journalists are aware of the risks of digital insecurity as more than one-third of journalists in South Asia believed that digital security violations is the biggest threat. To ensure that freedom of expression is well exercised online, it is important to ensure that the people who are using the internet to express themselves feel completely safe from surveillance, harassment, hacking, identity theft, and interception of messages. Promoting democracy and freedom of expression online has become an urgent need for journalists in the region. Information sharing and capacity building to enhance digital security is an urgent need for journalists in the region.





# ONLINE HARASSMENT

## STIFLING DIVERSE VOICES

Online harassment is an ugly reality that targets anyone – male or female – who dares to raise an independent and dissenting voice on social media networks, news sites and blogs. In South Asia, journalists who are in the public eye as reporters, columnists, television anchors, guests on talk shows or bloggers – in short, any journalist who has an opinion and isn't frightened of expressing it, is fair game for trolls and online harassers.

What is becoming clear in the region is that the struggle to be heard and occupy space on the digital platform takes many forms. Senior Indian journalist and prominent TV anchor Rajdeep Sardesai deleted his Twitter account in April 2016 after a spate of vicious personal abuse and hacking of his account. Pakistan journalist Iram Abbasi, of BBC Urdu, said she feels especially vulnerable in the online world: "I do fear death for commenting or even talking about religion online. And the worst part is I'm not a coward. I fought all my battles to get where I am but these issues still leave me shaken up sometimes."

Extreme forms of online abuse can take the shape of death threats, rape threats or threats to maim or disfigure. Demeaning and insulting speech, cyber bullying, stalking, trolling or body shaming and misogynist comments related to appearance in order to harass and intimidate, are increasingly targeted at women journalists.

"No woman writer, journalist or artist is untouched by attacks by online trolls. In the past, I have had dedicated forums strategising about how I should be beaten "black and blue" when I reported on Khap panchayats [council of elders]. I have also received rape threats, often describing how thorny sticks or sharp metal rods should be shoved inside my private parts when

I wrote about bride trafficking in North India," said Delhi-based independent journalist Neha Dixit in her speech on March 1, 2017 at the award ceremony of the 'Chameli Devi Award for Outstanding Woman Journalist of 2016'.

## DARK SIDE OF DEBATE

In South Asia and beyond, the virtual world is an extension of daily reality, with its discrimination, inequities and marginalisation. Women tend to be subjected to similar treatment in the digital space, where too they have to struggle for access and to exercise their right to freedom of expression.

Inherent in the medium is anonymity, which can provide protection online in situations where revealing one's identity is unsafe. However, anonymity online can easily be used for harm and that can quickly escalate. A mob mentality can govern the online spaces: once one abusive comment is posted, others will often join in. Research has shown that although both men and women get trolled, trolls are mostly men. The abuse grows, and speedily moves across devices and platforms – from Twitter, to Facebook, to blogposts. To the target, it would seem like the abuser is omnipresent: the office, the home and the street.

"What starts off as a harmless intellectual debate soon develops into a string of personal attacks eventually turning obnoxious," says Nepali journalist Anura Shreshtha, voicing the dilemma of whether to engage in debate and how much.

Women journalists who are increasingly visible online seem to receive more abuse than their male counterparts. 'The Dark Side of Guardian Comments', a 2016 study by the UK-based newspaper showed that even though most of the opinion writers were men, they were not the ones that received the maximum

in the Asia Pacific has grown dramatically to 1.43 billion, according to a report by the global agency We Are Social. Over a one year period, in 2016, the number of internet users rose by 27 percent and those using social media through mobile devices increased by 50 percent, much higher than the global average.

Yet, this spike in internet usage is significantly gendered. Globally, women tend to dominate on social media, but in most countries of South Asia, the trend is reversed, according to recent research by We Are Social. In 2016, men were found to comprise 62 percent of internet users in India, and of the 134 million Facebook users, only 24 percent were women. In Bangladesh, the figure is only 23 percent and in Pakistan it is 22 percent. These low figures are not surprising given the misogyny that women face online. Self-censorship or even being forced to abandon the digital space altogether are unfortunate consequences of online harassment and prevent women journalists from fully exercising their fundamental right to free expression.

## GENDERED DIGITAL DIVIDE

When women journalists are forced offline, the public is denied their right to hear diverse voices. This is a matter of concern because South Asian women's voices in the region are already muted. The world over, internet access is increasing at a rapid rate with some countries in the Asia Pacific region like South Korea (94 percent) and Australia (93 percent) achieving near universal access, according to the global think tank, the Pew Research Center. With internet access directly correlated with economic growth, it should come as no surprise that countries like Pakistan (15 percent) and even India, despite being billed as an emerging economy, has internet access of only 22 percent.

Research in 2015 by India's Observer Research Foundation, found that women are "significantly underrepresented" in political conversations on the microblogging site Twitter, which, it said, reflects their marginalisation in political processes in the country as a whole. The situation does not seem to have changed significantly, though the number of internet users



**IN SOUTH ASIA, JOURNALISTS WHO ARE IN THE PUBLIC EYE AS REPORTERS, COLUMNISTS, TELEVISION ANCHORS, GUESTS ON TALK SHOWS OR BLOGGERS – IN SHORT, ANY JOURNALIST WHO HAS AN OPINION AND ISN'T FRIGHTENED OF EXPRESSING IT, IS FAIR GAME FOR TROLLS AND ONLINE HARASSERS.**

↑ Lubna Naqvi from Pakistan shares her experience at the IFJ Gender Equity & Strategy meeting in Kathmandu, Nepal in November 2016. During the meeting, the IFJ Byte Back Campaign: Combat Online Harassment of Women Journalists was developed for South Asia.

abuse. Articles written by women got more comments that had to be blocked across almost all sections, but in the sections traditionally considered more 'male' such as sports or technology, more comments directed at women needed to be blocked by the moderators.

A recent study by Pakistan's Digital Rights Foundation (DRF) in early 2017, found that the pattern of online surveillance is gendered, and women journalists face more surveillance by their audience and readers than by the state and intelligence agencies. According to the report, the surveillance starts when women begin their professional careers, as audiences try to keep more of a check on female journalists than male journalists. Significantly, the focus of this surveillance remains on their gender and appearance rather than their work.

Said DRF Executive Director Nighat Dad, "Gendered surveillance is a free speech issue – it lets women know they are being monitored, and discourages them from reporting and participating in digital spaces."

It is clear that online harassment and threats directed at women differ from those experienced by men: they are misogynistic, gendered and often perpetrate sexist stereotypes about appearance, skin colour or age, rather focus on substantive content the harasser might disagree with.

"I face a huge amount of daily abuse, harassment and I would

say gender discrimination, gender insensitive talk on Twitter. Stuff like: 'you should be gang raped, you should be raped in public'...A lot to do with rape... 'You should be beheaded. I get called buddhi, [derogatory term for old woman] references to my looks, my hair. There was a time I used to block ten to fifteen people a day," says Sagarika Ghose, TV anchor and senior journalist, Delhi, India.

## PUSH BACK

Women journalists are fighting threats, intimidation and violence online using strategies such as open engagement and discussion; humour; ignoring, blocking or muting comments; reporting abuse to moderators, and legal remedy and police action. Most importantly, they are not backing down and are telling others about the harassment and garnering support from online communities.

"I have received death threats, rape threats, and the worst sort of language online. But I always say: trolling is a mind game. The whole idea is that keyboard bullies think they can intimidate you into silence or bully you into changing your mind or scare you by getting under your skin. And I am damned if I am going to let anyone do that! They can troll on and drone on!" declares Barkha Dutta, senior journalist, India.

"As long as it is a virtual fight, people don't care. Organise, maybe through a Facebook page, talking about what to do with these people – don't confine yourself to virtual comment. Have a real fight, like we did. By the evening they started apologising, even through video apologies, and got off Facebook," says Hyderabad based journalist C. Vanaja who took on online harassers with the





Chennai-based journalist Sandhya Ravishankar faced online abuse and defamation threats following her investigative series in January 2017 on illegal beach sand mining in India.

**ONLINE BLOGS IN TAMIL AND ENGLISH TARGETED RAVISHANKAR, WITH ESCALATING THREATS FORCING HER TO SEEK POLICE PROTECTION. IN A MOVE TO INTIMIDATE HER, SHE WAS SENT A LEGAL NOTICE THAT A CRIMINAL DEFAMATION CASE WOULD BE FILED AGAINST HER.**

### REAL TRUTHS, VIRTUAL HARASSMENT

Sandhya Ravishankar's investigative reports of illegal beach sand mining in the south Indian state of Tamil Nadu seemed to have hit home, since she was subjected to a barrage of abusive calls and threats of violence on Twitter and Facebook soon after their publication.

In January 2017, the Chennai-based journalist had written a four-part series in *The Wire* that implicates Tirunelveli-based mining baron S Vaikundarajan founder chairman of VV Mineral, the country's largest miner and exporter of rare earth minerals.

Ravishankar approached the city Commissioner of Police on March 14 with a complaint about the harassment and threats and has since been provided police protection round the clock.

In her complaint to the Press Council of India, Ravishankar stated that she had been harassed online with trolls on social media using foul language, calling her a 'corrupt' journalist, and a 'fake' journalist. Her mobile number was published on social media by anonymous trolls and she began receiving a flood of abusive and threatening calls from unknown people. Online blogs in Tamil and English targeted Ravishankar, with escalating threats forcing her to seek police protection.

In a move to intimidate her, she was sent a legal notice that a criminal defamation case would be filed against her.

The Press Council declared it was unable to intervene as it was not a matter relating to print media, solidarity for Ravishankar poured in from across the country, including from the Indian Women's Press Corps and the Network of Women in Media, India. An online petition in her support was signed by prominent personalities included Magsaysay Award winners TM Krishna and Aruna Roy, who decried the attempts to silence a journalist who has been exposing wrong-doing by the powerful elite.

The petition in support of Ravishankar, with more than a thousand signatories stated: "Action must be taken against those threatening her, so that such intimidation is discouraged. It is a known fact that journalists face grave dangers and undertake enormous risks in reporting inconvenient facts about powerful lobbies. Moreover, freedom of press is a Constitutionally guaranteed fundamental right and it is the collective duty of citizens and authorities to uphold the right. The threats to her are a violation of that very right."

Despite the threats and intimidation, Sandhya Ravishankar is continuing to do what she does best: uncovering facts, and going on to file two follow-up stories on illegal sand mining.

Credit: Facebook/ Sandhya Ravishankar

help of a virtual community of women journalists.

In November 2016, at a Gender Equity and Strategy Meeting, the International Federation of Journalists (IFJ) together with the South Asia Media Solidarity Network (SAMSAN) in Kathmandu, participants from across the region identified the need to combat online harassment of women journalists as an urgent intervention in order to meet challenges in the digital space.

The IFJ's Byte Back campaign, launched on March 8, 2017, International Women's Day, witnessed a co-ordinated effort to counter online harassment. The hashtags #DontTroll and #DefendMyVoiceOnline were re-tweeted widely on social media. As part of the campaign, a guide to combat cyber harassment in South Asia was launched. *Byte Back: A Journalists' Guide to Combat Cyber Harassment in South Asia* outlines how journalists are taking on online harassers and exposing and blocking aggressive tactics. It also offers practical steps to journalists under attack, their colleagues and their employers on how to effectively work together to counter abuse that stifles expression.

"Our small group of feminist bloggers, journalists, feminists, advocates, looks out for women on the net who are getting trolled, harassed or doxed and we support them online. Our key message is: do not leave that space, occupy that space," says Dilrukshi Handunnetti, from Colombo.

As new technologies emerge, the struggle to push back against online harassment is gaining momentum. By necessity these strategies must be multi pronged. from social media platforms reviewing their moderation policies to be more gender inclusive and responsive to online misogyny and trolling, to media houses being pushed to adopt social media policies to ensure the safety of women journalists under their employ.

A recent example of a company taking stern action against misogynist trolling, calls into question the process and degree of punishment. On April 8, 2017, an Indian employee of an UAE-based company was summarily sacked and deported back to India

for his anti-Islam comments as well as sexually abusive posts on social media against investigative journalist Rana Ayyub. Ayyub's eight-month long undercover operation to expose the truth of 'fake encounters' by the police, was published in a book *Gujarat Files: Anatomy of a Cover Up*. It is a moot question however, whether it was the sexist abuse that led to the sacking, and what due process must be followed before terminating an employee's services.

The Draft IFJ Social Media Policy for media houses seeks to lay out a road map to create safe online spaces for open and respectful debate as well as how to respond to while dealing with instances of abuse and harassment, in particular of female staff. Proposed measures include support to women journalists who are harassed, moderation of misogynist comments, blocking of trolls etc. The main message is that media houses, who are increasingly making it mandatory for their staff to have a social media presence, must do their bit to create safe online spaces and be accountable and support staff who face online harassment.

Recent studies suggest that far from trolling being confined to fringe elements, anyone can be a troll given certain circumstances, such as a bank of previous abuse comments to feed off. This understanding provides an opportunity to intervene and ensure that undesirable content is speedily filtered, before others can feed off or be inspired by. Designers of online safety tools are increasingly realising that design alone cannot solve harassment, the engagement of the online community is critical.

A statement by IFJ affiliates in South Asia, released as part of the campaign in March 2017 said: "It is only when these critical online spaces and voices are protected and defended that we can see a diversity of information, analysis and opinion co-exist and contribute to building healthy and vibrant democracies in Asia." The good news is that rather than be made to feel like trespassers in a male domain women journalists are using strategic approaches to confidently stake their rightful claim to the digital space.



Your online presence is an important voice for your media house; make them accountable for the harassment you are receiving because of your work.

**#DEFENDMYVOICEONLINE**

@IFJASIAPACIFIC  
#SAMSAN

IFJ BYTE BACK

**#DEFENDMYVOICEONLINE**



# AFGHANISTAN

## TREACHEROUS WORKING ENVIRONMENT

Afghanistan continues to be one of the most dangerous places on earth for journalists as the country continues to be a battleground between US-backed Afghanistan security forces and more than a half-a-dozen armed militant groups including the Taliban and the Islamic State (IS). Afghanistan has witnessed violence against journalists such as killings, attacks and threats in an alarmingly high number every year and 2016 was not different. The Taliban, and increasingly IS, have increased their offensives, especially after the withdrawal of the US and NATO forces in late 2014. A bilateral security agreement between the US and Afghanistan allows NATO troops to remain in the country in an advisory and counter-terrorism capacity. On April 15, 2017, the US dropped 'the mother of all bombs,' the largest non-nuclear device it has ever unleashed in combat, on a network of caves and tunnels used by IS in Nangarhar province of eastern Afghanistan, killing 94 militants.

The continued threat from violent militant groups, coupled with the government's lack of priority to improve journalists' safety has resulted in impunity and increased violence against journalists. Government officials and security forces continue to harass and attack journalists and media for their reporting. 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. In the period under review (May 2016 to April 2017), eight journalists and media workers were killed, and open threats against media and journalists by the Taliban and the IS were ongoing.

The National Unity Government, led by President Ashraf Ghani, has remained stable since coming to power two-and-a-half-years ago. The government has repeatedly made promises and expressed its commitment to improve the overall security situation, investigate cases of murders of journalists and improve state agencies' and officials' behaviour towards media, but there has been hardly any substantial change to the situation.

## CONTINUED KILLINGS

Afghanistan saw eight killings of journalists and media staff since May, 2016. Zabibullah Tamanna, a journalist, and David Gilkey, an American photojournalist with the National Public Radio (NPR), both embedded with the Afghan Special Forces, were killed when the armoured vehicle in a convoy they were travelling in was struck by an 82mm rocket in a Taliban ambush near Marjah in Helmand on June 5, 2016. The vehicle carrying Gilkey and Tamanna was destroyed and their bodies were only recovered after a while. Tamanna was a freelance journalist who worked for NPR as well as the NBC News, Turkey's Anadolu News Agency and Chinese news agency Xinhua. Gilkey, 50, was an award-winning journalist who had extensive experience covering conflicts in Gaza, South Africa, Iraq, the Balkans and Afghanistan.

Hussain Mohammadi, freelance reporter of Khorshid,

Negah TV and NAI radio was killed in bloody suicide attack inside a huge demonstration in Deh-ma-Zang Square, while covering the event in July. More than 80 civilians lost their lives and around 300 more were injured, including a cameraman from 1 TV Network, in the bombing. In Zabul province, 22 years old Yaqub Sharafat, a provincial reporter for the National Radio Television Afghanistan (RTA) was shot dead by unknown armed men in Rasala area of the provincial capital Qalat on October 16, 2016. He sustained serious gunshot injuries and died on the way to the hospital. The police have begun an investigation but are yet to arrest anyone. No group has claimed responsibility for the killing.

Similarly, journalist Nematullah Zahir, a local reporter for Kabul-based Ariana TV, was killed in a bomb blast in Helmand province, in southern Afghanistan in November 2016. He was on a reporting trip with two other reporters near Lashkargah city when the incident occurred. Afghan Independent Journalists Association (AIJA) Helmand president Zainullah Stanekzai and a reporter of Zwandon TV

Credit: AFP/Wakil Kohsar



↑ Afghan women walk past a mural bearing the image of AFP reporter Sardar Ahmad on a wall at the Ministry of Information and Culture in Kabul on August 15, 2016. Ahmad, 40, was shot dead along with his wife and two children when teenage gunmen attacked the Serena hotel in Kabul on March 21, 2014. In the two years since, attacks on journalists have been on the rise as US and NATO forces continue to withdraw from Afghanistan.

**THE CONTINUED THREAT FROM VIOLENT MILITANT GROUPS, COUPLED WITH THE GOVERNMENT'S LACK OF PRIORITY TO IMPROVE JOURNALISTS' SAFETY HAS RESULTED IN IMPUNITY AND INCREASED VIOLENCE AGAINST JOURNALISTS.**

survived the explosion. It was not immediately clear whether the journalists were targeted or fell prey to an ambush.

Mohammad Nasir Mudasir, 53-year-old station manager and senior program organiser for Mili Payam or National Message Radio Station and founding member of IFJ affiliate Afghan Independent Journalists Association (AIJA), was gunned down in Muhammed Agha District of Logar Province on December 15, 2016. Initial investigations showed that two unidentified armed men opened fire on Mudasir as he was leaving his workplace at the radio station to go home. Mudasir received several bullets and died on the spot. On January 10, 2017, Noorullah and Farida Hidayi, media workers of Wolusi

Jirga (lower house of Afghan Parliament) TV channel, were killed in a terrorist attack on a section of the parliament building in Kabul. Farida, 41, had been working for the TV for the past two years.

## HARASSMENT FROM ABOVE

Journalism is at a difficult crossroads in Afghanistan, having to survive the violence on the one hand, while on the other struggling against rules and regulations that put it more at risk. The state agencies' hostility toward critical media and journalists is evident in the incidents of threats to journalists by senior officials.



↓ AIJA president Samandar Khan leads a prayer at the funeral of journalist Mohammad Nasir Mudasir killed on December 15, 2016. Mohammad was one of 13 journalists and media workers murdered in Afghanistan in 2016.



**INITIAL INVESTIGATIONS SHOWED THAT TWO UNIDENTIFIED ARMED MEN OPENED FIRE ON MUDASIR AS HE WAS LEAVING HIS WORKPLACE AT THE RADIO STATION TO GO HOME. MUDASIR RECEIVED SEVERAL BULLETS AND DIED ON THE SPOT.**

The Afghan Parliament passed a new policy on January 16, 2017 requiring media to call any killed member of security forces a 'martyr'. The draft rules were presented by some parliamentarians during an open session and were endorsed unanimously in the lower house. Journalists and media organisations expressed concerns as the Taliban, the IS and other terrorist groups could punish media and journalists for doing that in areas where they have a strong presence.

President Ghani's treatment of local journalists on April 9, 2017 is an example of how media are treated and how little freedom of press is respected in Afghanistan. During a press conference after his foreign trip, Ghani stopped and refused to respond to a question by Tolo news reporter Sharif Amiri about the rule of law. Following the incident, one of Ghani's spokesmen in a Facebook post wrote in a derogatory manner 'even potato sellers are now acting as journalists'.

Earlier, on June 9, 2016, in yet another attempt at restricting information, the Afghan National Security Council banned the use of drone cameras in Afghanistan for media activities.

On August 9, 2016, Najibullah Ulfat, a local reporter of

Nasim Radio was intimidated by a spokesman of Bamyan governor for his critical reporting on road construction projects. On January 10, 2017, Muhammadullah Himatyar, Shamshad TV reporter was harassed and intimidated by security guards of Paktika governor Ilyas Wahdat for broadcasting a critical report on the governor. Ebadullah Sadat, Shamshad TV correspondent for Kunar province was seriously insulted and threatened by Kunar governor after broadcasting a series of reports on Kunar natural resources, which are misused and widely smuggled and transferred illegally outside Afghanistan; and low quality work. Sadat had broadcasted two investigative reports; one on the low quality of road constructed by governor related companies and the second one on governor partnership with forest word smugglers. After the reports, the governor threatened Sadat and warned that he would have to face investigation.

Seven incidents of unlawful arrests or detention of journalists for their coverage were recorded during the period. On May 28, 2016, Naimatullah Karyab, a local correspondent of BBC was arrested by the US forces in Jalalabad province

and handed over to the National Security Agency. During the detention, he was searched, and his communication equipment was seized. He was released after three days with security forces claiming that he was confused for another person with same surname.

On June 2016, Hassan Haqiar editor-in-chief of *Mahaz-i-Milli* weekly newspaper was arrested without warrant after his appearance on a TV show where he called a Taliban leader a 'martyr'. On August 29, 2016, Zaman Ahmadi of Deutsche Welle Germany was arrested without warrant and held in an undisclosed location for more than 28 hours, the duration of President Ghani's visit to the province. More than 12 reporters covering public protest in Bamiyan before the arrival of the President were also detained for a short time in an attempt to stop them from covering the protest. The local authorities blocked Facebook over mobile networks during the protest.

On February 4, 2017, Sadiq Safi, the station manager of Khawar TV in Lashkargah, the provincial capital of Helmand was detained for a day for broadcasting a news report alleging that the governor had sold government property.

In June, 2016, journalists in Daikundi collectively complained that the provincial governor was limiting press freedom and acting against media law and access to information law. These reporters wrote a letter to media organisations about existing problems in Daikundi created by provincial officials.

## CLAMPDOWN ON CRITICISM

Basir Bhawar of Kabul USA TV was arrested on January 2, 2017 by the Kabul special police after criticising the first lady in an article claiming she transferred US\$ 150 m to her son's bank account outside Afghanistan. He was held in detention for four days. After his release, he left Afghanistan for India with his wife, also a well known journalist, and their children. The case of Bhawar is just one example of the harassment in store when reports critical of the government or officials are published. For Afghan journalists, questioning by the state agencies or officials after critical reports is a routine.

On September 3, 2016, Murtaza Khashe and Aaq Bachaye Shida, of RTA Kapisa were questioned by governor Said M Khalid Hashimi for their critical views and reporting. Both of them were kept inside the governor's office for more than three hours, and then questioned by the National Directorate of Security (NDS) and attorney officials for questioning. On October 23, 2016, the senior management of *Kokcha* and *Bukhdi* news agencies were questioned by a special envoy of the President for their critical reporting. Senior managers of both media were taken to officials of the attorney general's office for investigation and legal follow up.

On November 2, 2016, Aaq Bachaye Shida, the editor-in-chief of *Asr-e-Tamodun*, was summoned by Kapisa governor and questioned for his critical report on 'limited access to the information in Kapisa'. The governor insulted, threatened and ordered him not to enter the governor's house for reporting and information seeking.

Similarly, in December, 2016, Noorullah Stanikzai, the station manager of Zeenat Radio, was reported to the attorney

general office for punishment after criticising provincial council members for not paying attention to journalists' security and safety issues. He also criticised provincial officials and information ministry for not investigating the case of murders of journalists. Tolo reporter Abdullah Hamim was questioned by Helmand police chief for his reporting where he stated that the province is insecure. Barialai Rahimi of Ariana News Network moved to Kandahar from Helmand in fear of arrest by provincial officials for his critical reporting.

## STORIES OF SURVIVAL

IFJ affiliate the Afghan Independent Journalists Association (AIJA) recorded 27 incidents of attacks and assault on journalists, and numerous other incidents of threat and obstruction to free reporting of incidents of public interest. Journalists in Afghanistan face risks of attack on a daily basis; many of these incidents are stories of survival from attempted or murder.

Bahir Ahmad Kamawal of Ariana News Network was attacked by unidentified armed men in Kabul city on June 2, 2016. Six days later, an unknown group planted improvised explosive devices (IED) on the roof of the office of the Enekas Radio and Afghan TV Cable Network in Jalalabad, Nangarhar province. The explosion damaged the transmission equipment, causing transmission to be halted. No one was injured in the incident. Engineer Zulmay, who established the radio station in 2001, said that he had received threats from local Taliban and IS groups over the past few months.

Abdul Saboor Sarir, editor-in-chief of the *Afghan Times*, was attacked on October 9 by three men at gun point as he returned home in the Khwaja Bughra area of Kabul city. The assailants stopped Sarir, attacking him, taking his vehicle, laptop and cell phones. The attack took place as Sarir returned from the Kabul-based English newspaper, 3.5 km from the Ministry of Interior.

Farzullah Nemati a local correspondent of Peshgam TV was attacked following several death threats by unidentified men on June 16, 2016. More than eight persons suddenly entered his house and assaulted him and his father. Mohamad Reza Wahidi, owner of Nasim Radio was assaulted by the two men who knocked on his door on October 12 in Nili, the capital of Dykundi province in central Afghanistan. He collapsed after he was hit on his head and threatened at gunpoint and told to refrain from broadcasting the news. He was also warned that his family and son would be harmed if he continued his reporting. On the same night the offices of Nasim Radio were damaged in a bomb attack.

Zema Radio correspondent Esmatullah Qaeel survived the attack by two unidentified men on November 11, 2016. He was stabbed with knives. The police arrested two suspects in the case. A day later, three police recruits stormed into the studio of Feroz-Koh Radio in Ghor province, and assaulted journalist Janat Meer while he was presenting a live show.

A freelance journalist and civil society activist Mirwais Amarkhail survived an armed attack on November 19, 2016 in Kabul. Unidentified men called him outside the home and attacked him. Three journalists were seriously wounded in a





## THE AFGHAN PARLIAMENT PASSED A NEW POLICY ON JANUARY 16, 2017 REQUIRING MEDIA TO CALL ANY KILLED MEMBER OF A 'MARTYR'.

road side explosion in Shahre Safa district of Zabul province on December 2, 2016. Laljan Afghan of Rana News Agency, Najib Pashtoon of Kabul Times and Qudratullah Hemat of Shaikh Mate Radio were on the way in a convoy to cover military operations in a remote area. Shahwali Zarin editor and owner of *Bukhdi* news agency survived a fatal attack by unidentified gunmen on motorcycles on December 8, 2016. A patrolling police unit luckily arrived when the attackers fled, leaving his car mirror broken.

Besides those attacks, many more journalists in Afghanistan experienced beatings, threats and intimidation, mostly by government officials and police for their critical reporting or attempts to film or report incidents where police or government officials were involved.

### TALIBAN THREATS

An increase in the level of threats and attacks against journalists and the media by the Taliban has not only transformed the nature of the threat environment but also forced extensive self-censorship on journalists who work in the insecure areas of the country, a report by the Afghan Journalists Safety Committee stated. It further said: "Taliban, besides issuing threats also attempt to control the publication and broadcast material of local media in the insecure provinces...they force local media not to publish or broadcast certain materials such as

↑ AIJA leaders and other civil society organisations meet with Afghan President Ashraf Ghani to discuss the state of press freedom and journalist safety. Media remain critical of the President's treatment after he ignored several at a press conference and two news agencies were questioned by police for their reporting in September 2016.

commercial announcements and notices by the security forces, peace messages, music, female voice, and in certain situations entertainment programming by employing a variety of means and methods especially threatening or intimidating journalists."

In September, 2015, several hundred Taliban fighters had stormed 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. During the time they were in control, 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 vandalising media offices. Immediately after their withdrawal from Kunduz, the Taliban had 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. In August, 2016, majority of media in Kunduz stopped their operation citing security reasons. The media houses moved all their equipment

Credit: AIJA



↓ In 2016, the Afghan Independent Journalists Association supported by the IFJ, organised a two-day institutional strengthening and capacity building workshop in Kabul. The workshop was an important part of AIJA's steps to increasing its capability to represent Afghanistan's media workers and fight for press freedom.

to safe places outside the city as the Taliban once again increased their offensive in Kunduz causing new concerns for media houses.

Logar is another province where the Taliban are strong. In June 17, 2016, the Taliban threatened Mohamad Qasem Samadi of Zenat Radio to leave his media job and stop working with Zenat Radio. A Taliban messenger knocked his door and left a written warning message. A day later, Abdul Wase Nasiri, the producer Zenat Radio, received the same threat. Taliban messenger knocked on his door and talked with his father face to face before leaving a written note. In November 12, 2016, Hikmatullah Waqid a local correspondent of Kabul News TV was abducted by Taliban. He was picked in a private transport car in Baraki Barak district and taken away. AIJA Logar office mediated a talk quickly and he was released from Taliban captivity after five hours.

In June 9, 2016, the Taliban threatened reporters of Pajhwok News Agency in major provinces after a Facebook post suggested that the news agency was supported by funding from government. The Facebook post was written by a former director of Afghanistan spy agency.

In Afghanistan, violence against journalists is at a peak, the media are facing a tough challenge due to financial constraints, and high security threats due to extremism that threaten the press freedom in the country. If the Afghanistan government fails to properly tackle the situation, democracy in the country will be endangered due to lack of independent media and critical voices.

Credit: AIJA

### FURTHERING JOURNALISTS' RIGHTS

The IFJ affiliate Afghan Independent Journalists Association (AIJA) has worked relentlessly to monitor and verify incidents of press freedom violations; mediate in talks between journalists and other state or non-state actors; negotiate with militant groups in cases of threat and abduction of journalists; and advocate with the government to ensure a safe environment for journalists.

Journalist Basir Bhawar of Kabul USA TV, detained by the police for four days, was released after continuous pressure from AIJA. Similarly, AIJA stood in solidarity with Pajhwok News Agency reporter in Parwan, Farid Tanha who received death threats from Asmatullah Muhammadi, a provincial council member and a local warlord, who was forced to back off and tender an apology. Likewise, it was AIJA pressure that forced the government to arrest Professor Abdul Maroof Tafakoori who had issued a 'fatwa' criticising media and asking the public to start a 'jihad' against media and journalists. The Professor too was forced to issue a public apology.

AIJA also mediated during the abduction of Hikmatullah Waqid of Kabul News TV channel; he was released from Taliban detention after five hours. Similarly, journalist Abdul Mutaleb Hamed who was on the radar of the Taliban sought AIJA support, following which the government of Kapisa province provided him security cover. Solidarity with beleaguered journalists thus enabled those at risk to gain strength and continue their important work of reporting news and informing the public.



# BANGLADESH

## DOWNWARD SLIDE

The media in Bangladesh continued to experience intimidation, harassment, attacks and arrests during the period May 2016 to April 2017. Bangladeshi journalists and freethinkers to be framed, attacked and killed for exposing corruption and reporting the news. The downward slide of press freedom in Bangladesh continued in the reported period. Although freedom of expression and freedom of the press are constitutionally guaranteed for every citizen of Bangladesh, the governments enacted various laws hindering these rights. The increased offensive of extremist groups, though not targeting journalists directly during the period of the review, continues to remain a big threat.

Most of the intimidation, detentions and arrests were made under the infamous cybercrime law, Section 57 of Information and Communication Technology Act of 2006 (ICT Act). The draconian law has taken a heavy toll on journalists, bloggers, human rights defenders and social media activists, especially users of Facebook. The period has also been challenging for print and electronic media.

The ICT Act, which empowers law enforcers to arrest any person without warrant, has a maximum punishment of 14 years imprisonment. Section 57 of the law criminalises 'publishing fake, obscene or defaming information in electronic form.' Critics say that several provisions of this law are either vague or unnecessarily criminalise legitimate expression and recommend that clauses 46 and 57 of the ICT Act should be repealed in their entirety.

## ICT ACT CHALLENGED

Considerable confusion exists within government circles about the draconian law. Several contradictory statements have emerged. The authorities in August 2016 announced that the government was set to amend the ICT Act, but did not set a timeline or comment on scrapping of the law completely. The government said it was contemplating abolition of Section 57 of the Information and Communication Technology (Amendment) Act, 2013, by enacting a new law, the 'Digital Security Act, 2016', which has been prepared by the Information and Communications Technology (ICT) Division. The explanation given for the proposed amendment was that the law conflicts with four Articles of the state constitution and also muzzles the freedom of speech and expression of the media.

However, the proposed draft of the Digital Security Act has drawn some criticism as well and there are fears that it could be more repressive than the existing ICT Act. The draft Act proposes setting up a Digital Security Agency for monitoring and supervising digital content; communications mediums including mobile phones to prevent cyber-crime; a Digital Forensic Lab; and a Bangladesh Cyber Emergency Incident Response Team (Bangladesh-CERT). The Digital Security

Agency would be able to order a ban on communication in extraordinary situations on any individual or service provider and these agencies could be legally mandated to carry out activities such as internet shutdowns or surveillance contrary to freedom of expression and press freedom.

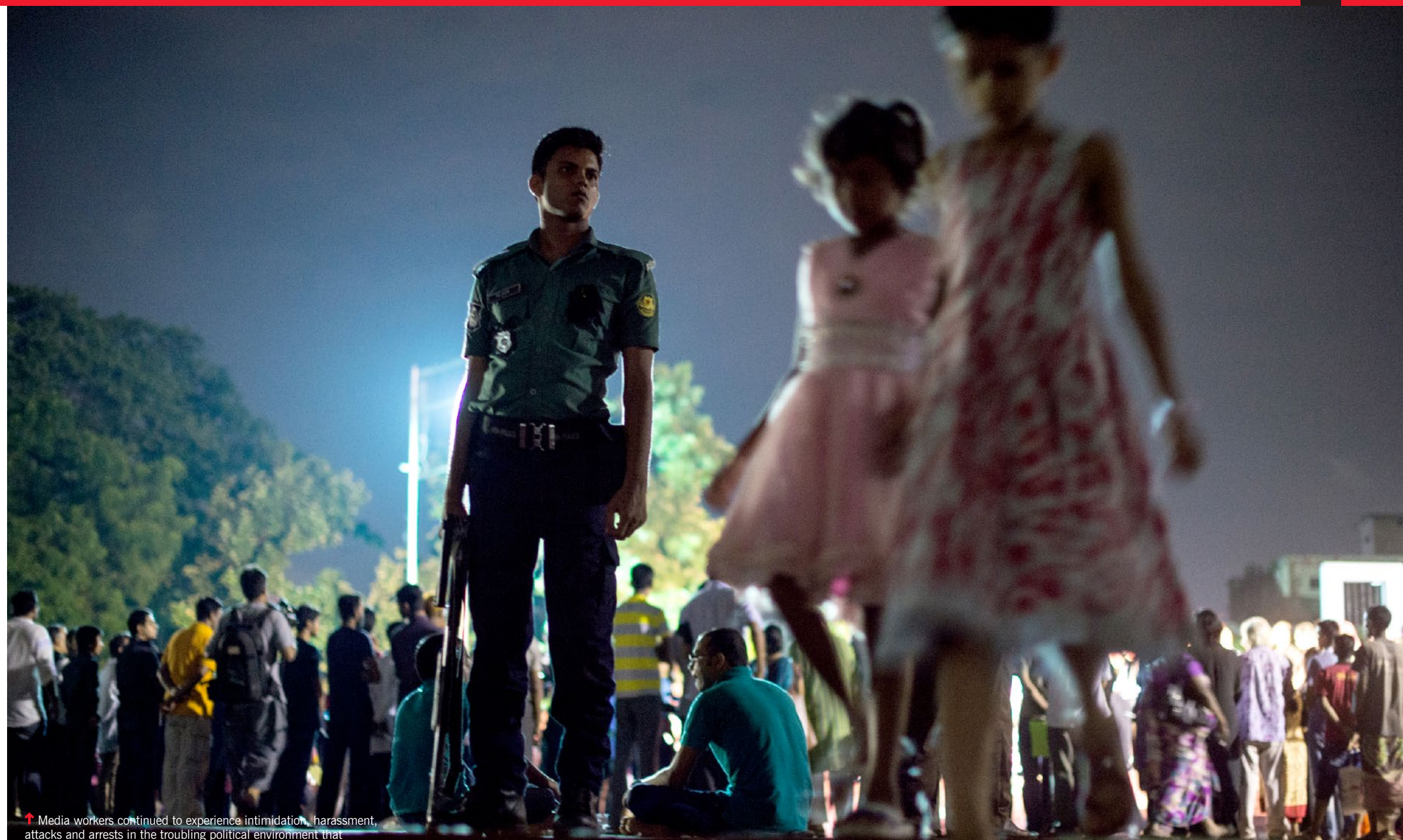
The proposed Act also has provisions to control cyber crimes in the form of hacking, impersonation, violation of privacy; and states that 'any derogatory comments, remarks, campaign or propaganda in electronic media made by a person, institution or foreign citizen, against the war of liberation, or father of the nation or any issue that has been settled by the Court shall amount to an offense' which are 'cognizable and non-bailable'. The offense carries punishment

ranging from three years in prison to life imprisonment and/or a hefty fine. The wording leaves huge gaps in interpretation and journalists could face a tougher time for their writing published online.

A writ petition was also filed with the High Court on August 26, challenging the legality of Section 57 of the ICT (Amendment) Act, 2013, according to which, if any person deliberately publishes any material in electronic form that causes law and order to deteriorate, prejudices the image

of the state or person or causes hurt to religious belief, the offender will be punished for a maximum of 14 years and minimum seven years of imprisonment. The petition placed before the High Court, challenges the section and notes that the provision is in conflict with Articles 27, 31, 32 and 39 of the Constitution. The Editors' Council has demanded cancellation of subsections 1 and 2 of Sec 57 of the Act, saying misuse of those subsections can hinder freedom of the press.

However, in the face of the outcry by media leaders and



↑ Media workers continued to experience intimidation, harassment, attacks and arrests in the troubling political environment that consumes Bangladesh. A Bangladeshi policeman keeps guard as girls walk past a candlelight vigil by peace activists in a park following a siege of a café in Dhaka on July 3, 2016, that left 20 hostages dead.

Credit: AFP/Roberto Schmidt

**ALTHOUGH FREEDOM OF EXPRESSION AND FREEDOM OF THE PRESS ARE CONSTITUTIONALLY GUARANTEED FOR EVERY CITIZEN OF BANGLADESH, THE GOVERNMENT ENACTED VARIOUS LAWS HINDERING THESE RIGHTS.**





**ATN NEWS CAMERAPERSON ABDUL ALIM AND ITS REPORTER AHSAN BIN DIDAR WERE ASSAULTED AND BEATEN BY POLICE DURING PROTESTS BY ACTIVISTS OF A MOVEMENT DEMANDING THE HALTING OF A COAL-FIRED POWER PLANT IN THE SUNDERBANS MANGROVE FOREST.**

Credit: The Daily Star



↑ Abdul Shimul, a correspondent for the daily Samakal, was brutally murdered in February 2017, when he was shot in the face. His press card was recovered, still covered in his blood.

rights groups, Information Minister Hasanul Haq Innu argued in favour of the controversial Sec 57 of ICT Act. On January 10, 2017, Bangladesh Law Minister Anisul Huq said the new law on cyber security would supersede the controversial section 57 of the ICT Act.

Nervous about social media networking platforms, especially Facebook, the government published draft guidelines in March 2016 for the civil administration officers on use of social media. The 11-point guideline, advises government officials on how to use their official and personal accounts in social media. The guideline will be applicable for all ministries, departments, agencies, field-level offices, educational and training institutions. In a circular issued to civil administration officers in districts and small towns on October 28 2016, the cabinet division observed that some field-level officials were sharing personal matters on Facebook, unrelated to their work.

### PRESS IN PERIL

Media workers in Bangladesh continued to face risky situations while reporting. On February 2, 2017, 40-year-old Abdul Hakin Shimul, a local correspondent of the Bangla-language daily *Samakal* in Shahjampur, was shot

Credit: BMSF

in the face while covering clashes between rival factions of the ruling Awami League. He died on following day, when he was rushed to a hospital in capital Dhaka. Police have arrested Shahjampur municipality Mayor Halimul Haque Miru, the prime accused, and the ballistic test report has confirmed that the bullet found in Shimul's body was fired from the mayor's shotgun. The mayor and other accused are being investigated by the police after the victim's wife filed a murder case against 18 people, including the mayor and his two brothers.

Veteran journalist Shafik Rehman, editor of Bangla monthly magazine *Mouchake Dhill* and advisor to opposition leader Khaleda Zia, was arrested in April 2016 for allegedly attempting to abduct and murder Prime Minister Sheikh Hasina's son Sajeeb Wazed Joy in the USA. Rehman had been in detention since his arrest, including the prison hospital after his health deteriorated. He was placed in solidarity confinement in prison.

On August 16, 2016, the IFJ, Reprieve, Index of Censorship, Reporters Without Borders and 21 other international press freedom organisations had written a joint letter demanding the immediate release of Rehman. The joint letter that was sent to Bangladeshi Minister for Law, Justice

← Cameraperson Abdul Alim and reporter Ishan Bin Didar of private TV station ATN News were brutally beaten by policemen inside the Shahbagh Police Station in Dhaka on January 26, 2017. Alim was pushed to the ground, kicked and struck several times with batons and shotgun butts.

↓ Bangladeshi activists honour secular writer and bloggers (L-R) Humayun Azad, Avijit Roy, Faisal Arefin Dipan and Nazimuddin Samad, who were murdered by religious extremists over the last few years. Journalists and bloggers remain under threat in Bangladesh, as religious extremist groups continue to stifle freedom of expression.

and Parliamentary Affairs, Anisul Huq, called for Shafik's immediate release on the grounds that after more than three months since his arrest, he has been detained without charge and his health is deteriorating. On August 31, the highest court of the country granted bail to octogenarian journalist Shafik Rehman.

On June 11, 2016, a dozen people assaulted reporter Shakil Hasan and cameraperson Shahin Alam of Jamuna TV as they were reporting on the illegal polythene bag factories in the old city of Dhaka.

On January 26, private TV network ATN News cameraperson Abdul Alim and its reporter Ahsan Bin Didar were assaulted and beaten by police during protests by activists of a movement demanding the halting of a coal-fired power plant in the Sunderbans mangrove forest. Riot police with bullet-proof vests along with shotgun-wielding-officers pounced upon the cameraperson without any warning. Alim was pushed to the ground, and kicked with boots and struck several times with batons and shotgun butts. He needed three stitches on his right eyebrow as a result of the beating.

### JOURNALISTS OR CYBER CRIMINALS?

By far the largest number of arrests was made under the ICT Act, bringing into sharp focus the misuse of the law. According to Deutsche Welle, more than 100 arrests have been made under the ICT Act for alleged defamation of the Father of the Nation and his kin. None of these cases were filed by the victim; rather, party men took the matter to court.

On July 12, police had arrested a reporter of a largest circulated local daily *Prothom Alo* Asaduzzaman Obaed Ongshuman, who is the accused in two cases, including



Credit: AFP/Stringer





## THE JOINT LETTER CALLED FOR SHAFIK'S IMMEDIATE RELEASE ON THE GROUNDS THAT AFTER MORE THAN THREE MONTHS SINCE HIS ARREST, HE HAS BEEN DETAINED WITHOUT CHARGE

extortion and the notorious ICT Act. Ongshuman was in the court office and was browsing into court documents to determine how many suspects were given bail on drug trade related cases by Chief Metropolitan Magistrate Court in capital Dhaka. Some lawyers who were present in court office had an altercation with Ongshuman. He was punched and dragged against his will to the Dhaka Lawyers Association office across the street, where he was confined in the offices.

On August 8, 2016, the elite anti-crime force, Rapid Action Battalion (RAB) arrested editor Shadat Ullah Khan, executive editor Maksudul Haider Chowdhury and newsroom editor Pranto Polash of online news portal banglamail24.com at the offices in the capital Dhaka. The arrests followed a story addressing rumours that Sajeeb Wazed Joy, the son of Bangladesh Prime Minister, Sheikh Hasina, had been killed in an air crash. The RAB filed a case against the journalists under the ICT Act. Following the arrests, the government's Press Information Department (PID) cancelled press accreditation cards for nine journalists from banglamail24.com, without providing a reason.

Later in August, the Dhaka Cyber Tribunal granted bail to the three journalists Shahadat Ullah Khan, Maksudul Haider Chowdhury and Pantho Polash.

On September 1, 2016, Siddiquir Rahman, the editor of an specialised education portal 'Dainik Sikkha' (www.

dainikshiksha.com) was arrested for publishing six news articles on corruption and favouritism of senior officials of the Department of Education. Rahman, an award winning reporter was detained after Prof. Fahima Khatun, wife of a ruling Awami League parliamentarian Obaidur Muktedir and also sister of Food Minister Kamrul Islam, filed a case under Section 57 of the ICT Act. Khatun, the former Director General of the Higher Secondary Education Directorate, claimed that news claiming corruption during her tenure in the Directorate, 'defamed and tarnished' her image and that of the state.

Police spokesperson said, he was arrested on charges of 'cyber crime' by publishing what it described as multiple "fictitious, false and shameful" news on his portal.

On September 1, police arrested Dilip Roy, a left-aligned leader of Rajshahi University's student organisation Biplobi Chhatra Maitri (Revolutionary Students' Unity), for his Facebook post criticising Prime Minister Sheikh Hasina over her press briefing on a controversial Rampal coal fired power plant.

The university's pro-government Chhatra (Student) League unit filed a case against the left leaning students' organisation leader under the Section 57 of Information and Communication Technology (ICT) Act for his two posts in less than an hour.

Credit: AFP



← Bangladeshi magazine editor Shafik Rehman is welcomed by his wife Taleya Rehman and supporters after his release from Kashimpur Central Jail near Dhaka on September 6, 2016. Rehman was arrested on charges of plotting to kill the premier's son. The IFJ joined international organisations in writing to the Bangladeshi government to demand his release.

↑ BMSF rally in Dhaka, Bangladesh against the continued killing of journalists and bloggers, demanding an end to the culture of impunity. Sagar Sarowar and Meherun Runi were among those killed in 2012. To date no one has been arrested or charged with their murders.

On December 24, police arrested Nazmul Huda a correspondent for private satellite network Ekushey TV (ETV) from Savar, in the outskirts of capital Dhaka for inciting unrest with garment workers over wages and benefits. Huda, is also the local correspondent of largest circulated Bangla daily Bangladesh Pratidin. He was accused of "inaccurate reporting" on almost daily protests in Ashulia, home to the industrial zone which produces garments worth USD 30 billion for export, said the local police officer-in-charge.

Journalist leaders and media were baffled to hear that the journalist has been booked under section 57 of ICT Act. Huda's arrest comes after mass protests by thousands of workers prompted the closure of 55 garment factories in Ashulia.

### INTERNET SHUTDOWNS

On August 4, 2016, the telecom regulatory body, Bangladesh Telecommunications and Regulatory Commission (BTRC)

ordered all International Internet Gateway service providers in Bangladesh to block access to 35 websites, including pro-opposition *Sheersha News* and *Amar Desh* online edition. Both are news portal of a pro-opposition Bangla daily that was shut down in 2013, following government's cancellation of its license. The BTRC said they were blocked 'for making objectionable comments about the government'.

After few days, the telecom regulator decided to scrap licenses of 204 internet providers as they allegedly failed to provide operational documents to it after frequent requests. An order has been issued and copies of the letter effective from August 25 have been sent to the Internet Service Providers (ISP) concerned.

In 2016, the Freedom House's Freedom of the Press report noted that Bangladesh slid down to 'not free' from a 'partly free' status due to increased hostility against journalists and freethinkers. The government received a lot of backlash for not initiating concrete action to tackle the situation. The government made no efforts in the period under review to improve the situation and the country remains at the dangerous edge of falling further in its press freedom status. The threats and attacks on journalists from extremists, the harassment on media using repressive laws such as ICT Act, and the increased self-censorship due to fear has led to a situation where independent media and critical opinions are fast perishing.

Credit: BMSF



# BHUTAN

## TESTING LIMITS

The small Himalayan kingdom is politically stable, with general elections scheduled to be held in 2018. Bhutan's constitution guarantees freedom of expression and protects press freedom as in any other democratic nation. However, the small media community of Bhutan, largely dominated by state-owned newspaper, radio and television, faces multiple challenges to truly become independent and vibrant.

On August 12, 2016, an influential local businessman filed a defamation case against independent journalist Namgay Zam for sharing a Facebook post by Dr Sacha Wangmo about a property dispute. Zam, a former presenter on the state-run television Bhutan Broadcasting Service (BBS), faced up to three years of imprisonment or a hefty fine if found guilty. The case rocked the seemingly peaceful nation, and highlighted the situation in which the Bhutanese citizens exercise the constitutionally guaranteed rights to freedom of expression.

Zam in her rebuttal claimed that she only posted Dr Wangmo's story on her Facebook page as a human-interest story: "A brilliant 26-year-old medical doctor fighting hard to get justice for her family, and in earnest belief that the truth ought to be uncovered in order for justice to prevail, from her perspective. The act of sharing the story was inspired by journalistic duty towards finding the truth."

What happened in the next five months of the case gave enough indications of the troubling state of the freedom of speech within Bhutanese society. Sonam Phuntsho, the businessman who filed the defamation case, is the father-in-law of the Chief Justice Tshering Wangchuk, whom Zam publicly accused of 'assassinating her credibility as a journalist in public spaces' and demanded an inquiry into his actions in a plea before the National Judicial Commission, the Office of the Gyalpoi Zimpon (His Majesty's Secretariat), the Prime Minister, the National Council (upper house of the Parliament), the National Assembly (lower house of the Parliament) and a public petition.

Rinzin Wangchuk, president of the Journalists Association of Bhutan (JAB), an IFJ affiliate, submitted a plea to dismiss the case claiming that there was no ground for defamation. The plea was denied.

Prime Minister Tshering Tobgay called it a "landmark case", saying "our job collectively is to enjoy our rights by protecting the rights of others and to make social media a safe, credible place where vibrant discussion takes place, and not the divisive debate that sometimes takes place on social media and definitely not while using an anonymous account".

Minister for Information and Communication DN Dhungyel too seconded the need for restrictions on social media. He said: "As of now, Bhutanese are using social media in a sensible manner but often we come across news that takes an unhealthy trend. For that, we do have a social media policy coming into force where we have incorporated certain restrictions regarding what we can share on social media and what we can't share or what kind of news can



↑ The small media community of Bhutan, largely dominated by state-owned newspaper, radio and television, faces multiple challenges to truly become independent and vibrant.

come into the social media, among others."

When everything looked like going against Zam in Bhutan, international media and organisations came out in her support. The case was withdrawn a day before the verdict in January 23, 2017. The withdrawal raised questions about the motive of filing the case and it looked like it was an attempt to intimidate not only Zam but also Bhutanese in general by reminding them what could happen if they wrote critically about powerful people. The case not only saw Bhutanese opinion sharply divided but also saw incidents such as the BBS removing a story on the case from its online version and thereafter never reporting on it.

Zam, while talking to media, questioned the state of press freedom in the country and said "there is extremely high level of self-censorship". She told the *Guardian*: "We've had periods of total media blackout on this case, people are scared of even sharing or commenting on stories on social media... I believe in earnest that we are squandering this precious gift [democracy] by being apathetic, complacent, and needlessly practising high levels of self-censorship." Zam has since left Bhutan to work in a startup media in Nepal.

## LONG ARM OF THE STATE

The media in Bhutan consists of a few newspapers - including the largest circulated state-owned *Kuensel* daily and some private

**BHUTAN'S CONSTITUTION GUARANTEES FREEDOM OF EXPRESSION AND PROTECTS PRESS FREEDOM AS IN ANY OTHER DEMOCRATIC NATION. HOWEVER, THE SMALL MEDIA COMMUNITY OF BHUTAN FACES MULTIPLE CHALLENGES TO TRULY BECOME INDEPENDENT AND VIBRANT.**

publications, six radio stations including a college-run one, two television channels by state-owned Bhutan Broadcasting Service (BBS), a handful of non-news magazines and some online media presence. Media largely depend on government advertisements as the market is too small for sales and the economy is not sufficiently developed to generate enough private advertising.

The story of two private newspapers highlights the state of private media in Bhutan. The *Bhutan Observer* and the *Bhutan Times* both started publication with fanfare but ceased publication due to financial difficulties. The *Bhutan Observer*, the first bilingual private newspaper that began in 2006, stopped its print edition in 2013 due to financial difficulties and went online-only, and stopped updating its site since 2015. The *Bhutan Today*, launched in October 2008, and in its prime published 12 pages in English and four pages in national language Dzongkha, also stopped the print edition and its online version remained closed whereas its Facebook page has very limited updates.

Bhutanese media is regulated under the Bhutan Information Communications and Media Act 2006, which created the Bhutan Information Communications and Media Authority

(BICMA) for regulating communications, their technology, and their means in Bhutan. The BICMA has the authority to take over communications services and facilities, intercept communications, issue permits for publications and films, block access to protest websites, and ban foreign publications in the national interest.

The BICMA banned *Hema Hema: Sing Me a Song While I Wait*, a feature film, in Bhutan due to "the various religious masks used by the characters in the film, which is not in keeping with our own tradition and culture". The film was shot in Bhutan, and is about a group of people who spend several days in the woods together in anonymity, thanks to the masks they wear. The film was scheduled to premiere in Bhutan in December, 2016. The ban generated debate over freedom of expression in Bhutan with many Bhutanese people questioning the ban. The film's Facebook page called the decision "narrowed minded" and "against freedom of expression and creativity in Bhutan".

The National Security Act 1992 prohibits criticism of the king and the political system and has a provision of prison terms up to 10 years for speech that creates or attempts to create 'hatred





**NAMGAY ZAM'S CASE ROCKED THE SEEMINGLY PEACEFUL NATION, AND HIGHLIGHTED THE SITUATION IN WHICH THE BHUTANESE CITIZENS EXERCISE THE CONSTITUTIONALLY GUARANTEED RIGHTS TO FREEDOM OF EXPRESSION.**

and disaffection' or 'misunderstanding or hostility between the government and people of Bhutan and the government and people of any foreign country' or promote or attempt to promote; feelings of enmity or hatred between different religious, racial or language groups or castes and communities, or commits any act which is prejudicial to the maintenance of harmony between different religious, racial or language groups or castes or communities, and which disturbs or is likely to disturb the public tranquillity'. Defamation in Bhutan is a criminal offense.

In such a scenario, freedom of expression, although constitutionally guaranteed, is restricted in practical terms, and journalists have limited ability to report or express freely and independently.

Freedom House, a US-based organisation, in its annual report the Freedom of the World 2017, rated Bhutan's press freedom as partly free. The Reporters Without Borders (RSF), in its 2016 World Press Freedom Index, ranked Bhutan 94 out of 180 countries. In 2015, Bhutan was ranked 104th. JAB general secretary Kinley Tshering said that the improvement in ranking might not be because of progress made by the media fraternity in the country but because of other countries falling in their rankings.

Tshering, during the World Press Freedom Day celebrations in Thimpu, said: "We cannot be complacent with the improved ranking and develop a false picture saying everything is fine with media in the country. It's good for a young democracy to see an improving media culture in the country, however, the ground

realities are much different."

He said that media houses in the country still face many challenges in terms of quality of news and professionalism; and that the poor financial health of media houses especially the privately owned ones has had a crippling effect on the quality of journalism.

### CHANGE AND UNCERTAINTY

Prime Minister Tshering Tobgay, when he was the opposition leader from 2008-13, built his image as champion of freedom of expression. He criticised the then government for blocking a website. *Bhutanomics*, a critical website run anonymously, which was made inaccessible in Bhutan in 2013. Tobgay called it "illegal censorship" but during his premiership, little improvement has been seen in the media and freedom of speech.

Some new media laws and regulations are proposed in Bhutan in 2016. However many of them are drafted without public consultations and no drafts are available for public debate. The Bhutan Information and Media Bill 2016, which seeks to repeal BICMA Act 2006, is expected to allow functional and regulatory autonomy of the BICMA and ensure that the development in media technology be addressed. The Bill is with the legislative committee for review, and will be presented with recommendations in the next session.

According to a report in the *Kuensel*, a draft National Broadcasting Policy is being reviewed. The Policy reportedly prevents the concentration of media ownership by ensuring



← Independent journalist Namgay Zam was charged with criminal defamation in August 2012, following a post she shared on her personal Facebook page. The case received national and international coverage and raised questions about press freedom and freedom of expression in Bhutan.

↑ Journalists and members of the Journalists Association of Bhutan undertake interviews as part of a training run by JAB. JAB continues to work tirelessly to support media development in Bhutan.

that someone who owns majority shares in one media or telecommunications business might not be permitted to own more than five percent of the shares of another such business. The draft policy also opens up the media sector to foreign investments. According to the draft broadcasting policy, government advertisements will be allocated on a cost-benefit basis instead of subsidy or sharing basis.

Meanwhile, the state of the Right to Information (RTI) Bill is still uncertain. The RTI Bill 2014 was passed by the National Assembly (lower house) in 2014, but the National Council (upper house) did not receive a presentation on the Bill from the information and communications ministry and therefore refused to deliberate on the Bill and returned it to the Assembly. The government reportedly has no plans on how it would go about the RTI Bill. The opposition in the Parliament has accused the Ministry of killing it and demanded a new RTI Bill, refusing to deliberate on the Bhutan Information and Media Bill 2016.

The BBS has also drafted a public service broadcaster (PSB) bill to make itself a public broadcaster. The discussion and consultations on PSB are ongoing since 2010 but are yet to see concrete development. The draft bill was submitted to the Ministry of Information and Communications, which is then

expected to table it in parliament.

Journalism in Bhutan is peaceful but without important critical voices; journalists in Bhutan do not face attacks, but are compelled to self-censor; and the state of freedom of expression is limited due to laws and regulations. What all these bills and changes will produce or whether if the 2018 elections will bring any change in the media scenario is uncertain.

### MEDIA DEVELOPMENT

JAB, the IFJ affiliate in Bhutan, has been relentlessly working to support media development through skill development of journalists in the country. During the last year, JAB, with support from the United Nations Democracy Fund (UNDEF), Swiss Development Cooperation (SDC) and the Department of Information and Media, conducted various trainings and activities. The activities of JAB included Training of the Trainers (June 20-22, 2016), Mentorship Program (August 2016 - August 2017), Basic Journalism Training (August 29 - September 3, 2016), Advanced Reporting & Editing Training (December 5, 2016), Long- form narrative & story telling Training (January 23-27, 2017) and Photo Journalism (February 15-17, 2017).

JAB also held the Annual Journalism Conference on January 31, 2017 and will host the Annual Journalism Award on May 3, 2017. JAB conducted training for the vernacular press from February 28 to March 4, 2017 for four Dzongkha newspapers including participants from the BBC Television Channel. JAB conducts monthly dialogues and other activities to engage journalists and also participates in civil society activities and workshops to further its overall mission of strengthening democracy.



# INDIA

## AT RISK: LIVES, LIVELIHOODS AND LIBERTIES

The year under review bore witness to the wide range of hazards that journalists in India face. Physical insecurity in its most extreme form was harshly manifest all through the year, and the precarious character of employment towards the later part. The legal environment remained unsettled with some developments rightly regarded as hostile to the free and fair practice of journalism. Conflict with the executive, judicial and legislative arms was an ever-present possibility and ethical challenges remained in an environment of rapid change.

## SLAIN AND SILENCED

On May 12, 2016, Akhilesh Pratap Singh Yadav, a reporter for Taaza TV, a Hindi language channel broadcasting from the eastern metropolis of Kolkata (earlier, Calcutta), was shot dead near his home in Chatra in the eastern Indian state of Jharkhand, some 160 km from the state capital of Ranchi. Known also as Indradev, Yadav was on his motorcycle, returning from the day's work. Initial reports indicated that Yadav, who is survived by a wife and two children, had been targeted for his incisive reporting on corruption. Later inquiries revealed several layers of complexity as is usual for journalists working in district towns at a distance from state capitals and regional metropolises.

The day after, 42-year old Rajdeo Ranjan, a reporter for the *Hindustan*, one of India's largest circulated Hindi language dailies, was shot while on his way home in Siwan. Ranjan was taken to hospital with injuries to the head and neck and declared dead on arrival. Ranjan was a veteran with 20 years' service with the *Hindustan*, part of the media group headquartered in the national capital of New Delhi that publishes India's second largest English daily, the *Hindustan Times*.

IFJ affiliates the Indian Journalists Union (IJU) and National Union of Journalists, India (NUJI) condemned the killing. The IJU said that in the death of Ranjan, vice-president of the Siwan District Unit of its affiliate the Bihar Working Journalists Union (BWJU), the union and the working journalists in Bihar had lost a valiant fighter.

Ranjan's murder caused deep disquiet in New Delhi and led to the formation of a fact finding team by the media watchdog body, the Press Council of India (PCI). Three members of the PCI team reached the crime scene on May 19 and carried out extensive inquiries, including interviews with the top civil administrators. Early suspicions about the involvement of a powerful local politician and former member of parliament – jailed on charges of murder, racketeering and worse – were informally confirmed. The family of the slain journalist as the team recorded it was cautious about making any definitive ascription of blame. The team extended an open invitation to all the individuals they met to depose in full privacy and confidence, yet nobody took up the offer. This was testament to the aura of fear and terror that enveloped the region following Ranjan's murder.

The district police chief met with the PCI team and vowed to pursue the investigation with all possible diligence, even though the case had by then been transferred to the jurisdiction of the Central Bureau of Investigation (CBI) – an intelligence and security agency directly under the control of the Union Government. He firmly rebutted any suggestion of political interference and affirmed that the involvement of the imprisoned politician was under active inquiry.

The head of civil administration in the district assured the PCI team that all possible assistance would be rendered to Ranjan's family and that he would use his discretionary powers to ensure the two young children were not denied any opportunities to advance their education and career prospects.

A few days before his murder, Ranjan had reported that the jailed politician, Mohammad Shahabuddin, had met with a minister in the state cabinet in prison and treated him to a lavish breakfast. There was ample circumstantial evidence to suggest that the jailed don was irked by this report and keen to exact retribution. The day the PCI team visited the crime scene, the state government ordered a police crackdown in the prison premises where Shahabuddin was detained. It was an operation that yielded a harvest of well over sixty cell-phones that had been illicitly secreted away. Subsequently, the state government ordered that the don be transferred to another prison, outside his area of operation, to ensure that his influence was kept in check.

Subsequently, on a petition by Ranjan's widow and another person aggrieved by Shahabuddin's ability to strike at will, India's Supreme Court ordered that he be transferred to a high security prison in the national capital from where his ability to cause terror in Bihar would be diminished.

A PCI team that visited Chatra in Jharkhand a few days later to inquire into the murder of Akhilesh Pratap Singh Yadav, *alias* Indradev, encountered a very different reality in the practice of journalism in India. Yadav, it turned out had a past in the Maoist insurgency in the neighbouring Bihar state before he relocated to Jharkhand where too an active insurgency existed. He had then taken up a career in journalism while joining a relative in a business venture bidding for public contracts.

According to interlocutors that the PCI team met, Yadav's business ventures excited the interest of a Maoist faction active in Jharkhand. His murder may have been in retaliation for his refusal to yield a cut from the value of contracts he was awarded to the Maoist faction. In another account, his killing is put down to the Maoist faction that he was earlier associated with, which allegedly has a tradition of punishing apostasy with death.

Kishore Dave, the bureau chief of a local daily *Jai Hind* in Junagarh in the western state of Gujarat, was stabbed to death as he worked at his office late one August evening. Again, initial reporting suggested a link to his work, though police investigations uncovered a possible motive in a dispute with a partner in an unrelated line of business.

The state of Bihar proved fatal terrain for journalists yet again in November, when Dharmendra Singh, a correspondent for the



**RANJAN'S MURDER CAUSED DEEP DISQUIET IN NEW DELHI AND LED TO THE FORMATION OF A FACT FINDING TEAM BY THE MEDIAWATCHDOG BODY, THE PRESS COUNCIL OF INDIA (PCI).**

mass circulated Hindi daily *Dainik Bhaskar* was shot dead at a tea stall near his home in Sasaram in Rohtas district. The first reaction was that this murder was probably in retaliation for the reporter's coverage of illegal stone quarrying in the region. There were specific political figures with influence in the area that were identified as suspects. Subsequent police investigations pointed to the possibility that the head of a criminal gang lodged in the district jail on unrelated charges may have ordered the killing on account of "grudges" of an unspecified nature. Two arrests were made, both of known criminal elements. Subsequent progress remains unreported in most part.

Bihar witnessed another horror in January 2017, when Brajesh Kumar, a young journalist with a Hindi daily, was shot dead in Samastipur district. IFJ affiliates in India while expressing their deep shock, resolved to investigate the circumstances of the murder. Local police identified an "old enmity" as the reason for the killing, but investigations have since remained inconclusive.

Just a few days later, a journalist was hacked to death in the southern state of Tamil Nadu, normally not known to be a lethally threatening place. S. Karthigai Selvan was a journalist working for a weekly magazine and partner in a restaurant business in Sattur in Virudhanagar district. He was attacked

↑ Relatives mourn as the body of journalist Rajdeo Ranjan is brought to his home in Siwan on May 14, 2016. Ranjan, local bureau chief of *Hindustan*, was gunned down by unknown assailants.

in the near vicinity of the restaurant and left for dead by six assailants. There have since been six persons who have given themselves up and confessed to the crime. No link with journalism is evident yet, though investigations remain ongoing.

Taking note of the growing attacks on journalists, IFJ affiliate the NUJI in its working committee meeting in October 2016, reiterated its demand for the enactment of a Journalists Protection Act in a memorandum submitted to Prime Minister Narendra Modi. The passage of the Maharashtra Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2017 on April 7 makes attacks on journalists punishable with a prison term and fine, as well as compensation for damage inflicted. The *Chhattisgarh Special Act for Protection of Journalists* and Human Rights Defenders drafted by human rights lawyers though yet to become law is another attempt to improve safety for journalists in Chhattisgarh, where free expression is a risky business.





↓ Journalists and supporters hold banners at a rally demanding justice for slain journalist Kishore Dave, after he was murdered in his office in Junagadh, in Gujarat. The 53-year-old was attacked as he was filing a report, and stabbed multiple times in the chest.

**TAKING NOTE OF THE GROWING ATTACKS ON JOURNALISTS, IFJ AFFILIATE THE NUJI IN ITS WORKING COMMITTEE MEETING IN OCTOBER 2016, REITERATED ITS DEMAND FOR THE ENACTMENT OF A JOURNALISTS PROTECTION ACT IN A MEMORANDUM SUBMITTED TO PRIME MINISTER NARENDRA MODI.**

## CONTINUING THREATS IN THE CONFLICT AREAS

Problems for journalism persisted in certain regions of civil conflict and insurgency. Freelance journalist Malini Subramaniam was subjected to relentless harassment and threats in the Bastar region of Chhattisgarh state, where a long-running Maoist insurgency has caused an escalating cycle of violence and retribution, and a severe contraction of civil liberties. In October, her home in Bastar's administrative headquarters, Jagdalpur, was besieged by an angry slogan-shouting and stone pelting crowd of a state-supported vigilante group. The same group later burnt her in effigy, along with other figures from academia and activism who had been campaigning on civil rights issues in the region. The crowd it turned out, included several policemen in uniform, whose ire had been aroused by an official CBI inquiry that found serious human rights violations in a security operation carried out in May 2011 in a remote village of Bastar, ostensibly as part of the counter-insurgency.

In what has become a recurring pattern, Subramaniam and other figures who made the case for respecting human rights even in the most trying circumstances, were accused of Maoist sympathies. After a particular aggravating incident,

Subramaniam filed a formal police complaint citing clauses of law dealing with rioting and criminal trespass. The police who had arrived at her premises that day and escorted out the intruders in what seemed a suspiciously friendly manner, registered the charges under considerably lesser categories of offence. Subramaniam finally left Jagdalpur for a safer environment.

Santosh Yadav, a journalist arrested by the Chhattisgarh police in September 2015 and charged with Maoist links and involvement in an incident of rioting in June, was granted bail by the Supreme Court in February 2017. Yadav's crime reportedly was the quickness of his journalistic reflexes, which enabled him to reach developing news spots at short notice and observe things first hand, enabling him to file reports questioning official police hand-outs. He was released after seventeen months in prison but is now obliged to pay daily visits to the local police and seek permission for any absence from his normal place of residence.

Somaru Nag, a journalist from a local *adivasi* or indigenous community was arrested in July 2015, a clear two month before Yadav, and charged with illegal contacts with a terrorist organisation and involvement in the same incident of rioting. Like Yadav, he too is believed to have been tortured in custody. After a year in prison, Nag was acquitted by the Additional Sessions

Court in Jagdalpur. None of the charges made out against him was backed up with anything like reasonable evidence, the judge ruled.

In the north-eastern state of Manipur, the special terrorism task force, the National Investigation Agency in May sent out notices to a number of newspapers published from the state capital Imphal, demanding the submission of a press release they had received from a consortium of underground insurgent groups. The press release had claimed responsibility for an insurgent attack in which security forces suffered losses in men and material. The agency demanded that the emails received from the insurgents be submitted in full, along with the header lines.

A multiplicity of special security laws are in force in Manipur which is the theatre of a bewildering variety of insurgent groups, often operating against each other and the state, sometimes enjoying the tacit patronage of official agencies. Some of these laws define "abetment" to insurgent activity in a very broad fashion. Publishing an insurgent group's statement could attract criminal prosecution and forfeiture of assets. Newspapers are often pressured under threat of violent retribution from these insurgent groups, to publish their statements. Some newspapers also believe they have the right to make a professional judgment of when such a statement should be reported as a matter of public interest. Though local journalists' unions have sought over the years to negotiate this range of thorny issues, they are yet to arrive at a formula that will ensure a relatively safe and secure environment.

Kashmir witnessed a prolonged period of civil strife and turmoil beginning early July, after the elimination in a security operation of Burhan Wani, a young man who had captured the imagination of the youth with his rhetoric on freedom, broadcast in most part through social media. His funeral drew mourners in the hundreds of thousands and as the crowds dispersed, the first clashes and confrontations began with security forces deployed in force on the roads leading out of his native village.

In early junctures of intense unrest, security forces had used live ammunition for crowd control, taking a heavy toll in lives. In 2016, they introduced a new weapon, the pellet gun, ostensibly because it would deter massed demonstrators, but not kill. However, because it was often used in close proximity to the crowds, it had the effect of severely injuring individuals, often blinding them by direct impact on the eyes, and occasionally causing lethal injuries to vital organs.

The unrest dragged on for months and claimed scores of lives. Early in September, photojournalists Muzamil Mattoo and Zuhair Maqbool sustained pellet injuries while covering a protest in the state capital Srinagar; the latter's eye injuries required surgery. Numerous other cases were reported of security forces stopping journalists on the streets and preventing them from accessing developing news spots, even assaulting them and damaging their equipment.

Assaulting journalists at the scene of protests became almost standard operating procedure for the security forces, even when the crowd size was not threatening. After the most intense unrest had subsided, one such instance, of a senior police official grabbing hold of a photojournalist by the throat and threatening to throttle him, was reported in March 2017. Taking note of the high-handed action of the police, the IJU demanded stringent

action against the police officers involved.

On July 16, just over a week since Kashmir exploded in rage at the killing of Burhan Wani, Kashmir woke up to a day without newspapers. Local police had the day before raided newspaper offices as the edition was rolling out, impounded all copies and forced the presses to shut down. Naem Akhtar, spokesman for the state government announced that the decision had been made with reluctance and that it was a "temporary measure to address an extraordinary situation". The problem as identified by the government arose from "an emotional lot, very young, out in the field, who get surcharged due to certain projections in the media, which results in multiplication of tragedies". Following widespread criticism and resistance from local journalists, the government partially rescinded the ban in ten days, though certain media outlets like the daily *Kashmir Reader* remained proscribed for over two months. The IJU expressed its support and solidarity to the beleaguered journalists in Kashmir valley and pledged to fight for restoration of their democratic rights, calling upon working journalists in the country to protest.

On August 12, just before the virtually concurrent observances of Independence Day in both India and Pakistan, always a flashpoint for major disturbances, the state government blocked internet services to major newspapers. This blockade remained in place for three days, severely hampering newspapers in producing their daily editions.

This narration of the travails faced by the media in Kashmir is not complete unless also complemented by how the national media, based principally in Delhi, covered events. The news channels in particular set a standard of coverage that was deeply resented by people in Kashmir. Invited participants from Kashmir on talk shows were given little opportunity to express their points of view or correct widely misreported facts, invariably being shouted down by the hosts. Early during the unrest, a Hindi news channel carried a news segment lauding Shah Faesal, a young medical graduate from Kashmir who had joined the civil service in 2015 after ranking first in nationwide competitive exams. Without even a cursory effort at seeking his consent, Faesal's choice of a career path was contrasted with that made by several others of the same age group, who had reportedly "wasted away" their youth in militant politics. A few days later Faesal responded with an editorial page article in a major national daily. "In the last few years", he wrote, "a section of the national media has been misrepresenting the idea of India in Kashmir, as part of a business strategy... Almost all the programmes on Kashmir right now are aimed to provoke people, the coverage is selective, and the intention appears to be to compound the problems for the state government."

## ETHICAL CHALLENGES

Kashmir was one among many ethical issues that came up before the Indian media during the year. It was by no means the only one. In October, Najeeb Ahmed, a student at Delhi's Jawaharlal Nehru University (JNU) went missing, allegedly after a scuffle with students of a rival political faction. The JNU campus has witnessed a deepening political polarisation since early 2016, when a group of students were charged under the draconian sedition law, after organising a protest





↑ Journalists in Srinagar protest the arbitrary ban on the Kashmir Reader on October 7, 2016. Printing presses were prohibited from printing the daily as a “precautionary” measure to ensure “public tranquillity”.

meeting. Najeeb has remained missing since.

In March 2017, the *Times of India* (ToI) reported on its front-page that investigators had established a suspicious pattern from Najeeb’s web-browsing history. Most of the sites he visited, allegedly, involved the Islamic State militia which swept to world attention in 2014 when it captured large swathes of territory in Iraq and Syria. Najeeb’s browsing interests, the story alleged, showed a clear intent to join the militia as a fighter for the cause of an Islamic caliphate.

The story was eagerly picked up by various TV news channels and print platforms. The Delhi Police was quick with the denial that any such finding had been made. Seemingly unconcerned about basic norms of fairness in reporting, the ToI reported this categorical denial in an inconspicuous story on an inner page. It issued no retraction or apology for the distress caused Najeeb’s family spearheading the campaign to find him.

Again in March, a young reporter with the online news portal *The Quint* entered an army base in Deolali in the western state of Maharashtra. She carried a concealed camera and recorded her conversation with a young soldier cleaning the car of a superior officer, who revealed that men inducted into the army at his level were often obliged to perform menial tasks. Though restrained by several orders from the highest levels of the army command, the practice of using “buddies” or orderlies had not really ceased.

Though masked in the video uploaded on *The Quint*, the identity of the soldier was clear because of his distinct regional accent. It is not known what subsequently happened, but there is a possibility that the young soldier came under pressure

from his superiors for having spoken without authorisation to the media. A few days later, he was found to have taken his own life.

The reporter is believed to have cooperated with subsequent investigations by the local police. At the end of March, a charge sheet was filed against her on grounds of trespass, abetment to suicide and violation of the Official Secrets Act.

Mangalam, a news channel premiered in the southern state of Kerala in March, with what it portrayed as a sensational news scoop. A minister in the state government had been taped engaged in an innuendo-laden conversation with an unidentified woman. The minister resigned his post promptly, but demanded an investigation into the circumstances in which the recording was made. Subsequently, a woman employed by Mangalam went public with details of how an “investigative team” had been constituted by the channel comprised entirely of women, and tasked with calling up an identified list of vulnerable public figures to engage them in suggestive conversations with sexual overtones. Those who dissented with the method were excluded and finally the conversation with the minister was recorded by a woman inducted from the front-office reception. Sting operations have been under scrutiny ever since 1999 when the now defunct Tehelka magazine carried out a series of interviews with army officers, officials of the Defence Ministry and political operatives, to lay bare the many layers of corruption and complicity in the arms business.

Elections were held to a number of state legislative assemblies between February and March 2017. The Election Commission of India set up special watchdog bodies to

Credit: Abid Bhat



← Following the killing of militant leader Burhan Wani by security forces in Kashmir in July 2016, clashes broke out in Srinagar. The media covered the clashes, but were often caught in the middle.

## ASSAULTING JOURNALISTS AT THE SCENE OF PROTESTS BECAME ALMOST STANDARD OPERATING PROCEDURE FOR THE SECURITY FORCES, EVEN WHEN THE CROWD SIZE WAS NOT THREATENING.

monitor the media in all states, to detect when news and editorial coverage of particular candidates and parties raised suspicions of being paid for. In recent years, parties and candidates have found a way of circumventing mandatory ceilings on campaign expenditure by handing out secret doles to media outlets for favourable coverage. This phenomenon of “paid news” has attracted the serious attention of journalists’ unions, which have carried out their own inquiries over the years. India’s Chief Election Commissioner has argued that “paid news” be declared a corrupt practice liable to criminal prosecution. Preliminary inquiries from elections to the Punjab state legislative assembly revealed over a hundred cases where media reports raised strong suspicions of being paid for. Similar inquiries are underway in the four other states: Uttar Pradesh, Uttarakhand, Manipur, and Goa.

### AN ARBITRARY BAN

In November, the Union Government ordered the popular Hindi news broadcaster NDTV-India off the air for a twenty-four hour period. The channel was accused of violating a 2015 amendment to the cable TV rules, which obliged news broadcasters to restrict live reporting of anti-terrorism operations and confine themselves to facts revealed in “periodic” briefings by “designated” officials of the “appropriate” government.

In enforcing this rather vaguely worded restraint, the Union Government showed clear selectivity, perhaps even vindictiveness. The alleged violations by NDTV-India, according to the official

Credit: Faisal Khan

statement from the Ministry of Information and Broadcasting, included reporting that a group armed intruders who forced their way into the Pathankot air-base in the northern state of Punjab in January 2016, had managed to approach the near vicinity of an arms depot. NDTV-India was also accused of reporting the presence of a school and civilians on the airbase, not to mention revealing that there were strategic investments such as jet fighters within the Pathankot air-base.

The IJU termed the government’s action as a reminder of the “dark days of Emergency when the media was gagged”. There was nothing in the NDTV-India reporting that was not in varying ways shared with virtually every other media outlet that had a person on the ground. With the unanimous support of all journalists’ unions and professional bodies, NDTV-India chose to appeal the arbitrary ban. Rather than face possible judicial censure, the government quickly backed down, arguing that its point was made and an adequate deterrent against future transgressions established.

An instance of the judiciary failing to apply reasonable standards on free speech and the public right to know emerged in March, when the news portal *The Wire* was obliged by the order of a civil court in the southern metropolis of Bengaluru (formerly Bangalore), to take down two reports. This was in response to a petition filed by Rajeev Chandrashekhkar, a businessman who sold his interests in telecom to buy up substantial stakes in the media industry. Since then elected to the upper house of Indian parliament and appointed chair of the national ruling coalition



## SANTOSH YADAV: OUT ON BAIL

On February 27, 2017, Santosh Yadav was granted bail by the Supreme Court of India. After one and a half years in prison, Yadav returned home to Darbha in Bastar district of the strife torn state of Chhattisgarh. Yadav was arrested on September 29, 2015, for alleged involvement in an encounter during a road operation that claimed the life of a police officer. He was charged with criminal conspiracy and aiding Maoists under various sections of the Indian Penal Code, the Arms Act and the draconian the Unlawful Activities Prevention Act, and Chhattisgarh Public Security Act (CPSA).

Yadav was on the police radar since 2013 for reporting on adivasis (tribal) caught between the conflict between the security forces and the armed Maoists. The arrest came when Chhattisgarh Police Special Task Force Commander Mahant Singh gave a statement that he could see Yadav's face in the light of a parabomb that was flared during an ambush in Darbha in August 2013. But, in an identification parade memo dated January 1, 2016, Singh "expressed inability to identify the accused with certainty." Despite this lacuna in the evidence, Yadav's bail application would simply not come up for hearing. Police had charged him, along with 18 villagers, for the crime and would never bring all 18 to court together, citing some pretext or the other.

As a local resident who knew the area intimately, Yadav was a vital link between the adivasis and other journalists, says journalist Malini Subramaniam, who was forced to leave Jagdalpur overnight when a local vigilante group threatened her in February 2016.

Yadav was clear that arresting him was a warning to him to remain silent and a punishment because of his critical news reportage. "The police were completely opposed to the work we did and the kind of news we used to bring out about adivasis," he said.

Yadav is also extremely critical of the provisions of the Chhattisgarh Public Security Act (CPSA). "It is being misused totally. It never applies to people who really need to be booked under it. What is the reason for booking adivasis under this act?

Are they destroying the land? Are they responsible for the loot of natural resources?" he asked.

In Bastar, he adds, the mining companies have completely destroyed the environment and the natural habitat of the adivasis.

"I became a journalist in 2008 as a reporter for *Navbharat* newspaper and then took on agency work by 2013-14. I was always interested in journalism and liked photography. I could see the huge misery and oppression that adivasis face and I felt it was wrong and that we must do something. We couldn't keep quiet about it," he said. "The government will try to stop you but we can't keep quiet," he said, adding that for a man who never considered silence as an option, even jail was not deterrent enough. "Jails are tough places. You don't get decent food, there's no medical care for inmates and if you ask for anything, they only respond by beating you. We had gone on strike in November, 2016. We had a few demands, some 14-15 demands about proper food, medical facilities etc."

Yadav said prison officials entered into the jail and lathi-charged the protesting inmates. Some were grievously injured and Yadav himself fell unconscious and had to be admitted to hospital for treatment. He was not immediately given any treatment. "Instead, I was put into the anda cell (solitary confinement)" he said. An Amnesty International reports said that Yadav was admitted to a hospital in Jagdalpur and later, transferred to a district jail in Kanker.

Though the cases against him will continue to drag on in court, Yadav plans to continue his journalism and 'social work' in his mission of telling the world about the plight of the adivasis (indigenous peoples) in this strife-torn area. His first priority is to tell the stories of those incarcerated for long periods in the state. "I have a list of adivasis stuck in jail. So many youth are in jail, some of them for years. In the process, some have lost their parents, some have aged parents and there is no one to look after them. Now that I am out, I have promised them I will try and help their families, so I shall start with contacting their families and try to help them with lawyers," he says.

*Excerpted with permission from [www.thehoot.org](http://www.thehoot.org)*



**SANTOSH YADAV'S FIRST PRIORITY IS TO TELL THE STORIES OF THOSE INCARCERATED FOR LONG PERIODS IN JAILS IN CHHATTISGARH.**

Credit: Amnesty International, India



in the southern state of Kerala, Chandrashekar is a member of the consultative committee on the Ministry of Defence. In recent weeks, he has announced his intention to invest in a TV news channel, to be launched soon with the stated editorial positions of upholding a forceful nationalist spirit and projecting a strong military posture.

The two articles in *The Wire* questioned if Chandrashekar's multiple commitments did not constitute serious risks of a conflict of interest. Since being served the judicial injunction, the news portal has announced its intent to contest it. In line with its operational philosophy of seeking public support for its news coverage, it has called for crowd-sourced funds to fight the case.

Access to judicial proceedings in the southern state of Kerala was blocked, after a scuffle broke out in July between lawyers and journalists in the premises of the High Court in the city of Kochi. Lawyers were irked by critical media commentary, after the bar association apparently seemed to soft-pedal allegations of molestation against a professional colleague. Journalists subsequently retaliated with a boycott of judicial proceedings all over the state and the Kerala Union of Working Journalists took the matter to the Supreme Court, seeking a stricture against the High Court for barring media entry. The High Court administration refused to acknowledge that any manner of restraint had been imposed on media access and yet there were multiple occasions when lawyers – with or without official sanction of their professional bodies – physically blocked journalists from entering the courts. Matters boiled over sufficiently for the police and civil administration to step in on occasion to restore order in court premises.

That effort by a professional body to impose limits on media reporting and commentary was part of a pattern. In February,

Trade union activists in Mumbai protest a slew of mass sackings in major media houses across India. The journalists held an hour-long demonstration before the Hindustan Times (HT) office in the country's commercial capital Mumbai raising slogans against the mass termination of media employees.

three lawyers practising in the High Court in the eastern Indian state of Orissa, were charged with molesting a female police officer. Following a disturbing practice from the recent past that is at risk of becoming precedent, the High Court then ordered a gag on media reporting, supposedly in the interests of conducting a fair trial and safeguarding against any unwarranted slurs against the legal fraternity that could potentially damage public regard for the judiciary.

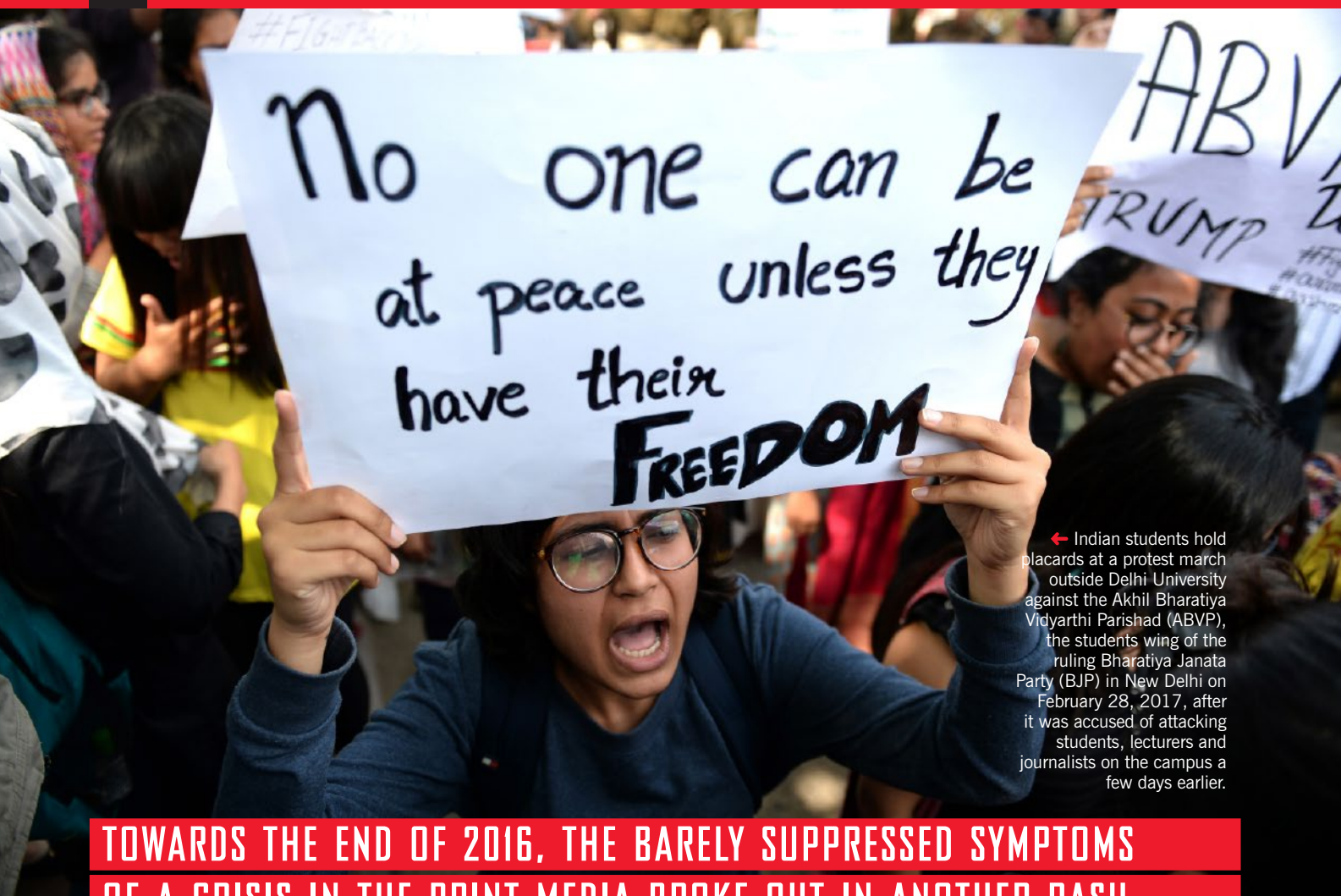
It was a baffling judicial order which effectively prevented any manner of public oversight in a matter where the legal community could potentially drag things out long enough to ensure the ends of justice were defeated. A similar zeal to defend personal reputations, unmindful of the needs of institutional integrity, was evident in the Karnataka state legislature's constitution of a panel in March 2017, to recommend norms on media reporting involving itself. Following a debate in which elected members one after another, spoke out bitterly against the media coverage they had received, the legislative assembly in the southern state nominated a number of panel members, some of whom had been under intense scrutiny in recent years for apparent misconduct.

## JOB INSECURITY: A NEW OUTBREAK

Towards the end of 2016, the barely suppressed symptoms of a crisis in the print media broke out in another rash. Certain leading concerns in the newspaper world began sending out

Credit: Brihanmumbai Union of Journalists





← Indian students hold placards at a protest march outside Delhi University against the Akhil Bharatiya Vidyarthi Parishad (ABVP), the students wing of the ruling Bharatiya Janata Party (BJP) in New Delhi on February 28, 2017, after it was accused of attacking students, lecturers and journalists on the campus a few days earlier.

## TOWARDS THE END OF 2016, THE BARELY SUPPRESSED SYMPTOMS OF A CRISIS IN THE PRINT MEDIA BROKE OUT IN ANOTHER RASH CERTAIN LEADING CONCERNS IN THE NEWSPAPER WORLD BEGAN SENDING OUT OMINOUS WARNINGS TO THEIR EMPLOYEES, ABOUT AN IMMINENT AND BRUTAL SHAKE-OUT.

ominous warnings to their employees, about an imminent and brutal shake-out. The trigger for the crunch situation was supposedly the decision by the Indian Government on November 8 to scrap two high-denomination notes, ensuring that 86 percent of currency value in circulation would cease being legal tender. The purpose ostensibly was to bring undeclared income streams and hidden hoards of wealth over ground.

An immediate consequence of the big currency scrap was a drastic economic contraction, as accustomed cycles of production and exchange were rudely disrupted. Within the smaller context of media economics, demonetisation severely aggravated what was feared to be a long-term slowdown in advertising spending. The shrinkage of ad spending was estimated to aggregate roughly 30 billion (USD465 million). It was expected to disproportionately impact the print media, since TV genres such as sport usually involved advance ad bookings, which would survive the slowdown. Ad bookings in the print media in contrast were made week to week and could easily be cancelled or rescheduled.

Late December 2016, the chief executive of Hindustan Times Media Ltd (HTML), which publishes the second most widely circulated English newspaper and a Hindi daily that ranks among the top five, sent out a mail to all staff, warning that the large-scale currency demonetisation had made a bad situation considerably worse. Certain sacrifices had to be made, he said, which would impact all departments and across the hierarchy. There was a sense of foreboding but seemingly no specific warning of the magnitude of the shock. On January 5, 2017, HTML employees received emails from the chief executive, announcing the immediate closure of four editions and seven bureaus. Anxious calls made to relevant persons in the management hierarchy went unattended. Four days later, employees numbering in the hundreds realised that they were out of their jobs. The plans had been underway since at least October but were perhaps advanced in their implementation because of the demonetisation crisis.

On February 2, Kolkata's Ananda Bazar Patrika (ABP) group which publishes the most widely circulated English newspaper in the eastern region – besides being the dominant player in every

segment of Bengali language print – announced similar plans of shuttering several bureaus and editions. Again, there had been some indications since the senior member of the family that owns the enterprise stepped aside to be replaced by a younger brother mid-2016. But nothing seemed to prepare the affected workers for the suddenness with which the blow finally came.

Alongside the brutal strike on jobs, there seemed to have been a gag order on the affected staff. A month after the mass layoffs in HTML, a media observer was commenting that it was still unclear how many jobs precisely were affected. Neither was much known about the terms of severance offered to laid off staff, who were estimated to number several hundreds in both the HTML and ABP groups. However, even if the newspapers from these two groups made a virtue of silence, a rival publishing house proved eager to step up in their vociferous defence, though without revealing even minimal details about itself.

On January 19, the ToI ran an editorial page article bemoaning the rising tide of red ink in newspaper balance sheets. While smearing India's statutory wage board process for fixing pay and terms of employment for journalists with a broad brush, ToI showed no inclination to reveal its own financial parameters. Instead, it picked up some scattered bits of information, curiously, from the recent financial performance of a rival newspaper, *The Hindu*, and the news agency the Press Trust of India which the newspaper industry collectively owns, but keeps on a starvation diet through artificially depressed subscription rates. Both these establishments the ToI pleaded, were undergoing severe financial stress as a consequence of the "latest wage board recommendations". The consequence of the wage board was that "blue collar staff including peons, clerks and drivers in certain scales (were being paid) more than three times what they earn in any other industry". In concert with other adverse factors, "rock-bottom" rates for government advertising, the weak Indian rupee which pushed up costs of imported newsprint, and finally, demonetisation which had squeezed "spends across almost all categories of advertisers", the newspaper industry faced "an existential threat".

Journalists' unions were quick to respond to the sharp effrontery. From a variety of sources the Mumbai unions managed to put together an estimate that the ToI as a corporate enterprise had a total employee strength of at least 5,000. Adding on all the group enterprises, the total payroll strength was perhaps 11,000. The company's own affidavits filed before industrial regulatory authorities showed that in the three centres where it had significant printing operations in the state of Maharashtra, it employed a mere 263 employees on wage board mandated scales. This in turn broke up as 34 working journalists, 86 administrative staff and 143 factory staff.

For the company to argue that wage board awards were a financial burden was stretching facts. HTML and ABP were only the latest, though they will not be the last, in a long line of eruptions that broke the surface calm and laid bare a long festering crisis. Since the short-lived boom ended in 2008, the higher profile newspaper groups have been quietly cutting staff, while seeking political guarantees by severely curbing critical coverage. Regional papers and news channels presented an even bleaker picture, with several of them employing journalists at

less than the minimum wage for unskilled work. As an article on the media implosion published in the monthly long-form journal *Fountain Ink* pointed out, journalists were also expected to "act as advertising and subscription agents" and meet "targets for revenue generation". Professionals bearing the weighty designation of "resident editors" in such news organisations were "responsible as much for editorial functions as for bringing in the money".

Expectedly, the ToI neither revealed any details of its own financials, nor looked into the deeper causes of the newspaper industry crisis. It had no reason to highlight how managements had been asleep at the wheel for years, pursuing profit at the cost of the integrity of the industry's basic function of gathering news and presenting it in a credible fashion. Meanwhile, the boom and bust cycle of the global economy was playing havoc, each upswing managing successfully to divert attention from the need to return to the essentials, allowing managements to tie the fortunes of the industry increasingly upon advertisements, rather than seek to expand readership through quality news reporting.

The argument that the wage board award was proving a financial burden was belied by the ease with which HTML and ABP managed – overnight and at the stroke of a pen – to dismiss a substantial number of their employees. These facts were evidently of little consequence in the post-truth environment that the Indian media had created in the age of globalisation. The effort to delegitimise the wage board process represented a continuation of the trend towards abusing editorial prerogative to argue a one-sided case for newspaper industry owners. The ToI glossed over the role it as played over the years in launching a corrosive "price war", which forced competition to follow suit and drove many other titles to the wall and destroyed pluralism and diversity in the press.

Responding to the ToI editorial, the Delhi Union of Journalists (DUJ) objected to the "continuing misuse of editorial pages in the press to argue a one-sided case for newspaper industry owners". The DUJ called on ToI to adopt basic norms of transparency if it wished to promote a serious and well-informed public debate. Very little was known about the financial parameters of the ToI's proprietary company. But from an available public document, the DUJ made an interesting deduction: the company incurred salary and wage costs of ₹ 5.51 billion (551 crore) in 2010-11, on 'operating revenue' of almost ₹ 45 billion (4,500 crore) and 'other income' of about ₹ 3 billion (300 crore). In other words, "manpower costs" were no more than 11 percent of total revenue. Further breaking down the "manpower cost" component revealed that ₹ 1.02 billion (102 crore) out of the total, i.e., close to 20 percent, was absorbed in remunerations to just 40 employees, among which there were only four whose function could even remotely be identified as journalism.

Clearly, the drift towards a model driven exclusively by commerce had brought the media industry and particularly the newspaper segment, to a precarious state. Redefining the basic principles of the profession and rediscovering a new identity and relevance remain significant challenges for journalists' unions in India, as elsewhere.



# MALDIVES

The brutal killing of blogger Yameen Rasheed in early hours of April 23 was a result of long brewing intolerance against free thinkers in the Maldives. The 29-year-old prominent blogger was found with multiple stabs on his body at the stair of his residence and died soon afterward as the country woke up to a shocking news. Rasheed was a bold voice against injustice, autocracy and extremist, who ran popular *The Daily Panic* blog, has received multiple death threats over past few years, leading him to report the death threats to the police. He complained on social media about police inaction and tweeted that he wasn't 'particularly afraid of death, but dying at the hands of lunatics isn't the preferred death'.

Rasheed was also a close friend of journalist Ahmed Rilwan, who disappeared in August 2014, and has been the leading voice in #FindMoyameehaa, a campaign demanding whereabouts and justice for Rilwan, whose whereabouts remain unknown. The murder of Rasheed is a serious setback to freedom of expression in the Maldives, which has already seen the waves of restrictions under President Abdulla Yameen.

## WAVES OF RESTRICTIONS

Media freedom in the Maldives was on a downward slide in 2016 as the state continued to deal with media with an iron fist, introducing restrictive media regulations and harassing journalists of the opposition-aligned media. In this state of political turmoil, President Yameen is accused of furthering his mission to tighten his grip on power, and not hesitating to use undemocratic measures to subdue opposition voices. In such a scenario, the media in the Maldives are under great pressure. It is a situation where critical voices are often absent, and self-censorship is high.

The state-owned Public Service Media runs two TV channels and three radio stations. There is just one print newspaper, *Mihaaru*, a new daily run on the strength of journalists mostly drawn from the country's oldest newspaper *Haveeru*, which was closed down by court orders due to ownership issues in March, 2016.

The constitution of the Maldives guarantees freedom of expression provided it is exercised in a manner "not contrary to any tenet of Islam." This clause leaves room for interpretation, leading to restraint and censorship by journalists and avoidance of critical reporting on religious issues. Maldives is ranked 112th out of 180 countries in Reporters Without Borders' (RSF) World Press Freedom Index, after falling 60 places since 2010.

## SERIOUS SETBACKS

The Maldivian Parliament on August 9, 2016 passed the Anti-Defamation and Freedom of Expression Act with 47 Members of Parliament voting in favour and 31 voting against. The Act was presented to Parliament despite widespread criticism



↑ Maldivian journalists protest the draconian criminal defamation law which they say will muzzle freedom of expression. The protests on social media called for stronger laws to guarantee freedom and expression and press freedom in the Maldives.

at the national and international level for its restrictive provisions. The law criminalises defamatory speech, remarks, writings and actions and empowers the state authority to shut down media for its 'defamatory' content. The law includes a fine between MVR 25,000 (USD 1,621) to MVR 2 million (USD 130,000) or up to six months of imprisonment for slander, remarks or content that threatens national security or breaches social norms.

Individual journalists found guilty face fines between MVR 50,000 (USD 3,242) and MVR 150,000 (USD 9,727), a decision can only be appealed once the fine has been paid. In addition, journalists could be forced to reveal sources of information, which contradicts Article 28 of the Maldives Constitution. The USA, UK, EU, Germany, Norway and the Netherlands issued a joint statement prior to the vote on the legislation, saying that it was a "serious setback for freedom of speech in the Maldives" that would allow severe penalties to be imposed on those who exercise their democratic rights and freedoms.

The bill was proposed in March 2016, and was widely criticised by media workers in the Maldives. Large protests



## THE LAW CRIMINALISES DEFAMATORY SPEECH, REMARKS, WRITINGS AND ACTIONS AND EMPOWERS THE STATE AUTHORITY TO SHUT DOWN MEDIA FOR ITS 'DEFAMATORY' CONTENT.

were held outside the Parliament and journalists were arrested. The Maldivian media community also launched a campaign against the bill, #27geDhifauga (translated: "in defence of 27") in reference to the constitutional article guaranteeing freedom of expression. The passing of the legislation is a major setback for the Maldives, which voted in November 2009 to decriminalise defamation under former President Mohammad Nasheed.

In the first punitive action under the Act, the regulatory body, the Maldives Broadcasting Commission (MBC), slapped an MVR 200,000 (USD 13,000) fine on the opposition-aligned Raajje TV and a fine of MVR 50,000 (USD 3,200) on journalist Aala Ibrahim on March 7, 2017. The TV channel was fined on a complaint by a social worker who claimed a rape victim's family had accused her on Raajje TV of trying to cover up the rape and influence the police investigation. The TV was found guilty for naming the social worker in three news bulletins on November 19 without contacting her, which the MBC said "adversely affected" the social worker and her family. Raajje TV raised the money through a fundraising drive and paid the amount on April 6, 2017.

On the same day, the MBC slapped an MVR 1 million (USD 64,850) fine on Raajje TV for airing a speech at an opposition rally in October 2016 that was deemed defamatory towards the President. The MBC said it concluded after an inquiry that the content "openly created doubts in the hearts of the people about the legal duties or responsibilities of the ruler of the Maldives and damaged his honor and dignity". If the fine is not paid within 30 days, the commission can suspend or cancel Raajje TV's broadcasting license. The fine must also be paid in full before the regulator's decision can be appealed in court.

The fear instilled by the Act is so high in the Maldives that media and journalists are forced to self-censor. Some of the media have decided to close down instead of facing the wrath of the Act. Dhi TV, the Maldives' first private TV station, shut down at midnight on August 10, after giving a short notice to the staff. DhiFM, a radio station affiliated with the TV station, DhiFM Plus, and the Dhivehi Online website were also shut down. However, the company continued operation of two music channels on radio. A memo on the shutdown stated that the channels could not be run in a sustainable manner under the current circumstances.





## THE MURDER OF RASHEED IS A SERIOUS SETBACK TO FREEDOM OF EXPRESSION IN THE MALDIVES, WHICH HAS ALREADY SEEN THE WAVES OF RESTRICTIONS UNDER PRESIDENT ABDUALLA YAMEEN

### CLOSURE AND CLAMPDOWN

In June, 2016, critical news website *Channel News Maldives* was forced to close after it exposed the first lady's misuse of state resources. Directors of *Channel News Maldives* annulled its parent company at an emergency meeting citing political pressure by the government and took down the website.

The website had exposed how an NGO linked to the First Lady Fathimath Ibrahim was distributing dates donated by the king of Saudi Arabia. It also claimed that Fathimath had been given a share of government's quota allocations for the Hajj, the pilgrimage to Mecca. CNM also published a letter sent to the

finance ministry by the Islamic minister asking it to give half of the grant donated by Abu Dhabi to Fathimath's NGO, the Sadagat Foundation.

The website's editor-in-chief, Ismail Rasheed, who also held 49 percent of the company shares, claimed that the site was forced to close down. This was, he said, "because of influential government officials, who have been trying to erase this paper's existence when their first attempt at making us sing their praises failed." Established in 2011, the news site had a reputation for being critical of the government.

Earlier in the year on April 12, 2016, the Supreme Court

↑ Prominent blogger and anti-establishment social media activist Yameen Rasheed was brutally murdered outside his home on April 23, 2017. He was at the vanguard of the campaign to locate disappeared journalist and friend, Rilwan. Pictured here at a rally in early April with Rilwan's mother.

upheld the August 2015 High Court decision splitting the ownership of *Haveeru*, the country's oldest independent daily. Widely perceived as politically motivated, the decision forced the newspaper to stop printing and close down its website.

Another critical news outlet, *AdduLive*, was banned by the Maldives government on April 26, 2016. Home Minister Umar Naseer ordered the telecoms regulator to block access to regional news website because it was unregistered. Maldivian law does not require registration of online news sites. *AdduLive* claimed that the block was prompted by an April 19 article linking First Lady to corruption on which an unnamed individual filed a complaint over the article with the print and media regulator, the Maldives Media Council (MNC). The MNC forwarded the complaint to the Home Ministry, as it did not have the mandate to look into complaints relating to unregistered news sites. Many other media houses have scaled

down operations and are not covering critical news due to fear of reprisal. One of the fallouts of the closures is that several journalists have lost their jobs.

### CRITICAL JOURNALISTS HARASSED

Harassment and intimidation of journalists has had a direct impact on the freedom of the press. Two journalists, Hussain Fiyaz Moosa, the chief operating officer of Raajje TV, and Ahmed Azif, an assistant editor of Sun Online, were arrested on July 27, 2015, while reporting the attempt by the opposition to perform prayers inside an Islamic centre in Malé. They were later released after being held at the police headquarters for about four hours. Fiyaz said he was accused of planning a political activity and of taking photographs inside the mosque. Azif was accused of obstructing police duty.

Azif was lucky to escape without a lawsuit as two journalists of Raajje TV were found guilty and fined MVR 28,800 (USD 1,868) on January 24, 2017, by the criminal court for 'obstructing the police on duty'. Journalists Mohamed Wisam, 21, and Leevaan Ali Nasir, 20, were covering a bomb scare in November, 2015 when they were arrested. Wisam and Nasir became the first journalists to be sentenced in the Maldives in more than a decade. Wisam, who was accused of obstructing police during an anti-government protest in 2015, was acquitted on March 28, 2017 because of insufficient evidence.

Some journalists of Raajje TV and the *Maldives Independent* received death threats for the proposed coverage of the development plan of the atoll. Faafu Atoll was in the headlines as the visiting Saudi King was expected to sign a controversial USD 10 billion deal to develop the atoll. Even before the Raajje TV team reached Nilandhoo, Faafu Atoll, the station started receiving phone calls threatening to kill the journalists.

The police took journalists Hassan Mohamed and Hassan Moosa of the *Maldives Independent* into "protective custody" in Faafu Atoll after ruling party supporters threatened them with assault after surrounding the guesthouse they were staying at and demanding that they get off the island. The police rescued them from the guesthouse but instead of acting to protect them from intimidation, took away their phones and later combed through their notes and photographs. They were accused of "spreading hatred" on the island. They were held overnight and not allowed to make any phone calls. The police also arrested citizens who tweeted against the deal and confiscated their phones.

### FOREIGN JOURNALISTS SCREENED

Elwira Magdalena Szczecian, a Polish freelance photographer, and her husband Santarosa Francesco, an Italian businessman, were arrested while taking photographs at an opposition rally in Malé in July 28, 2016, on charges of 'practising journalism' on a tourist visa, and were deported, despite the Criminal Court ordering their release.

The Department of Immigration in January, 2017, set new rules requiring background checks on foreign journalists and photographers visiting the Maldives. Under the new rules, foreign journalists and photographers arriving in country are required to undergo a vetting process in addition to applying for a business





**IN THIS STATE OF POLITICAL TURMOIL, PRESIDENT YAMEEN IS ACCUSED OF FURTHERING HIS MISSION TO TIGHTEN HIS GRIP ON POWER, AND NOT HESITATING TO USE UNDEMOCRATIC MEASURES TO SUBDUE OPPOSITION VOICES.**

visa, which requires a Maldivian sponsor. They must provide details of their work and travel histories and education. Ahead of arrival, journalists must also submit bank statements dating back six months, a three-month medical report, and a one-year police report to show they have no criminal record.

Interestingly, in March, 2017, three foreign journalists who arrived in the Maldives on an invitation from the government were threatened with deportation for seeking to enter the country without undergoing the mandatory vetting process. A deputy editor from *Climate Home*, a writer from *The New Scientist* and a freelancer from *The Guardian* were held at the airport for three hours after immigration officials learned that they were journalists.

The Immigration rules were announced after the Maldives saw growing media coverage in the international press about the political crisis and news about the president. *Al Jazeera* broadcast the documentary *Stealing Paradise* on September 7, 2016, claiming that the Maldivian government “controls all the levers of state”, often using its power for nefarious purposes.

A member of the ruling party also threatened to use the controversial defamation laws against anyone involved in producing or broadcasting what the party says are false allegations

of corruption in an *Al Jazeera* documentary. Producer Will Jordan, was attacked for being a non-Muslim and also received death threats. A tweet he received on August 3 read: “U will die soon. We have hired some gunnens to shot u. & we r not afraid of f\*\*\*\*\* anyone or any country. See the bullet”, followed by a gun emoji. Police raided the offices of the *Maldives Independent* just hours after airing of the documentary. They presented a search warrant, alleging a conspiracy by the news outlet ‘to overthrow the elected government, getting external help to overthrow the elected government, trying to create hatred between the public and the state institutions, and planning to create discord and unrest in Malé. Zaheena Rasheed, the editor of the *Maldives Independent*, who was interviewed in the documentary left the country before its broadcast fearing the backlash and has not yet returned.

### NO TRACE OF RILWAN

*Al Jazeera*’s documentary also accused President Abdulla Yameen of instructing the home affairs minister to “not to be overwhelmed” by the case of Abdulla Ahmed Rilwan. The *Maldives Independent* journalist went missing on August 8, 2014. Rilwan, 28, was last seen boarding a ferry travelling to Hulhumale Island from the capital Malé. The evidence indicates



that Rilwan was abducted out the front of his apartment, as neighbours heard screams before a man was forced into a car. Police recovered a knife at the scene. Rilwan’s family also received phone calls warning them to call off search efforts. The Maldives police have failed to unearth any clue regarding the abduction or his whereabouts and took more than a year to ascertain that it was an abduction. Five suspects were arrested in September that year, but were released by the courts weeks later. No one has been prosecuted to date over the disappearance.

The government on May 10, 2016, denied involvement in the disappearance of Rilwan. Responding to the UN Working Group on Enforced and Involuntary Disappearances in Geneva, the Maldivian foreign ministry said the government rejected any suggestion that it is responsible for the disappearance of Rilwan, or that it has any involvement as alleged.

In a statement, the ministry called the police’s ongoing probe “thorough”, “professional” and said the government has “treated the disappearance with the utmost urgency; each and every individual witness has been interviewed and all lines of enquiry followed to their conclusion.”

Given the blockade of information from the police regarding the investigation, Rilwan’s family filed a right to information request in the civil court in December 2016. However, with the police refusing in February 2017 to accede to holding talks mediated by the court, the case will now be heard in court.

← Anti-establishment voices have borne the brunt of police actions in the past 12 months in the Maldives. Police raid the Maldivian Democratic Party office after party members participate in a protest outside parliament in Malé on March 27, 2017.

↑ An opposition activist argues with a policeman outside parliament in Malé on March 27, 2017 when security forces physically ejected protesting MPs during a failed opposition attempt to impeach the speaker and destabilise the president ahead of elections next year.

↓ Banner at a rally on the International Day of the Victims of Enforced Disappearances to demand action to locate missing Maldivian blogger and journalist Rilwan.



Credit: AFP/Stringer

Credit: AFP/Stringer

Credit: Dying Regime/Creative Commons



# NEPAL

## A YEAR OF GROWING RESTRICTIONS

Nepal continued to be in political transition and turmoil. In July 2016, the Maoist party – now officially known as Communist Party of Nepal (Maoist-Centre) – pulled out of the governing coalition led by CPN-UML, forcing the then Prime Minister KP Sharma Oli to resign ahead of a no-confidence vote in the parliament. In August, Maoist supremo Pushpa Kamal Dahal 'Prachanda' was elected as PM with the support of the Nepali Congress, the largest party in the Parliament after the two political parties agreed to share government leadership nine months each before the general election. The government announced the election to the local bodies, to be held after 19 years, on May 14 and the general election for the new parliament must be conducted by January 22, 2018 to avoid a constitutional deadlock.

However, there are many political issues that need to be sorted out to smooth the path to political stability. Political parties based in southern plains – Terai or Madhes – remain dissatisfied with the demarcation of provinces under the federal system and some provisions of the Constitution of Nepal 2015, the promulgation of which they had boycotted. They have demanded that their grievances to be addressed before any election; and have vowed to boycott and disrupt elections in the southern region. All this is ongoing amidst growing frustration over the state for delayed rebuilding and reconstruction after the devastating earthquake of April 2015 with most of the reconstruction works still in limbo and without concrete planning in place.

For the media, the year was one of growing attempts by the state to exercise control, especially over the online media. The media in Nepal also continue to suffer from attacks, threats and harassment by both state and non-state parties. The continuation of impunity surrounding crimes against journalists has not only stalled investigations into old cases of killings and disappearances of journalists, but also contributed to the increased attacks on media and journalists.

The FNI concluded that 2016 was relatively safe for the journalists in Nepal compared with the previous year, but not yet satisfactory. The umbrella body of Nepali journalists said that Nepali press is still under threat and remains insecure.

## CRITICAL VOICES TARGETED

On April 22, Kanak Mani Dixit, the 61-year-old founding editor of *Himal Southasian* magazine and publisher of the Nepali language *Himal Khabarpatrika*, was arrested 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 millions of rupees as the Chairman of Sajha Yatayat, a transport cooperative with majority of shares with the government. Dixit called the arrest a vengeful act after he led the public protests against appointment of Lokman Singh Karki as the CIAA chief commissioner in 2013. Dixit, also a human right activist and civil society leader, was



↑ Nepali Prime Minister KP Sharma Oli takes part in a ceremony to lay a foundation stone to rebuild a temple damaged in an earthquake at Swayambhunath stupa in Kathmandu on April 25, 2016, to mark the first anniversary of the quake. The PM resigned in July 2016, ahead of a no-confidence vote in the parliament after troubling political times in Nepal.

presented to the Special Court three days later and remanded to 10-day custody. However, he released after 10 days of custody by the order of the Supreme Court and charges against him were never proved.

Five months later, *Himal Southasian* magazine announced suspension of its publication 'due to non-cooperation by regulatory state agencies in Nepal'. The Southasia Trust, the publisher of the cross-border magazine, said the November 2016 edition would be the last issue published citing non-cooperation of regulatory bodies as the reason behind the decision, noting that the regulatory bodies 'have made it impossible to continue operations after 29 years of publication'. The Trust said that '*Himal* is being silenced not by direct attack or overt censorship but the use of the arms of bureaucracy to paralyze its functioning'. It was a sad closure of the magazine launched in 1987 as a Himalayan journal and transformed into a highly regarded regional magazine in 1996. The Trust added: 'Though Nepal has been a leader of free press since the introduction of democracy

Credit: AFP/Prakash Mathema

**NEPAL CONTINUED TO BE IN POLITICAL TRANSITION AND TURMOIL. IN JULY 2016, THE MAOIST PARTY PULLED OUT OF THE GOVERNING COALITION LED BY CPN-UML, FORCING THE THEN PRIME MINISTER KP SHARMA OLI TO RESIGN AHEAD OF A NO-CONFIDENCE VOTE IN THE PARLIAMENT.**

in 1990, continuous socio-political chaos over two decades has progressively weakened the commitment of the political class to open society.'

CIAA's controversial chief Karki was suspended after an impeachment motion was registered against him in the parliament and his service was terminated after the Supreme Court's verdict that said he did not meet the legal requirement to be appointed in the post. The episode however highlighted the weakness of the state's mechanism to harass critical media and journalists.

Increased attempt by the government to control the media was witnessed in the plan by the Press Council Nepal to conduct

license exams for the accreditation of journalists in August, 2016. The Council constituted a three-member committee to study the possibility of conducting the license exams and the committee submitted its report accordingly. The move was criticised as 'ridiculous' by many as unnecessary and unwanted attempts to derail the development of journalism as the Council, where most of members are government appointees, cannot be considered trustworthy.

## RESTRICTIVE ONLINE MEDIA DIRECTIVES

The Government of Nepal on March 20, 2017 issued the controversial Online Media Directives that aimed to regulate





Credit: AFP/Prakash Mathema

operation of online media by mandatory registration and annual renewal in Kathmandu. All unions including IFJ affiliates FNJ and Nepal Press Union (NPU) vehemently denounced it and demanded its immediate withdrawal. The Directives, a revised form of an earlier version that the government attempted to implement in June, 2016, were published in the Nepal Gazette without consultations with stakeholders and the unions and media were kept in the dark about its formulation as well as approval by the Cabinet.

Earlier on June 14, the government had approved a version which included provisions to disrupt the services of online news sites by enabling arbitrary decisions by the DoI. The conditions under which the DoI could have ordered the blocking of a website included: failure to register and renew the website; publication of materials deemed illegal or immoral, or 'without [an] authoritative source' or those that are seen to be 'creating misconceptions among [the] public.' After protests from NPU and FNJ along with other media outlets demanding immediate withdrawal, the government agreed to review the Directives and formed a committee headed by FNJ chairman to recommend changes. The committee's recommendations were however largely ignored in the new Directives.

The new Directives are restrictive in nature and give arbitrary powers to the Department of Information (DoI) to restrict and harass online media, thus threatening freedom of expression. The FNJ and the NPU have questioned the intention of the government in issuing the Directives at the critical time of the municipal elections, ignoring recommendations of the committee formed to review the earlier version that drew widespread criticism.

Former FNJ chair Taranath Dahal commented: "It is quite

↑ Publisher and founder editor of Himal Southasian, Kanak Mani Dixit arrested and being led to detention in Kathmandu. Dixit was arrested by the Commission for Investigation of Abuse of Authority (CIAA), a constitutional body to probe corruption by public institutions and officials. He was released after 10 days and charges against him were never proved.

↑ Nepalese Prime Minister Pushpa Kamal Dahal, aka Prachanda, addresses the media at a press conference on his government's first 100 days in office in Kathmandu on November 11, 2016.

astonishing that the Directives have been brought under the Good Governance (Management and Operation) Act which is sheer recklessness and baloney on the part of the government. At a time when the online media have emerged as the most vibrant, quick and convenient media in the country bolstering freedom of expression, promoting information culture and creating debate and discourse on multifarious issues, the government's attempt to limit online media with the Directives is egregiously against democratic principles and values. The government by issuing the Directives has bypassed the parliament."

The Directives are issued on top of Clause 47 of the Electronic Transaction Act's (ETA) which is still being used to harass journalists. At least two journalists were arrested in the year under review under the Act. On May 23, Chandra Man Shrestha of *Nepal Sandesh* newspaper was arrested following his article which allegedly included 'false news' about parliamentarian Gagan Thapa. *Nepal Sandesh* issued an apology to Thapa regarding the article. Shrestha was arrested under the ETA and remained in police custody for a few days. Similarly, Arjun Thapaliya, the editor of *Anukalpa* daily published from Siraha district, eastern Nepal, was arrested on November 22 by the police for his comments on a Facebook post sharing a published news story under the ETA.

Credit: Bikram Rai/Himal



## THE GOVERNMENT SET A NEW MINIMUM WAGE FOR JOURNALISTS AFTER THE MINIMUM WAGE FIXATION COMMITTEE RECOMMENDED THE NEW WAGE ON MAY 5.

On February 6, 2017, Nepal Police asked the National Telecommunication Authority (NTA) to block access of four news websites – newssewa.com, karnalikhbar.com, diyopost.com and arthiknews.com – for their content about a senior police official. The NTA, the telecommunication regulatory body, ordered the internet service providers (ISPs) to block access to the websites with immediate effect, making the sites largely unavailable in Nepal for hours. The sites were accessible after they took the issue to the IGP demanding accountability from the police.

### CONTINUED ATTACKS AND THREATS

There were 65 incidents of press freedom violations recorded from May, 2016 by the FNJ Media Rights Monitoring Unit.

According to the data, police detained 17 journalists while they were on assignments; 10 journalists were attacked during reporting; 15 were harassed by the different groups; seven journalists were threatened. Four of those incidents were attacks on media; two incidents were vandalizing of equipment of journalists.

Shesh Narayan Jha, the chief editor of news portal Sahayatra and the managing editor of the *Samayabodh* magazine was arrested for photographing a protester in Kathmandu on May 23. The protestor was smearing paint on the wall of Singha Durbar, the main government complex. Jha was charged under the Public Offence Act along with the protestor.

Bhanubhakta Niraula, the managing director of Himal FM, was attacked by Buddhi Kumar Rajbhandari, the co-ordinator of the



↑ In September, 2016, Himal Southasian magazine announced suspension of its publication 'due to non-cooperation by regulatory state agencies. The Southasia Trust said the November 2016 edition would be the last issue published citing non-cooperation of regulatory bodies as the reason for the decision after 29 years of publication.

Credit: The Wire



→ Nepal's democracy enshrines press freedom in its Constitution. Yet the values and principles of freedom of expression struggle to trickle down to the heart of the state. Nepalese activists from the Federal Alliance (members of the Madhesi and ethnic communities) chant slogans as police stand guard during a demonstration against the government in Kathmandu on May 14, 2016.

Local Peace Committee, on June 9 on the premises of the District Administration Office Solukhumbu in eastern Nepal. Rajbhandari reportedly started threatening Niraula and tried to assault him, threatening him about publishing news about the Committee.

Nepal Communist Party Maoist led by Netra Bikram Chand Salyan District committee threatened Salyan Cable Television to block its broadcasting through a press release on July 27.

Mithilesh Yadav, a Nepali journalist with *Nagarik* daily, was harassed at the Lila Mohan Hospital and Maternity Home Private Limited in Lahan of Siraha, eastern Nepal as he was reporting a dispute between hospital management and a patient's relatives. Dhananjaya Yadav, a hospital employee, snatched his mobile and broke it while he was talking to hospital management about the dispute.

Shital Sah, the former treasurer of the Federation of Nepali Journalists (FNJ) who runs the local Radio Janakpur in Dhanusa district in southern Nepal, was attacked near the station when he was on his way home on February 22, 2017. He sustained an injury on his head and needed treatment. Suresh Yadav of *Nagarik* daily was also harassed in the same incident. Similarly, cameraperson Surendra Kumar Kamati of Mountain TV was subjected to harassment by the police for taking photographs of the policemen during the protest in Siraha.

Officials of the District Forest Office (DFO) at Simara, Bara tried to attack Upendra Yadav, a journalist with *Nagarik* daily, on March 21, 2017 when he reached the office seeking information regarding an incident of timber smuggling. The officials at the DFO were angered by the publication of the news in *Nagarik* and tried to attack Yadav at the office premises.

Students protesting against the election of the Free Students Union at the Ratna Rajya Laxmi College on Exhibition Road in Kathmandu, hurled a petrol-based Improvised Explosive Device targeting photojournalists Shreedhar Paudel of OnlineKhabar.com and Keshav Thapa of *The Kathmandu Post* daily. The photojournalists were taking photographs of the protests and documenting a scuffle between the police and protesters who were against the holding of the election. The photojournalists were not hurt as they managed to run away to safety.

Radio Dhading 106 Mhz, broadcasting from Dhading district, was attacked by members of the local administration on September 23. Likewise, a gang of 15 people entered the station of Radio Madesh at Malangawa in Sharlahi District on January 28, 2017 and destroyed furniture and the computer of the radio station. Due to the attack the radio's broadcasting was blocked for some hours. An unidentified group attacked Narayani FM in Parsa District on February 21.

To ensure that incidents of press freedom violations are recorded and documented properly, the FNJ launched a new online database system with support from the European Union and International Alert on April 7, 2017. The new system will make it easy for journalists and FNJ units across the country to



**THE GOVERNMENT ANNOUNCED THE ELECTION TO THE LOCAL BODIES, TO BE HELD AFTER 19 YEARS, ON MAY 14 AND THE GENERAL ELECTION FOR THE NEW PARLIAMENT MUST BE CONDUCTED BY JANUARY 22, 2018 TO AVOID A CONSTITUTIONAL DEADLOCK.**

report the incidents of press freedom violations, and for the public to remain updated on basic information. The FNJ also updated and revised its press freedom violation monitoring indicators.

### THE SILVER LINING

The Janakpur High Court upheld the lower court's verdict in the 2009 murder of journalist Uma Singh convicting three accused and handed life imprisonment along with confiscation of their entire property - the highest possible punishment under Nepali law. A division bench of Janakpur High Court justices Narayan Prasad Pokharel and Chandra Bahadur Sadu delivered the verdict on March 14, 2017. Nemlal Paswan, Umesh Yadav alias Swamiji and Singh's sister-in-law Lalita Devi Singh were convicted. Singh, who worked for the local *Janakpur Today* newspaper and a local FM radio station, was murdered at her rented room on January 11, 2009.

The government also set a new minimum wage for journalists effective from July 16. After the Minimum Wage Fixation Committee recommended the new wage on May 5, the Cabinet immediately approved the proposal. According to new wage scale, the minimum wage of journalists is fixed at Rs 19,500 (approximately USD 200 per month) and media staff at Rs 14,400 (approximately USD 150) in mainstream media, which is nearly double the previous minimum wage set by the government. The implementation of the minimum wage is a big challenge, as evidenced in the repeated requests by media unions in their statements. The new wage was widely welcomed by journalists but

denounced as one-sided decision by media houses.

After a long campaign by the FNJ, the government launched the Journalist Accident Insurance, where 1,471 Journalists are benefiting in the first and second phase. Under the insurance scheme, any journalist with FNJ's recommendation can buy accident insurance for 25 percent of the normal price, a step hailed by the FNJ as one of the biggest achievements in the safety of journalists in the field. The government also announced 50 percent discount for journalists undergoing medical treatment at government hospitals but this step is yet to be implemented.

On September 21, a new journalists' code of conduct was issued jointly by the Nepal Press Council and FNJ. 'Journalists' Code of Conduct- 2016' was promulgated at the President's Office Shital Niwas on the occasion of the Press Council's 47th anniversary. The new journalists' code of conduct aims to make Nepali media and journalists more responsible towards their profession. The previous journalists' code of conduct was more focused on print media, but the new code recognises radio, television and online media as well. It has also adopted the international media practices.

Nepal also implemented a new National Media Policy 2016. The policy drafted by the high-level committee on information and communication was approved on July 22 by the government. The policy envisages development of an information and communications system for the establishment of equitable and

prosperous information society on the basis of inclusive and participatory principle by promoting national interests and national unity. The policy's much-talked about provision is on clean feed (without additional commercial advertisements) for foreign television channels broadcasting in Nepal and classification of online media equal to any other news media. The policy recommends legal amendments which are still in the early stages of discussion.

### STILL A ROUGH ROAD AHEAD

Nepal's democracy explicitly enshrines press freedom in its Constitution. Yet the values and principles of freedom of expression have not trickled down to the heart of the state. The attempts to silence or take control over media indicate that the journalists and unions in Nepal have a rough road ahead in the struggle for press freedom. Coupled with impunity for crimes against journalists; lack of accountability of the state; political agencies lined up against media and journalists and safety concerns for journalists leading to threats and self-censorship, the press freedom situation is far from perfect in Nepal. The prolonged transitional political state, where the political agenda always ranks high up, is also responsible for the failure of the state and other political forces to respect media and the work of journalists.



# PAKISTAN

## ANOTHER TROUBLED YEAR

Pakistan witnessed yet another challenging twelve months for the media and its practitioners. The key issues in this period were the continuing attacks on journalists and media workers; growing intimidation of journalists, bloggers and online activists and a rising tide of censorship in both mainstream and social media. Several bloggers were abducted and others hounded and cases registered against them under charges of blasphemy and endangering national security – both of which carry the death penalty in extreme cases.

Legal and administrative measures also spurred self-censorship and fed growing intolerance for pluralistic discourse and commentary across print, electronic and online media. While some forward movement was made to draft and table a long-pending law for safety of journalists and media, consultations with stakeholders remained thin and the process has dragged on even though the government announced repeatedly that it intended to bring such a bill.

The attacks on media and information practitioners grew greater in number, frequency and viciousness. Dozens of practitioners were documented as having been attacked, injured, abducted and arrested.

The most serious issue remained attacks against media practitioners. At least seven journalists, media workers and bloggers were killed in Pakistan between May 2016 and April 2017. Of these two were killed in a suicide bombing while on duty, the rest were specifically targeted. Pakistan continues to maintain the macabre average of a journalist or media worker killed every 60 days. This average has held for the period between 2000 and 2017, keeping Pakistan one of the most dangerous countries in the world to practice journalism.

At least 19 journalists and media workers were physically assaulted and injured in the same period. Four of these were injured in a bombing of a public protest in Lahore which was being extensively covered by a large contingent of the media. The rest – 15 media practitioners – were target attacked and injured for their journalism work. Various actors were involved, ranging from security forces, government officials, militants and even political workers and leaders.

In the period under review – May 2016 to April 2017 – at least 10 journalists, media workers and bloggers were abducted ostensibly for their journalism or their current affairs-related activism online. In most cases the media practitioners were held without either a warrant or a case against them.

In the same period, eight other journalists and media workers were formally charged and legal cases against them instituted. At least four were formally arrested and jailed for varying durations – all for their journalism work. A case in court was also lodged against the chairman of the Pakistan Electronic Media Regulatory Authority (PEMRA) for not doing enough to curb unethical practices by electronic media.



It was another challenging twelve months for the media and its practitioners working on Pakistan's volatile frontlines. Arrested suspected militants and their recovered weapons are presented to the media by Pakistani paramilitary forces at a security compound in the Jamrud area of the Khyber Agency tribal area on March 3, 2017, during 'Operation Radd-ul-Fassad' (elimination of violence). The nationwide anti-terrorist operation was launched after a series of extremist assaults killed dozens of people across the country.

**IN THE PERIOD UNDER REVIEW – MAY 2016 TO APRIL 2017 – AT LEAST TEN JOURNALISTS, MEDIA WORKERS AND BLOGGERS WERE ABDUCTED OSTENSIBLY FOR THEIR JOURNALISM OR THEIR CURRENT AFFAIRS-RELATED ACTIVISM ONLINE.**

The offices of four media establishments, including three TV channels and one press club, were attacked. These offices sustained extensive damages to premises and property.

## ATTACKED AND INTIMIDATED

Journalists, media workers, bloggers and media houses were attacked and intimidated throughout the period under review.

Just two days after World Press Freedom Day 2016, Khurram Zaki, 40, was shot in a restaurant in Karachi by four gunmen riding motorcycles. A faction of the Pakistani Taliban claimed responsibility for killing Zaki, who was editor of the website 'Let Us Build Pakistan' and was previously head of current affairs at News One TV. Zaki was a strong campaigner

Credit: AFP/Abdul Majeed

on social media, particularly known for campaigning against sectarian violence and fundamentalist groups inciting violence online.

Cameramen Mehmood Khan, 26, of Dawn News TV and Shehzad Ahmed, 30, of Aaj News TV were killed in a deadly suicide bombing on a gathering of lawyers in Quetta in Balochistan on August 8, 2016, which killed over 70 people. Both were covering the public gathering of lawyers protesting the killing of a senior colleague.

Journalist Khalid Mehmood Butt, along with his son, was gunned down by unknown assailants in Sahiwal, Punjab, and unidentified attackers shot dead Muhammad Jan Sumalani, 37, a reporter of Urdu language newspaper *Qudrat* and Brahui language daily *Talar* in Kalat, Balochistan province. No motive for these killings is known, nor have the perpetrators been identified. Likewise, Bilal Seher, 28, a freelance journalist based in Mankera town of district Bhakkar in Punjab province, was shot dead by unknown assailants and no motive for his





**JOURNALISTS REPORTING  
ON CORRUPTION, LAND  
GRAB OR OTHER VESTED  
INTERESTS, HAD TO PAY  
HEAVILY FOR THEIR ATTEMPTS  
TO UNCOVER THE TRUTH.**

↑ Relatives and colleagues mourn around the body of Taimur Abbas, an employee of Samaa TV news channel. Abbas was shot dead while reporting on an assault in Karachi on February 12, 2017.

Credit: AFP/Rizwan Tabassum

murder could be ascertained.

Taimoor Abbas, 22-year-old assistant cameraman of privately-owned Samaa TV news channel, was shot in his head and chest when he was travelling in the Digital Satellite News Gathering (DSNG) van in Karachi to report on an attack on a police armoured personnel carrier. He was taken to hospital where he died from his injuries.

Abduction and detention of media persons continued to be a time-tested method of intimidation. In the early hours of September 28, 2016, Abid Abdullah, the Executive Director of Pakistan's largest media group, *Jang Group*, was kidnapped in Peshawar, Khyber Pakhtunkhwa province, after he left the office of daily *Jang* for his hotel by unidentified persons who intercepted his car and dragged him away, according to local police. He was released that evening.

Khurram Gulzar, a reporter of Samaa TV, was abducted by security authorities, which he identified as the Rangers paramilitary force, at on the night of October 19, 2016 from outside his home. He was kept in detention for about an hour during which he was tortured by his captives. Once a complaint was lodged with the authorities after Gulzar was released, a senior officer of the Rangers visited the reporter's home, apologized for the whole affair.

Other journalists abducted by officials or the police and intimidated were the freelancer Anwar Khan Orakzai in Kurram Agency of Tribal Areas and Adnan Khalid, a reporter of Jaag News TV channel. Muhammad Usman, a correspondent for Waqt TV channel and *Jehan-e-Pakistan* newspaper, based in Dera Ismail Khan in Khyber Pakhtunkhwa province, was also abducted and taken away blindfolded by unidentified security agencies to an unknown place. He was later let go after a warning and an apology.

Between January 8, 12 and 13, 2017, five bloggers and online commentators – Salman Haider, Waqas Goraya, Asim Saeed, Ahmed Raza Naseer and Samar Abbas – were abducted from Islamabad, Lahore and Faisalabad. All, except Abbas, returned home by the end of the month but have refused to talk about their ordeals. The identities of those behind the kidnapping have not been ascertained but similarities in their abduction patters and their post-return behaviours indicate possible involvement of a single source. There were allegations that the state security apparatus was behind the abductions but these were not substantiated. The Ministry of Interior also refused to confirm or deny who could have been involved. After their return, the four bloggers have refused to file charges against anyone. Widespread reports in electronic and social media indicated their secular activism and criticism of security agencies and religion were likely reasons behind their vengeful abductions. All those abducted and freed have fled the country.

Journalists, media workers and bloggers also sustained injuries during attacks. On September 4, 2016, Journalist Nawaz Tahir of daily *Pakistan* was attacked and injured on the premises of the Lahore Press Club by workers of the ruling Pakistan Muslim League-N of Prime Minister Nawaz Sharif and on October 7, unidentified persons attacked and injured Muhibullah Tareen, a journalist for daily *Talar* in Pishin

district of Balochistan. One suspect was later arrested but the other two remain free. In December, journalist Muhammad Asghar, working for *Jehan Pakistan* newspaper as reporter, was attacked by unknown assailants who first hit his car as he was travelling home.

Some journalists were seriously injured, for instance Ghulam Asghar, a correspondent for Sach TV in Layyah in Punjab who was shot in the spinal cord by unidentified assailants, requiring extensive medical treatment.

Journalists reporting on corruption, land grab or other vested interests had to pay heavily for their attempts to uncover the truth. Shafqat Imran, reporter for Channel 24 in Gujranwala, Punjab, was beaten up by officials of the Department of Solid Waste Management after he was caught filming them stealing fuel from official vehicles. He sustained head injuries and required hospitalisation. Similarly, Irfanul Haq Malik, the district correspondent for *Dawn* newspaper in Rahim Yar Khan city in Punjab was attacked and his property damaged by the staff of the local municipal committee. Malik says this happened as a result of his February 2017 news report about an alleged land grab in a local market in collusion with local municipal authorities through intimidation of a group of small shopkeepers.

Other attacks by the powerful elite demonstrate the impunity with which politicians operate. Journalist Awais Khan, a reporter of Abtak TV and Muhammad Hamza, a cameraman for Channel7 TV, were beaten up by the security guards of Pakistan Tehrik-e-Insaf leader and former Punjab governor Chaudhry Sarwar in Faisalabad in Punjab. The attack came after the media set up their cameras to cover a press conference by Sarwar and led to a boycott of the event by local media. Similarly, Channel24 TV Reporter Awais Kiyani was physically attacked and injured by Pakistan Tehrik-e-Insaf leader Aleem Khan in Islamabad after the politician was asked a question relating to allegations of land grabbing by him in Lahore.

Media offices also bore the wrath of those unhappy with their reporting. The ARY News TV station was attacked by the cadres of the Muttahida Qaumi Movement political party in Karachi in Sindh. Dozens of attackers armed with rods broke into the office and vandalized doors, windows, furniture and equipment and set fire to vehicles. The violent storming of the station was carried out by MQM supporters after their leader Altaf Hussain, currently in exile in London, incited them to attack TV stations during a speech criticizing media for not giving due coverage to their week-long hunger strike against the government's crackdown against MQM, delivered over the phone and relayed by loudspeakers. The charged crowd also attacked the offices of Samaa TV, Neo TV and the Karachi Press Club.

## ARRESTS AND JAIL TERMS

Two journalists were arrested by the police and sent to Central Prison Sukkur in Sindh based on a court decision against them issued on January 9, 2017. The journalists included Akhlaq Jokhio and Qurban Gadehi. Both work for Sindhi-language weekly print magazine *Saahiti Awaz* and are based in





## DIRECT AND INDIRECT CENSORSHIP HAS TAKEN BOTH THE SHAPE OF DIRECTIVES FROM THE GOVERNMENT AND THE MEDIA REGULATORS AND FROM THINLY VEILED PRESSURE FROM THE COUNTRY'S SECURITY ESTABLISHMENT.

Naushero Feroze town. Both have been sentenced to jail terms of five years and fine of Rs 50,000 each. They were convicted for their journalism work dating back to 2015 about the alleged misappropriation of a graveyard by property developer Shahid Akram, also a former local union council chairman, for personal benefit. Jokhio and Gadehi have appealed their convictions in Sindh High Court.

Sajid Ali, a cameraman for TV channel Abtak, was arrested by the authorities in Karachi in Sindh after the management lodged a case against him for allegedly leaking video footage of a TV program that investigates crime. The footage, which went viral on social media and generated controversy, seemed to indicate that the program producers were planting false evidence against a hostel manager. The arrest was made by the Cybercrime Wing of the Federal Investigation Agency (FIA) on a complaint filed by the channel management. He was released after a few hours of interrogation. The channel filed a second case of defamation against Ali at the Kalakot Police Station and a third case of theft of equipment against him at the Korangi Police Station.

### TIED UP IN COURT

Laws were also used as a tool to intimidate and harass media workers. FIRs (first information reports) were filed against Imtiaz Chandio, a reporter for Abtak TV channel based

in Karachi in Sindh province, by Sardar Khan Chandio, a member of Sindh Assembly representing the ruling Pakistan People's Party. This adverse action as well as continuing verbal threats came after Imtiaz alleged in his news reports that Sardar was involved in illegal hunting of protected bird species.

In January 2017, complying with an order issued by an anti-terrorism court in Karachi in Sindh, the police registered a case against Mir Shakilur Rehman, the owner of Pakistan's largest media group, the Jang Group, hosts of Geo TV current affairs talk show *Apas Ki Baat*, Najam Sethi and Muneeb Farooq, and Chairman Pakistan Electronic Media Regulatory Authority (PEMRA) Absar Alam for "hatching conspiracy by hurling baseless allegations against the military, the government and the judiciary." The complaint was filed by a private citizen Gul Khan.

Three cases were registered in Karachi, Sindh, against Sajid Ali, a cameraman for TV channel Abtak, after the management lodged a case against him for allegedly leaking video footage of a TV program that investigates crime. The footage, which went viral on social media and generated

↑ Pakistani journalists gather outside the party headquarters of the Muttahida Qaumi Movement (MQM) in Karachi. MQM activists had ransacked a private television station, leaving one dead and seven others injured in August 2016.

Credit: AFP/Rizwan Tabassum

controversy, seemed to indicate that the program producers were planting false evidence against a hostel manager. The first case was registered with the Cybercrime Wing of the Federal Investigation Agency (FIA), the second with the Kalakot Police Station and a third with the Korangi Police Station.

Local municipal authorities registered a case of alleged violation of city bylaws in building his private property against Irfanul Haq Malik, the district correspondent for *Dawn* newspaper in Rahim Yar Khan in Punjab on March 1, 2017. He was also attacked and his property damaged by the staff of the local municipal committee. Malik says this happened as a result of his February 2017 news report about an alleged land grab in a local market in collusion with local municipal authorities through intimidation of a group of small shopkeeper in Faisal Market.

Police in Nawabshah in Sindh registered a case of alleged extortion under the Anti-Terrorism Act against Muhammad Bachal, a reporter for Mehran TV. He was also arrested a week later. Bachal says the case was a result of his news report on abuse of office by a local official who had apparently illegally used a government school for a private marriage function. A local court dismissed the case against him and he was set free.

The Gilgit-Baltistan police registered a case under the Anti-Terrorism Act for alleged blackmail against journalist Shabbir Siham. The reporter for *Daily Times* newspaper, based in Islamabad, had apparently angered a Gilgit-Baltistan government minister after a report he published about him on March 20, 2017. The police raised Siham's house but he had gone into hiding. Later the federal government promised to revoke the case against him.

### CENSORSHIP: DIRECTIVES AND DEMANDS

There has been a discernible increase in both direct and indirect censorship across the swathe print, electronic and online media. This has taken both the shape of directives from the government and the media regulators and from thinly veiled pressure from the country's security establishment angered at what it has perceived is negative commentary on its actions, including its relationship with the country's elected civilian authorities. Other pressure sources have been certain government ministries as well as courts which have encouraged litigation against free and pluralistic speech in mainstream and online media on religious issues.

A major case that shook the media and browbeat it into self-censorship was swift and angry reaction of the security establishment to a news report published in *Dawn* newspaper on October 6, 2016 titled "Act against militants or face international isolation, civilians tell military." The story claimed a showdown between Prime Minister Nawaz Sharif and the country's top spy in a closed-door meeting discussing a crackdown on extremist groups in Pakistan. There was pressure on *Dawn* to fire the reporter, Cyril Almeida for allegedly leaking classified information. *Dawn* refused, prompting the Ministry of Interior to ban Almeida from leaving the country and forcing the government's hand to remove the information minister for failing to stop publication of information deemed inimical to the security establishment. While Almeida was later allowed to leave the country, the security establishment has continued to pile

pressure on media to desist from a repeat of negative highlighting of its interests and performance.

In February 2017, the Islamabad High Court entertained a petition seeking to force the government to launch a sweeping crackdown on free speech on religious matters. In a case that ran for some week, the judge finally delivered a verdict ordering the government to arrest bloggers allegedly libelling Islam and its religious figures and try them for blasphemy, which only carries the death penalty for anyone convicted.

The judge also ordered the authorities to seek out pages on social media and websites that were blasphemous and to remove them. In compliance, the government, through the Federal Investigation Authority in March 2017 arrested at least five bloggers whose identity was not disclosed against whom charges of blasphemy would be framed, triggering a chilling effect on free speech online. Earlier in January another five bloggers had mysteriously gone missing for several weeks only to return silently refusing to speak about their travails and finally fleeing the country. Additionally, the telecom regulator was kicked into action, which has gone on a spree to ban thousands of special media pages and websites deemed blasphemous.

### CONTINUED IMPUNITY

While the period under review threw up dozens of cases of murder, physical attacks and injuries, abductions, arrests and legal cases against media and information practitioners, astonishingly no one was arraigned, prosecuted or convicted of attacking any of these media victims, thereby highlighting another key Pakistani characteristic when it comes to media and free speech protections: impunity.

Some forward movement was made to draft a long-promised law for safety of journalists and media, but consultations with stakeholders remained far from substantial and the process has been dragged unnecessarily despite the government having announced repeatedly throughout the period under review that it would bring such a bill. Key press clubs on May 3, 2016 had passed a resolution on an urgent need for a bill that would help arrest the tide of intimidation and harm against journalists and other media practitioners.

The Pakistan Coalition on Media Legal Reforms (PCMLR), an alliance of media and civil society groups was formed in October 2016 to spearhead a national agenda of media legal reforms with a much-demanded media safety law at the heart of it. This resulted in a flurry of activity and consultations through direct engagement between the government and media on a consensus draft media safety law. At least two drafts were in circulation by April 2017 – one from the government, which focuses more on welfare of journalists than safety and the other championed by the PCMLR.

### CURBS ON BROADCAST

The period in review was also characterised by a growing litany of specific curbs imposed on Pakistan's large private broadcast sector (over 100 TV channels, half of them news channels, and more than 160 FM radio stations). Most of these curbs were pushed procedurally through the electronic media regulator, PEMRA. The regulator in its defence emphasises that the





↑ A gathering tide of protest against the brutal killing of journalism student Mashal Khan in Mardan in Khyber Pakhtunkhwa province of Pakistan on baseless accusations of blasphemy.

curbs are aimed at curtailing slander and defamation as well as hate speech and designed to encourage ethical practices in news and popular but sensationalist current affairs talk shows that dominate Pakistani television channels. There is growing popularity for these measures although the media is not amused.

In the period under review, PEMRA took around 400 actions against its licensees – TV channels. These included issuance of show cause notices, advice, warnings, directives, banning of anchorpersons, suspension of channels and the imposition of fines. According to official figures, 166 show-cause notices were issued against TV channels after they were reported for violations of the Code of Conduct by the licensees. The highest number of such notices, 11, was issued against ARY TV while Channel 24 received 10 and Geo News TV received nine. Five ‘advices’ were issued to Geo News TV, three to ARY TV and one to Channel 24. Formal warnings were issued 20 times to Neo TV, 16 to Din News, 15 times each to Dunya TV and Samaa TV and 13 times to Bol TV. PEMRA also fined over 50 channels for a total of USD7 million in at least 119 cases. Most fined: Channel 24 was fined 17 times, ARY TV 11 times and Geo TV six times.

Then there were overt bans on journalists and programs on these TV channels. PEMRA stopped nine anchorpersons of news and current affairs shows appearing on television screens. It also banned at least one news and current affairs program on ARY TV, one on Channel 24 and two anchorperson on Geo TV. The Authority also for varying limited durations suspended transmission of six TV channels, including Channel 24, Neo TV, Silver Screen and Urdu-1 once each and Din TV thrice.

## JOURNALISM IN THE PROVINCES

Pakistan has over 18,000 journalists enrolled with the Pakistan Federal Union of Journalists (PFUJ) while 6,000 have been on the waiting list for enrolment for over five years. About 70% of the registered journalists are concentrated in seven cities – Karachi, Lahore, Islamabad, Rawalpindi, Peshawar, Multan, Hyderabad and Quetta, according to Freedom Network. Over 4,000 are in the smaller provincial districts and rural areas. A majority of journalists in the districts and rural areas do not either have a full-time job or do not get a regular salary. This serves as a disincentive to professionalism.

The journalists in the districts and rural areas are also, more often than not, ignored for any training or technical assistance resources available for skill-building of journalists whether for improving thematic reporting or physical and digital safety. This is one of the key reasons why journalists in these regions remained trapped in a vicious cycle of ineptitude and exposed to various threats emanating from an inattention to professional reporting.

Journalists in Pakistan’s districts and rural areas, in general, also lack both literacy on media laws and labour laws as well as knowhow on organising themselves into articulating their demands or enhancing their ability to access technical resources that can help them assimilate into the media mainstream.

## MEDIA SOLIDARITY

In September 2016, journalists from Pakistan and Afghanistan agreed to promote friendly relationship between the two neighboring countries through positive and constructive

Credit: AFP/Farooq Naeem



↑ Lawyers and local journalists move the body of a news cameraman after a bomb explosion at a government hospital in Quetta. At least 35 people were killed and dozens wounded in the blast.

## PEMRA STOPPED NINE ANCHORPERSONS OF NEWS AND CURRENT AFFAIRS SHOWS APPEARING ON TELEVISION SCREENS. IT ALSO BANNED AT LEAST ONE NEWS AND CURRENT AFFAIRS PROGRAM ON ARY TV, ONE ON CHANNEL 24 AND TWO ANCHORPERSON ON GEO TV.

reporting. In a seminar organized by PFUJ in collaboration with the Equal Access in Dubai under the Pak-Afghan Journalists Exchange Program, the participants also discussed the working conditions in both countries.

With the relentless efforts of media rights organisations including the PFUJ, for a legislation to protect journalists, Pakistan finally looks set to have a legal framework. According to government sources, a draft bill was circulated among stakeholders for consultations and comments in February 2017. In April, 2017, Minister of State for Information and Broadcasting Marriyum Aurangzeb said that Prime Minister Nawaz Sharif had decided to take comprehensive measures for the safety and security of journalists and media workers. While addressing a dialogue on Safety, Security and Welfare of Journalists Bill organised by the PFUJ, the minister said that all the stakeholders should participate in the process for preparation of the bill on protection and welfare of journalists. She announced the setting up of a Journalists Council after the approval of the Bill for Safety, Security and Welfare of Journalists in order to ensure its full implementation.

In a show of solidarity, on March 21, 2017, all local newspapers in Gilgit-Baltistan suspended publication for an indefinite period as a protest against nonpayment of advertisement bills by the regional authorities and changes in rules which amounted to gagging the press. The newspapers in the remote northern-most

Credit: AFP/Banaras Khan

part Pakistan largely depend on government advertisements for survival. The newspapers said they would remain shut until their dues were cleared and changes introduced in the rules adversely affecting the media industry. The issue was solved after intensive and long talks between PFUJ representatives, federal and Gilgit-Baltistan authorities.

The PFUJ in the past year, staged demonstrations around the country whenever there was an incident of press freedom violations; and visiting provinces where the profession of journalism is a dangerous job such as Balochistan. In March, a PFUJ delegation visited Quetta, one of the most dangerous areas of the country for the journalists. The delegates held meetings with the political leadership of the province and provincial government officials to discuss the problems of the journalists. The delegation also visited the families of the journalists who were targeted by the terrorists.

Following the efforts of the PFUJ, the government of Balochistan provided Rs. 1 million as a compensation to the family of the killed journalist Muhammad Jan Sumalani. The journalist was killed in a targeted attack while he was on his way home and two attackers opened fire on him, killing him on the spot in January, 2017. While media unions are fractured and efforts at re-unification are ongoing, the initiatives of the each of the unions are furthering press freedom in small but significant ways.



# SRI LANKA

## AN INCOMPLETE REFORM AGENDA

Two years after its new government came into power on the promise of good governance in all spheres, Sri Lanka is witnessing a volatile political transition.

Over the last two years, considerable progress has been made in re-establishing rule of law in the country. Media freedom is one of the areas in which significant positive democratic developments have taken place. However, progress with regard to human rights in general remains slow. The Report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka dated February 10, 2017, concluded that “the Government has advanced on constitutional reforms and showcased some positive developments on the broader human rights agenda. The fulfilment of transitional justice commitments has, however, been worryingly slow, and the structures set up and measures taken during the period under review were inadequate to ensure real progress”.

A number of major political reforms that Sri Lanka’s government pledged to bring about within its first 100 days are yet to be effected. The two major political parties, express opposing views on key socio-political issues and the coalition continues merely for the sake of holding and sharing political power. The process of enacting a new constitution, the most important political development promised by the new government, is facing serious obstacles.

The campaign led by civil society groups calling for the abolition of executive presidency was instrumental in the coming to power of the new government under a consensus candidate. Today however, the party led by President Maithiripala Sirisena has turned its back on this demand and the new leader himself has failed to express his commitment to abolishing the executive presidency.

The anti-corruption drive of the common opposition was another popular feature during the 2015 presidential election. Despite its pledges, the new government has failed to show any concrete results in terms of eliminating corruption and has in fact been accused of shielding the enormous corruption that is taking place within its ranks.

In March 2017, the government obtained a two-year extension to fulfil its obligations made under the September 2015 Human Rights Council resolution 30/1 on Sri Lanka. The main obligation – implementation of a transitional justice process in relation to serious human rights violations during the last phase of war – has barely started. Sri Lanka’s transitional justice process includes an Office on Missing Persons; an Office for Reparations; a Judicial Mechanism with a Special Counsel and a Truth, Justice, Reconciliation and Non-Recurrence Commission.

Meanwhile, the defeated autocratic forces led by former president Mahinda Rajapaksa threaten to capture power even before the next general election with their political campaign based in anti-western populist, Sinhala-extreme nationalism.

**MEDIA FREEDOM IS ONE OF THE  
AREAS IN WHICH SIGNIFICANT  
POSITIVE DEMOCRATIC  
DEVELOPMENTS HAVE TAKEN  
PLACE IN SRI LANKA**

↑ Sri Lankan journalists and activists partake in the annual candle-lit vigil in Colombo on January 24, 2017. The vigil is part of the Black January campaign which demands justice for their colleagues slain on duty.

Publicly opposed to transitional justice processes, including cooperation with United Nations human rights mechanisms and power sharing with minorities, the campaign relies on fear-mongering among the majority Sinhala community to gain advantage with populist slogans appealing to disgruntled Sinhalese constituencies.

Under these circumstances, the government’s approval rating among the majority Sinhalese community has fallen to 30 percent in the Sinhalese-dominated Southern provinces. Various political segments are attempting to slow down the democratisation process. It is in this setting that the state of media freedom in Sri Lanka needs to be examined.

Credit: AFP/Lakruwan Wanniarachchi

## STEPS FORWARD RIGHT TO INFORMATION ACT

On February 2, 2017, the government enacted the long awaited Right to Information Act (RTI Act), lauded as one of the best of its kind. The process of obtaining information is already functional and several organisations have obtained information through the Act. However, as Attorney-at-Law S.G. Punchihewa, member of the Right to Information Commission, points out, the appointments required to be made under the Act have not yet been made in some government institutions and as a result many requests to obtain information have been refused.

## RIGHT TO DISSENT

Although there are reports of surveillance by security agencies, the space for dissent remains unobstructed. Unprecedented levels of protest continue to take place in the war-affected North and East, led by women passionately demanding their rights. Regular protests in some instances, led to people winning back their land which had been occupied by the military for decades. In the South too protests have become frequent. The government is reportedly planning to limit the number of protests to one per week in Colombo, the country’s capital and also proposing to impose a new law to stop hindrances caused by public protests in the City.





## THE LONG AWAITED RIGHT TO INFORMATION ACT (RTI ACT) IS LAUDED AS ONE OF THE BEST OF ITS KIND.

### OPENING UP

Fact finding missions of international human rights organisation are now being allowed in the country. Amnesty International which was banned from entering Sri Lanka under the previous regime, held its Chairs and Directors' Forum in Colombo in April 2017.

### DE-LISTING DIASPORA TAMILS

In November 2016 the government de-proscribed 69 individuals of Tamil origin living outside the country thereby reinstating their freedom of movement. A new list of 'Designated Persons' was gazetted under Regulation 4(7) of UN Regulation No. 1 of 2012. In March 2014, the Government of Sri Lanka proscribed 424 individuals and 16 Tamil diaspora organisations, alleging that they had links with the banned Liberation Tigers of Tamil Eelam (LTTE). In November 2015, the Government had de-proscribed eight diaspora organisations and 269 individuals.

### REAFFIRMING UNHRC COMMITMENTS

In March 2017, the government co-sponsored a resolution at the 34<sup>th</sup> session of the United Nations Human Rights Council in Geneva reaffirming Human Rights Council resolution 30/1 of October 1, 2015 on promoting reconciliation, accountability and human rights in Sri Lanka. Resolution 30/1 recognised the government's commitment to address human rights violations, including intimidation of and threats against human rights defenders and members of civil society, and expressed concern at the reports of continuation of the same.

### STEPS BACK: POLITICISATION AND ETHNIC DIVIDE OF MEDIA

Politicisation of the Sri Lankan media and division on political party lines was notable during the last year. News institutions that espouse extreme nationalism in their editorials have become the propagandists for nationalist forces. This development is apparent with regard to both Sinhala and Tamil news institutions. Political actors with close ties to major political parties have acquired existing media institutions and established new media institutions. State media remains divided between the two major parties of the ruling coalition.

Persistence of ethnic orientation in Sinhala and Tamil media is a major obstacle to achieving meaningful reconciliation in Sri Lanka. Media analysis by Verité Research shows very clearly the indifference of Tamil language press to issues other than those relating to Tamil community and the near complete disregard of the Sinhala language press towards Tamil people's grievances. This one-sided coverage prevents the two communities from being exposed to each other's issues and serves to exacerbate lack of understanding and division. This trend, coupled with the increase in politicisation of media, creates a deadly impact on much needed reconciliation.

Unethical and unprofessional reporting by media has become a pressing concern and has gained attention of government media and information authorities. Facebook platform Ethics Eye, run by Verité Research, monitors



violations of media ethics in the Sinhala press and attempts to professionalise the media industry in Sri Lanka. This page critically examines four Sinhala newspapers: the *Dinamina*, the *Divaina*, the *Lankadeepa* and the *Mawbima*, and the Sunday editions of these papers in order to raise awareness about media ethics.

Citing unethical and false news reporting by the media, the government has called for strict adherence to the professional media ethics. The government's information department also made statements criticising unethical reporting. However, the government appears to be making prejudgements without investigation. For instance, when the photographic evidence of a Navy Commander beating a journalist surfaced, the Director General of the Information Department stated that the government had initiated an inquiry into the alleged assault on a journalist during the protest incident at the Hambantota Port. Yet he went on to declare, "according to preliminary inquiries, the concerned journalist violated basic ethical practices when covering sensitive conflict situations".

### MEDIA REGULATION

The government's Information Department initiated a process to establish a media regulatory mechanism in November 2016. This is perhaps the most decisive development with regard to Sri Lanka's media in recent times.

Ranga Kalansooriya, former Asia consultant for the Copenhagen-based International Media Support (IMS) and newly-appointed Director-General of Government Information Department told media that the government

← Sri Lanka's President Maithripala Sirisena looks on during a Right to Information (RTI) International Conference in Colombo on September 28, 2016. In 2016, Sri Lanka passed its RTI legislation after years of campaigning by media organisations.

↑ Sri Lankan police officials guard the grave of slain editor Lasantha Wickrematunge as his body is exhumed at a cemetery in Colombo. The reopened probe into Wickrematunge's unsolved murder during the regime of former president Mahinda Rajapaksa has been welcomed by the media community.

would establish a fully-fledged Media Commission supported by the World Bank and UNDP and would come into effect by June 2017. Going a step further, the Deputy Minister for Mass Media and Parliamentary Reforms, Karunaratna Paranavithana, confirmed the government was working towards establishing a Press Commission under the leadership of Wijayananda Jayaweera under relevant legislation titled 'The Independent Council for News Media Standards Act'.

The concept note for the regulatory mechanism was based on the first draft of the proposed 'Independent Council for News Media Standards Act', prepared by media consultant Wijayananda Jayaweera. "The government is ready to ensure legal protection for freedom of the press, including by protecting the media's right to gather news and information, by repealing the Sri Lanka Press Council Act, No 5 of 1979, and by introducing an independent oversight mechanism to foster professional standards, with mandatory powers over media outlets," the concept note stated. In December 2016 the Information Department called for public opinion on the establishment of the mechanism. However, press freedom organisations and media institutions took little notice of this





↑ Protests broke out near Hambantota in Sri Lanka's southeast over a port deal with China in January 2017. Protesters and government supporters clashed, leaving several people injured. A provincial journalist was assaulted by a Navy Commander during the clashes.

**ALTHOUGH THERE ARE REPORTS OF SURVEILLANCE BY SECURITY AGENCIES, THE SPACE FOR DISSENT REMAINS UNOBSTRUCTED. UNPRECEDENTED LEVELS OF PROTEST CONTINUE TO TAKE PLACE.**

initiative. Sri Lanka Press Institute, which includes media freedom organisations, Editors' Guild and Newspaper Owners' Society has not responded to this development in any way and mainstream as well as online media failed to provide any coverage to the call for public opinion.

The Director-General of Government Information stated that the objective of the proposed Media Commission was to regulate social media and areas of concern such as hate speech and defamation that prevent ethnic harmony while protecting journalists and editors.

The first draft of the Independent Council for News Media Standards Bill published in March 2017 consists of positive as well as negative features. For instance, it has been pointed out that Section 9 (1) of the Bill provides that the High Court can compel the disclosure of confidential sources to prevent danger to security of the state. This provision contradicts the Johannesburg Principles on national security, freedom of expression and access to information, Principle 18 of which states that the protection of national security may not be used as a reason to compel a journalist to reveal a confidential source.

Despite decades of effort by media freedom organisations in Sri

Lanka to transform state media to public service media, Sri Lanka's state media remains politicised. The draft Bill makes no provision to reform politicised state media and this is a critical issue that demands attention in upcoming debates on media regulation.

Prior to establishing a media regulation mechanism, an enabling environment must be created to exercise freedom of expression. In this regard revisiting 1995 media reform reports, especially the R.K.W. Gunasekara report on media law reform, is essential.

### REGULATIONS ON MEDIA USE OF DRONES

On January 10, 2017, the Prime Minister's Security Division confiscated a drone used by a TV station. The Information Department later issued regulations titled 'Drone journalism in Sri Lanka: Ethics, regulations and guidelines'. These regulations were originally formulated by the Civil Aviation Authority of Sri Lanka (CAASL) in February 2016, titled 'Requirements for Operation of Pilotless Aircraft (Unmanned Aerial Vehicles/Remotely Piloted Aircraft)'.

The introduction to the regulations stated: "Given a rapid increase in usage and the evolving nature of drone technology, the Ministry's primary responsibility is to ensure usage of

drones for journalism is in compliance with existing rules and regulations, as well as conducted in a manner that is, above all else, safe, ethical and respects the privacy of citizens... In this respect, media reports over recent months, from coverage around the exhumation of slain journalist Lasantha Wickrematunge's body in Colombo to the coverage of the unrest in Hambantota, have focused on the use of drones by media organisations and raised questions around regulations, ethics and professionalism." There has not been any substantial discussion over these regulations in media or among the media community.

### HOSTILITY FROM GOVERNMENT LEADERS

The amicable relationship between the media and the government appears to be coming to an end. Prime Minister Ranil Wickremesinghe verbally attacked media during the preceding months. Several other ministers and officials take their cue from him. In July 2016 Prime Minister Wickremesinghe launched a scathing attack on media organisations and he claimed that media was trying to destabilise the country, going to the extent of comparing the *Financial Times* (FT) to toilet paper: "Any way (such reporting) will help the FT to increase its circulation. I have asked the Finance Minister to put an 800% tax on toilet paper, because FT will be the alternative".

In the same vein, discouraging criticism of the security forces by the media, the president reiterated that he was the protector of the country's security forces and within his tenure he would not leave any room to "tarnish" their image.

### CENSORSHIP AND INTIMIDATION

Speaking to the *Huffington Post* in November 2016, well-known Sri Lankan human rights defender Ruki Fernando expressed disappointment in the government. Even after 18 months of "good governance", he said he was still under investigation by the Terrorist Investigation Department (TID) and his freedom of expression was restricted through a court order. Noting that the intensity and regularity of intimidation and surveillance had reduced remarkably compared to the Rajapaksa era and that there was more space for free expression, free assembly and free association, he added there were still regular reports of surveillance, intimidation, harassment and threats against journalists and activists, particularly in the North and East. On October 1, 2016, Fernando was briefly detained by the airport unit of the TID and questioned about purpose of his travel, his work and personal details, including addresses and phone number, details of family members etc. His electronic equipments confiscated in March 2014 has not been returned.

In November 2016, Secretary to the Media Ministry sent a letter to Ada Derana News accusing the TV station of falsifying a speech made by President Sirisena. The letter indirectly threatened that the licence to operate the station would be revoked if corrective measures were not taken. The TV station said it had not falsified the President's speech but had reported it selectively. Issuing a statement, the Free Media Movement (FMM) of Sri Lanka said that TV stations should be able to function without the fear of losing their licences. It questioned

the validity of the letter sent by Nimal Bopage, Secretary to the Media Ministry on April 5, 2017 giving the station 14 days to provide an explanation. The TV station has rejected the charges.

In the third week of October 2016, the Media Ministry cancelled the broadcasting licence of the Carlton Sports Network (CSN), which is owned by one of the sons of former President Rajapaksa. The *Sunday Leader* weekly said that the cancellation was a political decision rather than a legal requirement. Parliamentary Reforms and Mass Media Minister Gayantha Karunatilake stated that the broadcasting licence of CSN was cancelled since the channel failed to adhere to transmission regulations. Meanwhile, CSN Chairman Rohan Weliwita maintained the Ministry had not taken any statement from him about the licence. In its writ against the cancellation of its broadcasting licence, CSN sought an order quashing the Mass Media Secretary's decision.

On October 5, 2016, the Colombo District Court passed an injunction preventing the screening of the Sinhala film *Usaviya Nihadai* (Silence in the Court) directed by veteran film maker Prasanna Vithanage. A former magistrate had requested the injunction complaining that the director had made the film based on an alleged incident of rape and that the film implicated him. The injunction was later revoked on October 21. In its statement, the Society of Socialist Art said there was a danger that the government would rely on this decision as a precedent to censor the right of expression of artists and called upon all intellectuals, artists, civil society organisations and the people of Sri Lanka to rally against such action.

### HATE SPEECH

Attempts by the government of Sri Lanka to enact a law prohibiting hate speech failed in early 2016, as a result of a number of draconian clauses in the draft Bill. Since then, a number of incidents of communal hate speech by religious extremists – predominantly Buddhist extremists – have been reported from around the country. In November 2016, in an open letter addressed to the Inspector General of Police, hundreds of citizens expressed outrage at police inaction and complacency of the state towards the culture of impunity regarding the continued trend of violent attacks on ethnic and religious numerical minorities led by Buddhist monks. Listing a number of incidents which did not result in any police action, they called for immediate legal action against the perpetrators.

Also in November, the Government of Sri Lanka moved to curb communal hate speech by arresting and causing two extremists to be remanded – one a Sinhalese and the other a Muslim – on charges of making communally incendiary speeches in Colombo. The government, to date, has failed to take action against Ven. Ampitiya Sumanarathana Himi, a Batticaloa-based Buddhist monk, who publicly intimidated a Tamil Grama Niladhari (village official) for filing cases against Sinhalese. The official stood in silence as the monk called him a "tiger" and a "dog" and vowed to smash the "rule of the Tamils and Muslims over Sri Lanka". A police officer who was present silently watched the monk abuse the official.

Retired Admiral Sarath Weerasekara who attended the UNHRC 34th session representing former president Rajapaksa-





## SUSTAINED PRESSURE BY JOURNALISTS' RIGHTS ORGANISATIONS TO CHALLENGE THE IMPUNITY ENJOYED BY MILITARY PERSONAL LED TO A SMALL BUT NOTICEABLE CHANGE OF TONE IN PRESIDENT SIRISENA'S EARLIER PROTECTION OF "WAR HEROES".

led Joint Opposition (JO) told a newspaper: "I have a list of names. When the next government comes to power, we will file cases against them for treason. If the charges are proved beyond reasonable doubt, the punishment would be death. I find many separatists Tamil pro-LTTE groups coming through various NGOs [to attend the Human Rights Council] including persons like Dr Paikiasothy Saravanamuttu, Dr Nimalka Fernando and Sunanda Deshapriya who spoke against the government and soldiers."

In a letter addressed to UN Human Rights Council and the Government of Sri Lanka, leading human rights organisations expressed concern over recent hate attacks against two Sri Lankan human rights defenders Nimalka Fernando and Sunanda Deshapriya who participated in the UNHRC 34th session in March 2017 where the resolution entitled "Promoting reconciliation, accountability and human rights in Sri Lanka (A/HRC/34/1)" was adopted by consensus with the co-sponsorship of the Government of Sri Lanka.

### ATTACKS ON JOURNALISTS

On June 2, 2016, Freddy Gamage, editor of the regional news publication *Meepuraa* and Chairman of the Professional Web Journalists Association was assaulted by two persons on motorbikes without number plates wearing full face helmets. One of the attackers held a wooden pole and hit Gamage on

the head, causing serious injuries. Speaking at a side event held during the UNHRC 33rd session in September 2016, Gamage said, "On 16th of May 2016, a family member of the Deputy Mayor of Negombo City threatened me over the phone. He said that I should not write bad things [about] them, but only good things. Then the attack came 2 weeks after. There were 16 phone calls between the attacker and the Vice Mayor just within 5 hours on the day of my attack. Yet even after 3 months of the attack, the mastermind of this attack, the Deputy Mayor of Negombo, is still not arrested". The protection of those in power encourages impunity and discourages accountability, as has been witnessed time and again.

In December 2016, the Navy commander verbally and physically assaulted a provincial journalist during a protest at the Hambantota Port. The Government issued a statement the following day saying the journalist had violated basic ethical practices while covering sensitive conflict situations.

### CONTEMPT OF COURT

Sri Lanka's contempt of court law is outdated and need to be reformed. As human rights lawyer and columnist Kishali Pinto Jayawardena said: "In principle, Sri Lanka's law on contempt has not been liberal in any sense whatsoever. In fact, even our most enlightened judges have been slow while

Credit: Kithusara newspaper



← "Two years of good governance, January is still black": FMM's annual 'Black January' event demanding justice for journalists at the Independence Square on January 24, 2017.

↑ Sri Lankan journalist Freddy Gamage was attacked by two men in June 2016. Relatives later said that two weeks prior to the incident, Gamage had received threatening phone calls from Negombo's deputy mayor over his reporting.

sitting on the Bench to progressively advance the law of contempt. But the flip side of the coin is that unrestrained and vicious attacks on the judicial institution have also surfaced, particularly on the unregulated social media...Quite clearly, this is law reform meriting a measure of urgency."

On November 23, 2016, the deputy mayor of Sri Jayawardenapura Kotte Municipal Council Madura Vithanage filed 14 contempt of court actions in the Supreme Court against the editor of *Lanka-e-news* website, Sandaruwan Senadheera. *Lanka-e-News* played a leading role in exposing the atrocities and corruption under the Rajapaksa regime and remains a leading Sri Lankan news website. The office of *Lanka-e-News* was set on fire soon after the presidential election of January 2010 and Senadeera was forced to flee the country for safety.

On November 25, 2016, Gampaha Magistrate Kaveendra Nanayakkara issued a red alert warrant to arrest the *Lanka-e-News* editor on charges of contempt of court. She also ordered that the warrant be given effect to with the assistance of the Interpol. At the same time an order was issued to the Controller of Immigration and Emigration to arrest Senadheera upon his return to Sri Lanka. However, the red notice issued on the *Lanka-e-News* editor was turned down by the Interpol as charges against him were not filed in Court.

Credit: Sri Lanka Brief

The FMM expressed its concern over the government's attempts to control electronic media through intimidation rather than by formulating a policy for regulation, and emphasised that any legal action that is taken against the *Lanka-e-News* editor needs to be fair and transparent.

### MEDIA SOLIDARITY AND CAMPAIGNS

On January 24, 2017, the Sri Lanka Working Journalists' Association (SLWJA) launched a campaign to send postcards to President Maithripala Sirisena, requesting the appointment of a Presidential Commission to investigate murders, assaults and abductions of journalists, as well as attacks on media institutions. The postcards were posted with ideas and signatures of political party representatives, civil society activists, trade unionists, journalists and editors.

On the same day, the FMM organised a vigil to commemorate and to demand justice for the comrades who sacrificed their lives in order to safeguard freedom of expression. The theme was "Two Years of Good Governance – January is Still Black!". The event was held to mark the date seven years earlier that journalist Prageeth Eknaligoda was abducted, allegedly by a team of military personnel.

Sustained pressure by journalists' rights organisations to challenge the impunity enjoyed by military personal led to a small but noticeable change of tone in President Sirisena's earlier protection of "war heroes" to one of prosecuting guilty security personnel and ensuring justice. It remains to be seen whether this change of stance will result in prosecution of those responsible and ending the climate of fear within which journalists have been forced to function over the decades in Sri Lanka.



# ANNEXURE

## SAPFR 2017 – VIOLATIONS (MAY 2016 – APRIL 2017)

### AFGHANISTAN KILLING

#### June 5, 2016: Helmand

Zabihullah Tamanna, a freelance journalist and David Gilkey, an American photojournalist with the National Public Radio (NPR), both embedded with the Afghan Special Forces, were killed when the armoured vehicle they were travelling in was struck by an 82mm rocket in a Taliban ambush near Marjah in Helmand. Tamanna worked for NPR, NBC News, Turkey's Anadolu News Agency and Xinhua as a photojournalist.

#### July 23, 2016: Kabul

Hussain Mohammadi, a freelance reporter who worked for Khorshid, Negah TV and NAI radio was killed in a suicide attack during a demonstration in the Deh-ma-Zang Square while covering the event. More than 80 civilian lost their lives and more than 200, including a cameraman of 1 TV Network, were injured.

#### October 16, 2016: Qalat

Yaqub Sharafat, senior reporter for the state-run Radio Television Afghanistan (RTA) was shot dead by unknown armed men in the Rasala area of Qalat, the capital of Zabul province. He sustained serious gunshot injuries and died on the way to the hospital. No group claimed responsibility for the killing.

#### November 4, 2016: Helmand

Nematullah Zahir, a local reporter for Kabul-based Ariana TV was killed in a bomb blast in Helmand province, in southern Afghanistan. He was on a reporting trip near Lashkargah city with Afghan Independent Journalists Association (AIJA) Helmand president Zainullah Stanekzai and a reporter of Zwandon TV, both of whom survived the explosion. It is not known whether the journalists were specifically targeted or

fell prey to an ambush.

#### December 15, 2016: Logar

Mohammad Nasir Mudasir, 53, station manager and senior program organiser for Mili Payam, the National Message Radio Station and founding member of AIJA, was gunned down in Muhammed Agha District of Logar Province. Two unidentified armed men opened fire on Mudasir as he was leaving the radio station to go home. Mudasir received several bullets and died on the spot. Mudasir and other workers at the station had received persistent threats over the past two years.

#### January 10, 2017: Kabul

Noorullah and Farida Hidayi, employed at the Wolusi Jirga (lower house of Afghan Parliament) TV channel were killed in a terrorist attack on a section of the Afghan Parliament building. Farida 4, had been working with the TV channel for two years.

### ARREST / DETENTION

#### May 28, 2016: Jalalabad

Naimatullah Karyab, local correspondent of BBC and AIJA provincial head in Kunar, was arrested by the US forces in Jalalabad and handed over to the National Security Agency. During his detention he was searched and his communication equipment seized. He was released after three days with security forces claiming that he was mistaken for another person with the same surname.

#### August 29, 2016: Bamyan

Zaman Ahmadi, a local reporter for DW Germany, was arrested without a warrant a day before arrival of Afghan President Ashraf Ghani in Bamyan province. He was held for more than 28 hours in undisclosed location and released after President Ghani left Bamyan. A dozen other reporters were also detained for hours to stop them from covering the demonstration.

#### January 2, 2017: Kabul

Basir Bhawar, a correspondent of Kabul USA TV was arrested by the special police department after he criticised

the first lady in an article accusing her of transferring USD 150 million to her son's account abroad. Bhawar was detained for 4 days. He left Afghanistan soon after his release and moved to India with his children and wife, who is also a well-known journalist.

#### January 30, 2017: Farah

Baryalai Ghafari, the program manager of Radio Farhad, was detained and intimidated by Dadullah Qane a provincial council member in Farah province, western Afghanistan. The journalist was asked to stop writing and broadcasting news against the governor and provincial council members.

#### February 4, 2017: Helmand

Sadiq Safi, the Station Manager of Khawar TV channel in Lashkargah, the provincial capital of Helmand, Afghanistan, was detained for a day by the National Department of Security (NDS) for broadcasting a news report alleging that the governor was helping land mafia and selling government property. Safi denied the governor's office charge that the news was fake and provided a video clip of the provincial council members' comments on the topic as credible sources for his news story.

### ATTACK / ASSAULT

#### May 30, 2016: Kabul

Jamshid Ahmadi, a reporter and presenter of a morning program at Maiwand TV, was assaulted by unidentified armed men at Dar-ul-Aman main road in Kabul city. He was abducted on the way back to home from office. All his equipment and mobile were taken during a few hours of captivity.

#### June 1, 2016: Kabul

Bahir Ahmad Kamawal of Ariana News Network was attacked by unidentified armed men in Kabul city.

#### June, 2016: Daikundi

Journalists in Daikundi collectively complained that the provincial governor was attempting to limit press freedom

and acting against media law and access to information law. These reporters collectively wrote a letter to AIJA leadership and other media organizations about existing problems in Daikundi created by provincial officials.

#### June 4, 2016: Laghman

Gulab Ibrahim, a reporter and producer at Kawoon Ghag radio in Laghman province was denied entry in a press conference by a government agency and assaulted by police during which his camera was broken.

#### June 2016: Logar

Zenat Radio offices were searched by security officers of Afghanistan Spy agency two times without warrant and permission, which is illegal and against Afghan law.

#### June 8, 2016: Jalalabad

An unknown group planted three improvised explosive devices (IED) on the roof of the office of the Enekas Radio and Afghan TV Cable Network in Jalalabad. The explosion damaged transmission equipment, causing transmission to be halted. No one was injured in the incident. After the attack, a fourth bomb was defused by the security forces. Engineer Zulmay, who established the radio station in 2001, said that he had received threats from local Taliban and the ISIS over the past few months.

#### June 14, 2016: Badakhshan

Kefayatullah Salimi, the AIJA deputy for provincial office and reporter of Noorin TV in Badakhshan province was beaten by bodyguards of the Governor, while covering a press conference.

#### June 16, 2016: Kabul

Farzullah Nemati, a correspondent of Peshgam TV, was attacked following several death threats by unidentified men. More than half-a-dozen assailants forced into his house and beat Nemati and his father.

#### June 18, 2016: Kabul

Ghazi Rasoli, reporter of 1TV Network, Khaja Tawfiq Sediqi, a reporter of 24 TV Network, and Shamrez, an Afghan photojournalist working for Turkish media, were assaulted by Kabul police and National Directorate of Security while covering the offensives militant groups.

#### June 20, 2016: Kabul

Muhammad Ghazi Rasuli a local correspondent at 1 TV and Khwaja Tawfiq Sidiqi a reporter for 24 TV and a Turkish News Agency were assaulted and beaten by security forces, for covering a suicide attack and filming firsthand information in 9th district of Kabul near Pul-i-Cherkhi Kabul.

#### June 22, 2016: Kabul

Fawad Nasiri of Ariana News Network was beaten by unidentified armed men in the middle of the Kabul city for unknown reasons.

#### July 2, 2016: Helmand

Aziz Ahmad Shafiee a freelance reporter in Helmand province was assaulted badly by security forces for using black mirrors in his car.

#### July 20, 2016: Kabul

Abed Joyenda, a TOLO TV reporter was assaulted by security guards at the ministry of Refugees.

#### September 2016: Kabul

Mirza Mohammad Hafezi a reporter from Mashal TV was badly beaten and assaulted by Kabul police while filming a conflict between the police and public.

#### September 2016: Kabul

Maiwand TV reporter and producer of political program Ahmad Seyar Nikzad was assaulted and beaten by security guards of at a private university in Kabul.

#### October 2016: Kabul

Najim Sultani a reporter of Jowandoon TV was assaulted and beaten by Breshna Sherkat security guards while entering the company main office for interviews and reporting.

#### October 9, 2016: Kabul

Abdul Saboor Sarir, the editor-in-chief of the *Afghan Times* was attacked by three men at gun point as he returned home in the Khwaja Bughra area of Kabul city. The assailants stopped Sarir, attacked him and stole his car, phone and laptop.

#### October 12, 2016: Dykundi

Mohamad Reza Wahidi, owner of Nasim Radio was assaulted by the two men who knocked on his door in Nili, the provincial

capital of Dykundi province in central Afghanistan. He collapsed after he was hit on his head and threatened at gunpoint and told to refrain from broadcasting the news. He was also warned that his family and son would be harmed if he continued his reporting. On the same night the offices of Nasim Radio were damaged in a bomb attack. Nasim Radio was the first private radio station established in Dykundi Province in 2011.

#### November 4, 2016: Nangarhar

Khorshid TV correspondent Aziz Watanwal was attacked by half-a-dozen unidentified men in Jalalabad, Nangarhar. The attackers also tried to loot his camera.

#### November 11, 2016: Zabul

Zema Radio correspondent Esmatullah Qaeel was attacked with knives by two unidentified men. He was seriously injured.

#### November 12, 2016: Ghor

Three police recruits stormed into the studio of Feroz-Koh Radio and violently assaulted journalist Janat Meer while he was presenting a live show. The Ghor Police Chief General Ghulam Mustafa Muhsini stated that the policemen involved were arrested and an investigation launched.

#### November 19, 2016: Kabul

Freelance journalist and civil society activist Mirwais Amarkhail was seriously injured in an armed attack by unidentified men. The attackers called him outside his house to receive a gift and then proceeded to attack him.

#### November 22, 2016: Herat

Haseeb Mostanser correspondent Jawan Radio in Herat province was beaten by players of a football team at the ground after they lost the match.

#### December 2016: Khost

Unidentified gunmen attacked Chennar Radio station in Khost, south eastern Afghanistan. The radio station informed the police and a police patrolling unit arrived as the gunmen fled from the scene.

#### December 2016: Takhar

Religious Fetwa (fight) against media was announced by a religious scholar and University professor in Takhar Province.



Associated Professor Abdul Maroof Tafakoori criticized the media publicly and asked citizens to start “Jihad” against the media and journalists. His statement raised anger of AIJA, Journalists, media organizations and civil society.

#### December 2, 2016: Zabul

Three journalists were seriously wounded in a road side explosion in Shahre Safa district of Zabul province. Laljan Afghan of Rana News Agency, Najib Pashtoon of Kabul Times and Qudratullah Hemat of Shaikh Mate radio were en route in a military convoy to cover military operations in a remote area when their car was caught in an explosion.

#### December 8, 2016: Kabul

Shahwali Zarin, the editor and owner of Bukhdi news agency was attacked by unidentified gunmen on motorcycles while he was on his way to office. His car was damaged but he survived the attack as the attackers fled the scene seeing a patrolling police unit nearby.

#### December 22, 2016: Ghazni

Muhammad Salim and Muhammad Qasim Ghafori a local correspondent and technician of Aftab TV were seriously assaulted and beaten by Afghan special forces for speeding.

#### January 26, 2017: Nangarhar

Zabihullah Ghazi, a correspondent of Voice of America radio in Nangarhar province was beaten by the bodyguards of former Mayor of Jalalabad Lal Agha Kakar, who also vandalized his car in Nangarhar province, eastern Afghanistan. The incident occurred when Ghazi, on his way to Jalalabad, tried to film the armed bodyguards beating people in a traffic jam.

#### February 2017: Kabul

Sajad Mohammadi local correspondent of 1 TV media was assaulted by police in front of Kabul University while covering a conflict between police and a parliamentarian.

#### March 22, 2017: Balkh

Police, in Balkh province, assaulted and beat a Ariana News Network reporter and cameraman. Bashir Atayee the reporter and cameraman Walid Sidiqi were stopped from covering the Nuaruz (New Year’s

celebrations) and their equipment was damaged.

## HARRASSMENT/INTIMIDATION/ CENSORSHIP

#### March 2017: Saripul

Atila Noori, provincial correspondent for the Ariana News Network was invited by security forces to cover a frontline battle against local militant groups in a remote area in Saripul. Noori joined the forces to cover the operation, but the security forces did not allow him to conduct interviews, or collect information, photographs and video footage.

#### March 5, 2017: Parwan

Pajhwok News Agency reporter in Parwan province, Farid Tanha, received death threats from a provincial council member and a local warlord for an investigative story questioning the authenticity of the provincial council member’s education documents, as well as his human rights violations. The member forced their way into the news agency’s main office in Kabul with armed guards threatened the senior management.

#### June 6, 2016: Zabul

Ahmad Wali Sarhadi and Nesar Sapand two well-known journalists of Zabul province faced investigation from the governor for their Facebook posts and critical reporting against said governor.

#### June 9, 2016: All Provinces

The Taliban threatened Pajhwok News Agency reporters after a former spy agency chief Amrullah Salih claimed in Facebook posts that Pajhwok gets funding from the government.

#### June 17, 2016: Logar

The Taliban threatened Mohamad Qasem Samadi of Zenat Radio to leave his media job and stop working with Zenat Radio. Taliban messengers knocked on his door and left a written warning. Next day, Abdul Wase Nasiri of Zenat Radio received a similar warning hand delivered to his father.

#### June 18, 2016: Kabul

Parwez Safi, the news presenter of “Shamshad TV Network” was intimidated and threatened with death by Kabul police

while he was on the way to home after work. Later on spokesman for interior ministry named this incident a misunderstanding of behalf of the police officers.

#### August 2016: Kabul

Killid Media Group reporter Massoud Ansari was intimidated and threatened by the Presidential guards for taking a photo of the traffic jam created by the president’s motorcade.

#### August 2016: Helmand

Najibullah Sahil, a freelance journalist in Helmand province was threatened by the provincial police chief and Attorney General with arrest for his critical reporting of corruption on social media.

#### August 2016: Kunduz

Security threats in Kunduz stopped media activities once again in Kunduz. The majority of media houses moved their equipment to safe places outside the city. One year after the collapse of Kunduz the Taliban are once again increasing fighting and insurgencyoperation in Kunduz.

#### August 28, 2016: Bamyán

More than 12 reporters covering a public protest in Bamyán before the arrival of the president; were arrested and badly assaulted. A few other journalists complained that their equipment and mobile phones were damaged and broken by police, presidential guards and officers of National Directorate of Security. Internet 3G and 2G signals as well as Facebook were blocked until the end of President trip to Bamyán.

#### September 3, 2016: Kapisa

Murtaza Khashe and Aaq Bachaye Shida, of RTA Kapisa, were questioned by governor Said M. Khalid Hashimi for their critical reporting, and referred to the attorney general for further investigation.

#### October 2016: Kabul

A larger group of parliament reporter from different media houses collectively boycotted reporting parliament sessions for few days in reaction to the humiliation tactics of parliament security officers.

#### October 23, 2016: Kabul

Senior Management of Kokcha and Bukhdi News Agencies were questioned seriously by the special envoy of the President for

good governance for their critical reporting. Senior managers of both media were introduced to the Attorney General’s office for investigation and legal follow up and answers.

#### October 25, 2016: Badakhshan

Nematullah Ahmadiof TOLO TV was threatened by Ahmad Fiasal Bekzad, the governor of Badkhshan for his critical reporting.

#### November 2, 2016: Kapisa

Aaq Bachaye Shida, editor-in-chief of Asr-e-Tamodun, was summoned by Kapisa governor and questioned for his critical report on ‘limited access to the information in Kapisa’. The governor insulted him and ordered a ban on him from entering the governor house for reporting.

#### December 2016: Logar

Mr.Noorullah Stanikzai station manager “Zeenat Radio” was introduced to provincial attorney general office for punishment after criticizing provincial council members, not paying attention to journalist’s security and safety issues and not participating in Naseer Mudasser’s funeral ceremony.

#### January 25, 2017: Ghor

Marof Saidi of Radio Sarhad was threatened by provincial police chief General Ghulam Mustafa Muhsini for his critical reporting of police weakness.

#### January 29, 2017: Logar

Matiullah station manager and producer of Paiwand Mili Radio was issued death threats by a local warlord Farhad Akbari for his critical reporting on the irresponsible activities of armed groups.

#### February 2017: Helmand

Abdullah Hamim, Tolo TV reporter, was questioned by the Helmand police chief about his reports terming Helmand province as ‘insecure’. Barialai Rahimi, a correspondent for Ariana News Network moved to Kandahar from Helmand in fear of arrest by provincial officials for his critical reporting.

#### February 16, 2017: Nangarhar

Mahmmud Naimi, a cameraman of Ariana News, was threatened to death by Shaker

Shinwari, the manager of Sher Ali hospital, when he inquired about the hospital services in Nangarhar province, eastern Afghanistan. Naimi had gone to the hospital to report after receiving complaints about the lack of medical services in the hospital. The officials of the hospital refused to allow him to film and when he returned to his office, Shinwari threatened him over the phone.

## BANGLADESH KILLING

#### February 3, 2017: Shahjadpur

Abdul Hakin Shimul, a correspondent of the Bangla daily *Samakal*, was shot in the face while covering clashes between two factions of the ruling party, the Awami League, in Shahjadpur in northern Bangladesh. He died on the way to Dhaka, where he was being taken for further treatment. His condition deteriorated mid-way and he was taken to a hospital in Tangail, central Bangladesh, where he succumbed to his injuries. Shimul’s family had another tragedy when his grandmother died from a stroke after hearing the news of the journalist’s death.

## ATTACK

#### November 6, 2017: Dhaka

A dozen people assaulted reporter Shakil Hasan and cameraperson Shahin Alam of Jamuna TV as they were reporting on the illegal polythene factories in Chawkbazar, Dhaka. The gang, which included owners of two polythene factories, also tried to burn the reporter with kerosene. Bystanders intervened and overpowered the attackers.

#### January 26, 2017: Dhaka

Cameraperson Abdul Alim and reporter Ishan Bin Didar of private TV station ATN News were brutally beaten by a group of policemen inside the Shahbagh Police Station in Dhaka while they were covering the shutdown enforced by the demonstrators protesting the construction of a power plant. Alim needed three stitches on his right eyebrow as a result of the beating.

## ARREST/DETENTION

#### August 8, 2016: Dhaka

The Rapid Action Battalion (RAB) arrested editor Shadat Ullah Khan, executive editor Maksudul Haider Chowdhury and newsroom editor Pranto Polash of online news portal banglamail24.com at its offices in Nayapaltan, Dhaka following a story addressing rumours that Sajeeb Wazed Joy, the son of Bangladesh Prime Minister, Sheikh Hasina, had been killed. The arrest came after members of the RAB visited the banglamail24.com offices to investigate the published articles. The RAB filed a case against the journalists under the controversial ICT Act. Following the arrests, the Press Information Department cancelled all temporary and permanent press accreditation cards for nine journalists from banglamail24.com, without providing a reason.

#### September 1, 2016: Dhaka

Siddiqur Rahman, editor of the website DainikShiksha.com, was arrested after Prof. Fahima Khatun, wife of a ruling Awami League parliamentarian Obaidur Muktaadir and a sister of Food Minister Kamrul Islam, filed a case under Section 57 of the ICT Act. Khatun, the former Director General of the Higher Secondary Education Directorate, claimed that a news story alleging corruption during her tenure in the Directorate, ‘defamed and tarnished’ her image and that of the state.

## MEDIA REGULATIONS

#### August 4, 2016: Dhaka

The Bangladesh Telecommunications and Regulatory Commission (BTRC) ordered all International Internet Gateway service providers in Bangladesh to block access to 35 websites, including pro-opposition Sheersha News and Amar Desh Online, a news site of a pro-opposition Bengali daily that was shut down in 2013 following the cancellation of its license by the government. The BTRC said the sites were blocked ‘for making objectionable comments about the government’.

## BHUTAN

## HARASSMENT

#### August 12, 2016: Thimpu

Sonam Phuntsho, an influential local businessman, filed a defamation case against independent journalist Namgay



Zam for sharing a Facebook post about a property dispute. Zam, a former presenter on the state-run television Bhutan Broadcasting Service (BBS), faced up to three years of imprisonment or a hefty fine if found guilty, but the case was withdrawn a day before the scheduled verdict on January 23, 2017.

## INDIA KILLING

### May 12, 2016: Chatra

Indradev Yadav, also known as Akhilesh Pratap Singh, was shot dead by unidentified people while he was on his motorcycle heading home. Yadav, 35, was local correspondent in Chatra, Jharkhand, for Taaza TV, a Hindi news channel based in Kolkata. The assailants fired at least five shots at Yadav, two of which killed him instantly. Originally from Bihar state, Yadav was known for his critical reporting on corruption. Yadav is survived by his wife and two children.

### May 23, 2016: Siwan

A group of five criminals on motorcycles shot two bullets at Rajdeo Ranjan 42, when he was on his way home on his motorcycle in Siwan, Bihar. One of the bullets hit Ranjan in the head and another in the neck. He was taken to the hospital but was declared dead. Ranjan worked for *Hindustan*, (a sister concern of the *Hindustan Times*) and one of Bihar's largest circulating newspapers, for 20 years.

### August 22, 2016: Junagadh

Kishore Dave, 53, bureau chief of *Jai Hind*, a local daily in Junagadh, Gujarat, was murdered in his office by unidentified assailants. Dave was attacked as he was filing a report, and stabbed multiple times in the chest. He was alone at the time of the murder and was found later by an office assistant. The police arrested three people in connection with the murder.

### November 12, 2016: Sasaram

Dharmendra Singh, 35, correspondent for Hindi daily *Dainik Bhaskar*, was killed by three unidentified motorcycle-borne assailants. He was shot at point-blank range while he was drinking tea at a stall near his home. His colleagues believe the incident

may be linked to his reporting on illegal stone mining. Singh died on the way to hospital. He is survived by his wife and son.

## ATTACK

### August 17, 2016: Srinagar

Sumaiya Yousuf, 25, a reporter with *Rising Kashmir* was accosted by the police in Jawahar Nagar, Srinagar when she was buying vegetables on the way home from work. Despite showing them her press identity card, she was abused and beaten.

### September 1, 2016: Srinagar

Danish Bin Nabi of the *Rising Kashmir* was thrashed by protestors at the SMHS hospital in Srinagar where he went to report on the victims of police firing. Other journalists who went to report also met the same fate.

### September 1, 2016: Srinagar

Ishfaq Gowhar of the J&K Media Network Group, a leading cable TV provider, was first stopped by protesters near Naaz Crossing in Srinagar. When he moved ahead after convincing them, members of the Central Reserve Police Force deployed there attacked his vehicle (JK0AB/0733) and damaged it.

### September 2, 2016: Srinagar

The Jammu & Kashmir Armed Police force thrashed at least half-a-dozen photojournalists at Batamaloo in Srinagar while they were on duty. Mubashir Khan (*Greater Kashmir*), Aman Farooq (*Greater Kashmir*), Faisal Khan (*Kashmir Reader*), Shah Jahangir (CNS), Omar Asif (KNS), and Bilal Bahadur (*Kashmir Life*) were assaulted and thrashed by the police. Following the thrashing, the journalists staged a sit-in protest against the police action.

### September 3, 2016: Srinagar

Two photojournalists Muzamil Mattoo of the *Kashmir Reader* and Zuhaib Maqbool of an online news portal were injured by pellets fired by the security forces on a procession at Rainawari, Old Srinagar. Mattoo sustained pellet injuries in head, back and arm, while Maqbool was hit in the eye and needed surgery.

### January 17, 2017: Hyderabad

Kunal Shankar, the Andhra Pradesh and Telangana correspondent with the

fortnightly English language magazine *Frontline* of the Hindu group, was picked up by security guards of the Hyderabad Central University, and handed over to the police. He was on assignment to cover a protest marking the first death anniversary of Dalit research scholar Rohith Vemula. He was taken to Gachibowli Police station through the back gate to avoid the media assembled outside the main gate, and was questioned for an hour before release. The University filed a case of trespass against Shankar.

### February 5, 2017: Chirala

Nayudu Nagarjuna Reddy, who runs a Telugu-language magazine *Matti Chetula Baasa* (Language of the Oppressed) and works part-time in a TV station, was thrashed publicly by a gang led by Amanchi Swamulu, brother of a Telugu Desam Party Member of the Legislative Assembly (MLA). A video clip of the assault shows Swamulu thrashing journalist Reddy with a stick, while his aides kicked and punched him. A couple of policemen remained mute spectators, while two other civilians were pushed aside when they tried to rescue the scribe. The reason for the attack is believed to be an article by Reddy in his magazine describing how the MLA was allegedly indulging in corrupt practices including illegal sand mining, land encroachment and fraudulently obtaining loans meant for economically backward persons.

### June 14, 2016: Ottapalam

Asianet News senior reporter Shyam Kumar, Reporter TV's Sreejith and City channel's cameraperson Anoop were attacked in a court in Ottapalam, Kerala, reportedly by cadres of the ruling Bharatiya Janata Party (BJP), as they tried to record footage of three BJP workers who were brought to the magistrate's court. The BJP workers were being presented in court in connection with their involvement in political clashes. The journalists were threatened, roughed up, and their cameras damaged. Police were present when the journalists were attacked and walked away without intervening.

## THREAT

### September 13, 2016: New Delhi

Deepak Chaurasia, editor in chief of India News TV, was threatened over the phone allegedly for his differences with the Aam Aadmi Party (AAP). Chaurasia

lodged a First Information Report (FIR) against unidentified persons after receiving multiple threatening calls on his personal phone number. Chaurasia alleged that he started receiving threatening calls after Delhi Tourism and Water Resources Minister Kapil Mishra shared Chaurasia's number in a tweet after a program on the India News TV made public the numbers of AAP ministers listed on the party website.

### February/March, 2017: Chennai

Independent journalist Sandhya Ravishankar faced online harassment and threats over the telephone for her reporting of illegal beach sand mining in Tamil Nadu. In January, she had written a four-part series in online news website *The Wire* that implicated Tirunelveli-based mining baron S Vaikundarajan in illegal sand mining. It triggered a spate of abusive calls and threats of violence on Twitter and Facebook by his supporters. Her mobile number was published on social media by anonymous trolls and she began receiving a flood of abusive and threatening calls from unknown people. She was extended police protection.

## MEDIA REGULATIONS

### July 16, 2017: Srinagar

The authorities banned the publication of all newspapers in Kashmir for three days, following police raids of media houses in Srinagar including the *Greater Kashmir*, *Rising Kashmir*, *Kashmir Images* and *Kashmir Observer*. During the raids, police immediately halted the printing of editions and confiscated printed papers due for release. This is the first incident of a formal ban on the media from by the government of Jammu & Kashmir. The government also had all cable networks taken off air, but they resumed broadcast in the evening. Mobile internet services were also suspended on July 8, and remained suspended on and off for about six months.

### July 30, 2016: Kozhikode

Local police in Kozhikode, Kerala barred journalists from reporting at the City Court on the long running 'Ice Cream Parlour sex scandal' case involving a number of politicians. The police forced the journalists out of the court room and off the court premises. Journalists and crew from AsiaNet

TV were arrested and detained for a number of hours at the local police station. The police claimed they were acting on 'court orders', but the court denied ordering any restrictions on media personnel.

### October 7, 2016: Srinagar

The authorities in Jammu & Kashmir issued a ban order on *Kashmir Reader* daily. The order was issued by the district magistrate, Srinagar, invoking Section 3 of the News Papers Incitement of Offences Act, 1971 and Section 10 of the Press and Publication Act, 1989, on grounds that the publication of the daily could "easily incite acts of violence and disturb peace and tranquillity". Printing presses were prohibited from printing the daily as a "precautionary" measure to ensure "public tranquillity".

### November 2, 2016: New Delhi

The Information & Broadcasting Ministry passed an order prohibiting the transmission or re-transmission of NDTV-India channel and News Time Assam for one day on any platform throughout India. The government invoked Rule 6(1) (p) of the Cable TV Network Regulation Act, which prohibits any programme that contains live coverage of any anti-terrorist operation by security forces. The Ministry claimed that NDTV-India allegedly violated the Cable TV Act by revealing 'strategically sensitive details' while covering the terrorist attack on the Pathankot air base in January. However, despite all channels broadcasting similar footage, only NDTV-India was served the ban order. The ban order was put on hold after NDTV approached the court. The ban order on News Time Assam was purportedly for its coverage of a child subjected to torture, in which the identity of the child was revealed. However, other channels too had run similar footage.

### May 28, 2016: Imphal

The National Investigation Agency (NIA) wrote to *The Poknapnam* and its sister publication, the *People's Chronicle* published from Imphal, Manipur asking them to produce the press statement sent by the CorCom, a co-ordinating body of several underground outfits, claiming that it captured six weapons from the security forces during an encounter in Joupri. In an order signed by an Inspector, NIA said the production of the press statement

photocopy with e-mail header was necessary or desirable for the purpose of its investigation. The editors, backed by the Editors Guild of Manipur resisted the move.

## MALDIVES KILLING

### April 23, 2017: Male'

Yameen Rasheed, a prominent blogger and social media activist was stabbed to death in the early hours of the morning. He was found with multiple stab wounds on his body on the stairs of his residence in Male' and died in hospital soon thereafter. Rasheed, 29, was a vocal critic of injustice and religious extremism, and the lead campaigner demanding the whereabouts of and justice to disappeared journalist Ahmed Rilwan. Rasheed had received several death threats over a period of time

## ARREST / DETENTION

### July 27, 2016: Malé

Two journalists, Hussain Fiyaz Moosa, chief operating officer of opposition-aligned Raajje TV, and Ahmed Azif, assistant editor of Sun Online, were arrested as supporters of the opposition attempted to perform prayers inside an Islamic centre in Malé. Police officers in plainclothes forcibly dispersed the crowd and arrested opposition leaders after Isha (night) prayers. They were released after being held at the police headquarters for about four hours. Fiyaz said he was accused of planning a political activity and of taking photographs inside the mosque. Azif was accused of obstructing police duty.

## HARASSMENT

### July 27, 2016: Malé

Riot police blocked a silent protest staged by journalists against the controversial, proposed defamation bill currently before parliament. Wearing T-shirts with the slogan, 'In defence of 27,' referring to the article of the constitution that guarantees freedom of expression, a group of about 20 journalists from several media outlets planned to demonstrate but the area was cordoned off and journalists were blocked.

### January 24, 2017: Malé

Journalists Mohamed Wisam, 21, and



Leevaan Ali Nasir, 20, both of pro-opposition Raajje TV, were fined MVR 28,800 (approximately USD 1,870) each by the criminal court for ‘obstructing the police on duty’ when they were covering a bomb scare in November, 2015. They are the first journalists to be sentenced in the Maldives in more than a decade.

#### March 7, 2017: Male

The Maldives Broadcastint Commission fined Raajje TV an MVR200,000 (US\$13,000) and its journalist Aala Ibrahim an MVR50,000 (US\$3,200) for defaming a social worker from Addu City. The action was taken for naming naming Fasohath Hussain in three news bulletins on November 19, 2016 without contacting her.

#### April 6, 2017: Male

The Maldives Broadcasting Commission (MBC) slapped Raajje TV channel with a fine of MVR 1 m (US\$ 64,850) for content that it deemed defamed President Abdulla Yameen. The content in question is a speech by a speaker at a rally held by Maldivian United Opposition on October 26, 2016 which the TV had broadcast live.

## THREAT

#### March 3, 2017: Faafu Atoll

Some journalists of Raajje TV and the *Maldives Independent* received death threats on the island of Nilandhoo, Faafu Atoll. Raajje Television reported death threats against its staff to the Maldives Police Service (MPS) after the station received phone calls threatening to kill journalists on Faafu Atoll. The threat was received after the station dispatched a crew to Faafu atoll ahead of a state visit to the Maldives by the King of Saudi Arabia, who was expected to sign a controversial USD10 billion deal to develop the atoll. The police had taken journalists Hassan Mohamed and Hassan Moosa of the *Maldives Independent* into ‘protective custody’ for a night on Faafu Atoll after ruling party supporters threatened them with assault.

## MEDIA REGULATIONS

#### August 9, 2016: Malé

The Maldivian Parliament passed the Anti-Defamation and Freedom of Expression Act with 47 Members of Parliament voting in favour and 31 voting against. The Act was presented to Parliament

despite international condemnation of the new legislation. The law criminalises defamatory speech, remarks, writings and actions and empowers the state authority to shut down media for ‘defamatory’ contents. The law includes a fine ranging from MVR 25,000 (US\$1,621) to MVR 2 million (USD 130,000) or up to six month of imprisonment for slander, and “remarks or content that threatens national security or breaches social norms”. Individual journalists found guilty face fines between MVR50, 000 (USD 3,242) and MVR150, 000 (USD 9,727), while a decision can only be appealed once the fine has been paid. In addition, journalists could be forced to reveal sources of information, which contradicts Article 28 of the Maldives Constitution.

## NEPAL ARREST/DETENTION

#### May 8, 2016: Kathmandu

Manoj Kumar Rai, also known as Bhadracol Kirati, the chief editor of *Gaunle*, was arrested under the Electronic Transaction Act (ETA) for publishing material that criticised Bhakta Bahadur Rai, a self-declared religious guru. Rai was held in custody for more than a week before the court released him on bail.

#### May 23, 2016: Kathmandu

Shesh Narayan Jha, chief editor of *Sahayatra* and the managing editor of *Samayabodh* magazine was arrested for photographing a protester in Kathmandu. The protestor was smearing paint on the wall of Singha Durbar, the main government complex. Jha was charged under the Public Offence Act along with the protester and both were released after a day with a warning. Police claimed that Jha accompanied the protester when he earlier smeared paint on the residence of Prime Minister Khadga Prasad Sharma Oli the previous day.

#### May 23, 2016: Kathmandu

Chandra Man Shrestha of *Nepal Sandesh* was arrested following an article which allegedly included ‘false news’ about parliamentarian Gagan Thapa. *Nepal Sandesh* had issued an apology to Thapa, regarding the article. Shrestha was arrested

under the Electronic Transaction Act (ETA). The ETA prohibits publication of ‘indecent and illegal’ materials online.

#### November 22, 2016: Siraha

Arjun Thapaliya, editor of *Anukalpa* daily published from Golbazaar of Siraha district, eastern Nepal, was arrested by the police for his comments on a Facebook post sharing a published news story. He was transferred to Kathmandu and was kept in detention after being presented at the Kathmandu District Court. Clause 47 of the Electronic Transaction Act 2008 bans online publication of content ‘contrary to public morale and decent behaviour’. Publication of such content is punishable with imprisonment of up to five years.

## ATTACK

#### June 10, 2016: Solukumbhu

Bhanubhakta Niraula, the managing director of Himal FM, was attacked by Buddhi Kumar Rajbhandari, co-ordinator of the Local Peace Committee, on the premises of the District Administration Office Solukumbhu. Rajbhandari reportedly threatened Niraula and tried to punch him, asking him why he had published news about the Committee.

#### November 21, 2016: Siraha

Mithilesh Yadav, a journalist with *Nagarik* daily, was harassed at the Lila Mohan Hospital and Maternity Home Private Limited in Lahan of Siraha as he was reporting a dispute between the hospital management and a patient’s relatives. Dhananjaya Yadav, a hospital employee, snatched his mobile and broke it while he was talking to the hospital management about the dispute.

#### August 14, 2016: Kathmandu

Police thrashed and broke cameras belonging to photojournalists Chandra Ale and Prateek Rayamajhi while they were covering the 11th convention of the Nepal Students Union in Kathmandu.

#### February 22, 2017: Janakpur

Shital Sah, the former treasurer of FNJ who runs the local Radio Janakpur in Dhanusa district, was attacked near the station when he was on his way home. He sustained an injury on his head and needed treatment.

The attackers are believed to be political cadre who were unhappy about Sah’s reporting. Suresh Yadav of *Nagarik* daily was also harassed in the same incident.

## MEDIA REGULATIONS

#### June 14, 2016: Kathmandu

The Government of Nepal published the ‘Online Media Operations Directives 2015’ which include provisions to disrupt the services of online news sites on arbitrary decisions of the Department of Information (DOI). The conditions under which the DOI can order the blocking of the website include failure to register and renew the website; publication of materials deemed illegal or immoral or ‘without authoritative source or creating misconceptions among public.’

#### February 8, 2017: Kathmandu

Nepal Police corresponded with the National Telecommunication Authority (NTA) the telecommunication regulatory body, to block the access of four news websites – newssewa.com, karnalikhbar.com, diyopost.com and arthiknews.com – for their content about a senior police official. The NTA ordered the internet service providers (ISPs) to block access to the websites with immediate effect, making the sites largely unavailable in Nepal for hours.

## HARASSMENT

#### August 24, 2016: Kathmandu

The Southasia Trust, the publisher of the cross-border magazine *Himal Southasian*, announced that the November 2016 edition would be the last issue published. The Trust cited the non-cooperation of regulatory bodies as the reason behind the decision, noting that the regulatory bodies had “made it impossible to continue operations after 29 years of publication”. The Trust claimed that “*Himal* is being silenced not by direct attack or overt censorship but the use of the arms of bureaucracy to paralyze its functioning”.

## PAKISTAN

## KILLING

#### May 7, 2016: Karachi

Khurram Zaki, 40, was gunned down in a restaurant in Karachi by four unidentified gunmen riding motorcycles. Zaki’s friend,

with whom he was having dinner, as well as an uninvolved bystander were also injured in the attack. Zaki was an editor of the website Let Us Build Pakistan, which promotes “a progressive, inclusive and democratic Pakistan”. In his previous role, he was a former head of current affairs for News One TV and was responsible for infotainment and religious programming. Zaki was active on social media, and was particularly known for campaigning against sectarian violence and fundamentalist groups inciting violence online. A faction of the Pakistani Taliban reportedly claimed responsibility for the slaying.

#### August 8, 2016: Quetta

Shahzad Khan, 30, cameraman with Aaj TV, and Mahmood, 26, cameraman of Dawn News, were killed, and Fareed Ullah a reporter with Dunya News, was seriously injured when a bomb went off on the gate of the emergency department of a civil hospital. The suicide blast killed at least 53 others and injured over 30 people. The journalists were at the scene covering the mourning rites of advocate Bilal Anwar Kasi, who was shot dead earlier that day. Mahmood succumbed to his injuries some hours after the attack.

#### January 12, 2017: Kalat

Unidentified attackers shot dead 37-year-old Muhammad Jan Sumalani, a reporter of Urdu language *Daily Quadrat* and Brahui language *Daily Talar Quetta*, in Kalat, Balochistan province. Also a member of the Ahmad Yar Khan Press Club, Kalat, Sumalani was intercepted while on his way home and two attackers opened fire on him, killing him on the spot. The motive for the killing is not yet known and no group has claimed responsibility.

#### February 13, 2017: Karachi

Taimoor Abbas, 22-year-old assistant cameraman of privately-owned Samaa TV news channel, was shot in his head and chest when he was travelling in the Digital Satellite News Gathering (DSNG) van in north Nazimabad in Karachi, Pakistan to report on an attack on the police. He was taken to Abbasi Shaheed Hospital where he died from his injuries. The unidentified assailants on a motorbike had thrown an explosive device on a police armoured personnel carrier, and started shooting

when the Samaa TV van arrived.

## ATTACKS

#### January 5, 2017: Layyah, Punjab

Ghulam Asghar, a correspondent for Sach TV in Layyah in Punjab, was shot in the spinal cord by unidentified attackers. He required extensive medical treatment.

#### January 19, 2017: Faisalabad

Zubair Dhillon, a Neo TV reporter based in Faisalabad in Punjab, was beaten up and injured by police officials while on official duty for the coverage of a public rally by politician Bilawal Bhutto-Zardari.

#### January 24, 2017: Dadu

Shoaib Tareen, a reporter for Sach TV in Dadu in Sindh, was attacked and injured by unknown persons. His attackers could not be identified.

#### January 27, 2017: Bara

Sajid Kukikhel, correspondent for Mashriq newspaper in Khyber Agency of tribal areas and former president of Jamrud Press Club, and Amir Zada, the correspondent for *Express* newspaper in Khyber Agency, were beaten and harassed by the Khasadar Police Force in Bara subdivision while they were covering a political event.

#### February 22, 2017: Quetta

Samaa TV reporter Zain Uddin was beaten up by police in Quetta, Balochistan, while on duty outside his office recording footage of a firing incident between two groups. The beating took place even after he identified himself as a journalist. The police later refused to register a case.

#### February 25, 2017: Gujranwala

Shafqat Imran, reporter for Channel 24 in Gujranwala, Punjab, was beaten up by officials of the Department of Solid Waste Management after he was caught filming them stealing fuel from official vehicles. Imran sustained head injuries and required hospitalisation.

#### March 1, 2017: Rahim Yar Khan

Irfanul Haq Malik, the district correspondent for the daily Dawn in Rahim Yar Khan city in Punjab was attacked and his property damaged by the staff of the local municipal committee. Malik says this happened as a result of his February 2017



news report about an alleged land grab in a local market in collusion with local municipal authorities through intimidation of a group of small shopkeepers in Faisal Market.

#### **March 24, 2017: Islamabad**

NewsOne TV reporter Bilal Afridi was beaten up and injured by a group of lawyers while reporting from Islamabad District Court. The incident occurred when two groups of lawyers quarreled with each other and Afridi started filming the incident.

#### **March 26, 2017: Lahore**

Adnan Sheikh, a reporter of Capital TV, was beaten up and injured by a worker of Pakistan People's Party in the presence of party leader Asif Zardari in Lahore. The worker beat up Sheikh after the latter asked the former not to cross in front of the cameras recording Zardari's press conference.

#### **Mar 29, 2017: Faisalabad**

Journalist Awais Khan, a reporter of *Abtak TV* and Muhammad Hamza, a cameraman for *Channel7 TV*, were beaten up by the security guards of Pakistan Tehrik-e-Insaf leader and former Punjab governor Chaudhry Sarwar in Faisalabad in Punjab. The attack came after the media set up their cameras to cover a press conference by Sarwar and led to a boycott of the event by local media.

#### **March 30, 2017: Lahore**

*Channel24 TV* Reporter Awais Kiyani was physically attacked and injured by Pakistan Tehrik-e-Insaf leader Aleem Khan in Islamabad after the politician was asked a question relating to allegations of land grabbing by him.

## ATTACK ON MEDIA HOUSE

#### **August 22, 2016: Karachi**

ARY News TV station was attacked by cadres of the Muttahida Qaumi Movement (MQM) political movement. Dozens of attackers armed with rods broke into the office and vandalized doors, windows, furniture and equipment and set fire to vehicles. The violent storming of the station was carried out by MQM supporters after their leader Altaf Hussain, in exile in London, incited them to attack TV stations. Hussain in a speech delivered over the

phone and relayed by loudspeakers, had criticised the media for not giving due coverage to their week-long hunger strike against the government's crackdown against MQM.

## ABDUCTION/DETENTION/ARREST

#### **January 5, 2017: Sukkur**

Imdad Phulpoto, the station head of Samaa TV in Sukkur of Sindh Province, was forcibly detained by dozens of police officers without any warrant or legal document. He was released later that evening. He said that he had been tortured, taken around the city throughout the day and was neither questioned nor given a reason for his detention. Imdad had done several stories exposing corrupt practices of the opposition leader in the National Assembly.

#### **September 28, 2016: Peshawar**

Abid Abdullah, the executive director of the Jang Group media house, was held captive for a day in Peshawar, the capital of the Khyber Pakhtunkhwa province in northwestern Pakistan. Abdullah was kidnapped by at least eight armed men when he was returning to his hotel after finishing his work at the Jang Group printing press in Hayatabad Industrial Estate. The abductors intercepted his car, took him and his driver hostage at gunpoint as three gunmen occupied their car. Abdullah's driver Zafar Hussein was released by the abductors who whisked Abdullah away in a waiting vehicle. He was released that evening.

#### **October 19, 2016: Karachi**

Khurram Gulzar, a reporter of Samaa TV, was abducted by security authorities, which he identified as the Rangers paramilitary force, at 9.15 pm from outside his home. He was kept in detention for about an hour during which he was tortured by his captives. Once a complaint was lodged with the authorities after Gulzar was released, a senior officer of the Rangers visited the reporter's home and apologised for the incident.

#### **November 21, 2016: Sadda**

Journalist Anwar Khan Orakzai, a freelance journalist and a member of Sadda Press club in Kurram Agency of Tribal Areas, was

abducted by officials of the local political administration from his home and illegally detained after publishing some news reports that did not go down well with them. He was freed the next day after a warning.

#### **November 21, 2016: Lahore**

Adnan Khalid, a reporter of Jaag News TV channel, was illegally abducted by police in Lahore, Punjab, after his motorcycle collided with a police van in Iqbal Town locality. He was assaulted by the angry policemen and kept in the police lock-up for the whole night. He was released only after Jaag TV ran a news story about his abduction.

#### **December 2, 2016: Dera Ismail Khan**

Journalist Muhammad Usman, a correspondent for Waqt TV channel and Jehan-e-Pakistan newspaper, based in Dera Ismail Khan in Khyber Pakhtunkhwa province, was abducted and taken away blindfolded by unidentified security agencies to an unknown place. He was kept in illegal detention for several hours during which the officials forced him to reveal his passwords and copied data from his laptop and an external hard drive. He was later let go after a warning and an apology.

#### **January 8, 12 and 13, 2017: Islamabad, Lahore and Faisalabad**

Five bloggers and online commentators – Salman Haider, Waqas Goraya, Asim Saeed, Ahmed Raza Naseer and Samar Abbas – were abducted from Islamabad, Lahore and Faisalabad. All, except Abbas, returned home by the end of the month but have refused to talk about their ordeal. The identities of those behind the kidnapping have not been ascertained but similarities in their abduction patters and their post-return behaviours indicate possible involvement of a single source. There were allegations that the state security apparatus was behind the abductions but these were not substantiated. After their return, the four bloggers have refused to file charges against anyone. Widespread reports in electronic and social media indicated their secular activism and criticism of security agencies and religion were likely reasons behind their vengeful abductions. All those abducted and freed have fled the country.

#### **February 23, 2017: Karachi**

Sajid Ali, a cameraman for TV channel *Abtak*, was arrested by the authorities in Karachi after the management lodged a case against him for allegedly leaking video footage of a TV program that investigates crime. The footage, which went viral on social media and generated controversy, seemed to indicate that the program producers were planting false evidence against a hostel manager. The arrest was made by the Cybercrime Wing of the Federal Investigation Agency (FIA) on a complaint filed by the channel management. He was released after a few hours of interrogation. The channel filed a second case of defamation against Ali at the Kalakot Police Station and a third case of theft of equipment against him at the Korangi Police Station.

## JAILED

#### **January 9, 2017: Sukkur**

Two journalists were arrested by the police and sent to Central Prison Sukkur in Sindh based on a court decision against them issued on January 9, 2017. The journalists included Akhlaq Jokhio and Qurban Gadehi. Both work for Sindhi-language weekly print magazine *Saahti Awaz* and are based in Naushero Feroze town. Both have been sentenced to jail terms of five years and fine of Rs 50,000 each. They were convicted for their journalism work dating back to 2015 about the alleged misappropriation of a graveyard by property developer Shahid Akram, also a former local union council chairman, for personal benefit. Jokhio and Gadehi have appealed their convictions in Sindh High Court.

## MEDIA REGULATIONS

#### **August 11, 2016: Islamabad**

The National Assembly, the lower house of the Pakistan parliament, officially approved the Prevention of Electronic Crimes Bill (PECB). The Bill was originally passed by the Assembly on April 13, but was knocked back when it was sent to the Senate, parliament's Upper House where more than 50 amendments were made. The PECB received widespread criticism from opposition parties, stakeholders and media groups for provisions which many believe will curb freedom of expression in Pakistan. Particular criticism focused on the vague wording in the bill, which is open to misuse; restrictions on freedom of expression

online and access to information. Criticisms also focused on the sweeping powers granted to the state authorities to conduct surveillance on citizens. Many argued that the provisions of the law could specifically be misused to target journalists' sources and whistleblowers.

#### **October 11, 2016: Islamabad**

Cyril Almeida, journalist for the English-language daily *Dawn*, was informed that he had been placed on Pakistan's Exit Control List (ECL), which bars select individuals from leaving the country. Almeida was booked on a flight to Dubai for a family holiday, but was told he should not go to the airport as he would not be allowed to board the plane. The ban was in response to a controversial story by Almeida published on the front page of *Dawn* on October 6 entitled, "Act against militants or face international isolation, civilians tell military". The story detailed a showdown between Pakistan's Prime Minister, Nawaz Sharif, and the director general of the Inter-Services Intelligence Directorate (ISI), Rizan Akhtar, regarding the operation of extremist groups in Pakistan.

#### **November 26, 2016: Islamabad**

The Pakistan Electronic Media Regulatory Authority (PEMRA) suspended licenses of Din News for a month and Neo TV for a week, and fined them PKR 1 million (approximately USD 9,500) for 'levelling baseless allegations against the judge of the Supreme Court'. PEMRA also fined Sach TV PKR 1 million for the airing remarks of a caller.

## LEGAL CASES

#### **December 7, 2016: Karachi**

Two police FIRs (first information reports) were filed against Imtiaz Chandio, a reporter for Abtak TV channel based in Karachi in Sindh province, by Sardar Khan Chandio, a member of the Sindh Assembly representing the ruling Pakistan People's Party. This adverse action as well as continuing verbal threats came after Imtiaz alleged in his news reports that Sardar was involved in illegal hunting of protected bird species.

#### **January 28, 2017: Karachi**

Complying with an order issued by an

anti-terrorism court in Karachi in Sindh, the police registered a case against Mir Shakilur Rehman, the owner of Pakistan's largest media group, the Jang Group, hosts of Geo TV current affairs talk show Apas Ki Baat, Najam Sethi and Muneeb Farooq, and Chairman Pakistan Electronic Media Regulatory Authority (PEMRA) Absar Alam for "hatching conspiracy by hurling baseless allegations against the military, the government and the judiciary." The complaint was filed by a private citizen Gul Khan.

#### **February 24, 2017: Karachi**

Three cases were registered in Karachi against Sajid Ali, a cameraman for TV channel Abtak, after the management lodged a case against him for allegedly leaking video footage of a TV program that investigates crime. The footage, which went viral on social media and generated controversy, seemed to indicate that the program producers were planting false evidence against a hostel manager. The first case was registered with the Cybercrime Wing of the Federal Investigation Agency (FIA), the second with the Kalakot Police Station and a third with the Korangi Police Station.

#### **March 1, 2017: Rahim Yar Khan**

Local municipal authorities registered a case of alleged violation of city bylaws in building his private property against Irfanul Haq Malik, the district correspondent for *Dawn* newspaper in Rahim Yar Khan in Punjab on March 1, 2017. He was also attacked and his property damaged by the staff of the local municipal committee. Malik says this happened as a result of his February 2017 news report about an alleged land grab in a local market in collusion with local municipal authorities through intimidation of a group of small shopkeeper in Faisal Market.

#### **March 16, 2017: Nawabshah**

Police in Nawabshah in Sindh registered a case of alleged extortion under the Anti-Terrorism Act against Muhammad Bachal, a reporter for Mehran TV. He was also arrested a week later. Bachal says the case was a result of his news report on abuse of office by a local official who had apparently illegally used a government school for a private marriage function. A local court dismissed the case against him.



**March 28, 2017: Gilgit-Baltistan**

The Gilgit-Baltistan police registered a case under the Anti-Terrorism Act for alleged blackmail against journalist Shabbir Siham. The reporter for Daily Times newspaper, based in Islamabad, had apparently angered a Gilgit-Baltistan government minister after a report he published about him on March 20, 2017. The police raised Siham's house but he had gone into hiding. Later the federal government promised to revoke the case against him.

**HARASSMENT****January 25, 2017: Lahore**

Two journalists Tanzeela Mazhar and Yashfeen Jamal accused PTV Lahore's Director News of sexual harassment; and took up social media and TV talk shows to push for investigation after their complaint to PTV authorities yielded no results. Mazhar alleged that she had filed a complaint following the incident, only to be told by the inquiry committee that she should have left the job in such a situation.

**SRI LANKA  
ATTACK****June 2, 2016: Negombo**

Freddy Gamage, the editor of , a regional web portal, was attacked by two unidentified assailants while walking to his car after covering the monthly meeting of the Negombo Municipal Council. He received a head injury and had to be hospitalised after the attack. Gamage, who is also the Convener of the Web Journalists' Association, said he had received threats from Dayan Lanza, the Deputy Mayor of Negombo, who had warned him not to write negatively about him and his brother Nimal Lanza, a Member of Parliament.

**July 12, 2016: Neluwa**

Daya Neththasinghe, an environmental journalist and features editor for *Sathhandala* newspaper, was assaulted by supporters of politician Piyasena Gamage at a temple in Neluwa, Galle. Neththasinghe was attending a discussion about the environmental impact of a power point on invitation of the local authority. He was invited to present his opinions, however he was attacked when he raised negative implications of the

mini hydro power plant approved in 2012. Several locals intervened to stop the assault and took Neththasinghe to Neluwa hospital.

**November 15, 2016: Trincomalee**

Journalist Mohammed Geeth was attacked and threatened for reporting about a restaurant which was not maintaining the required health standards. According to members of the Trincomalee District Journalists' Association, he was threatened by a person who called himself a Media Secretary of a politician and was also beaten by the workers of the restaurant.

**December 10, 2016: Hambantota**

Navy Commander Vice Admiral Ravi Wijayagunaratne assaulted Roshan Gunasekera, a local correspondent for *The Island* and *Divaina* dailies, while the journalist was reporting navy action to open the port blocked by protesting port workers in the Magampura Port in Hambantota, Southern Province. Video footage recorded by other journalists showed the navy commander darting towards Gunasekera, assaulting him and using foul language.

**OBSTRUCTION IN REPORTING****May 12, 2016: Matara**

Journalists who arrived at the Matara Magistrate Court to report on the case against Basil Rajapaksa, politician and brother of former president Mahinda Rajapaksa, were barred by the police from reporting.

**September 17, 2016: Colombo**

Journalists were barred by the police from entering the cemetery to report on the exhumation of the remains of slain editor Lasantha Wickrematunge. A prior announcement by the law enforcement agencies of such a restriction had not been notified. Later it was found that it was a request by the Wickrematunge family.

**January 7, 2016: Hambantota**

Sri Lankan Prime Minister's Security Division seized a drone camera used by Hiru TV to report on a demonstration in Mirijjawila, Hambantota. Hiru TV used the drone camera to film the demonstration against the inauguration of the Sri Lanka-China industrial zone in Hambantota, which was attended by Prime Minister Ranil Wickramasinghe.

During the demonstration the police fired tear gas shells and launched water canons to disperse the demonstrators. The camera was returned to Hiru TV after a few hours but without the memory card containing the recording of the incidents.

**THREAT****September 27, 2016: Badulla**

Ranjith Karunaweera, a journalist with Hiru TV in Mahiyanganaya of Badulla District in Uva Province of central Sri Lanka, was threatened over a news story by a group of people when he arrived at the Hasalaka police station to give his statement in a case filed against him by local sand miners. The police summoned Karunaweera for a statement and upon his arrival a group of nearly two dozen sand miners used abusive language and threatened to kill him.

**MEDIA REGULATIONS****November 18, 2016: Colombo**

The secretary of the Ministry of Parliamentary Reforms and Mass Media accused the Ada Derana TV channel of falsification of a speech by President Maithripala Sirisena in a news bulletin and demanded an explanation before further action. Earlier, on October 25, the official had written to the channel informing them that an inquiry was being conducted into this matter.

**November 25, 2016: Gampaha**

Gampaha Magistrate ordered the CID to issue an international arrest warrant against Sandaruwan Senadheera, editor of Lankaenews, for the allegation of the contempt of court. Senadheera was threatened on several occasions under the previous Rajapakse regime and left the country as a result.

**REMOVAL****February 28, 2017: Colombo**

Editor of *Irudina* newspaper, Wimalanath Weeraratne was removed from his position by the management without prior notice. The management had expressed its discontent over some articles that criticised the government.

# JAILED FOR JOURNALISM

The IFJ has documented seven cases of journalists in jail in 2016-17 in South Asia. Bangladesh leads the way with the jailing of four journalists - two of whom were released on bail in 2016; two - one sentenced by court and another under-trial- remain in jail. In Pakistan, two journalists are in jail. In India, Santosh Yadav was detained in 2015 and was in jail until March 9, 2017 when a court ordered his release on bail. Many of the cases against journalists are fabricated and are meant to punish them for their work.

**Name:** Salah Uddin Shoaib Choudhury

**Detained:** November 29, 2003

**Job:** Editor, *Weekly Blitz*

**Location:** Dhaka, Bangladesh

**Incident/Accusation:** sedition, treason, and blasphemy

**Sentence:** 7 years' jail (January 9, 2014)

**Status:** Jailed

**Name:** Abdus Salam

**Detained:** January 6, 2015

**Job:** Owner, Ekushey TV

**Location:** Dhaka, Bangladesh

**Incident/Accusation:** sedition

**Sentence:** case ongoing

**Status:** under-trial

**Name:** Mahmudur Rahman

**Detained:** April 11, 2013

**Job:** Editor, *Daily Amar Desh*

**Location:** Dhaka, Bangladesh

**Incident/Accusation:** more than 70 charges, including attempt to murder and inciting religious tension

**Sentence:** Cases ongoing; 3 years for corruption

**Status:** Released on bail on November 23, 2016

**Name:** Shafik Rehman

**Detained:** April 16, 2016

**Job:** Editor, *Mouchake Dhil*

**Location:** Dhaka, Bangladesh

**Incident/Accusation:** sedition (attempt to murder)

**Sentence:** Case ongoing

**Status:** Released on bail on August 31, 2016

**Name:** Santosh Yadav

**Detained:** September 29, 2015

**Job:** Freelance journalist

**Location:** Bastar, Chhattisgarh, India

**Incident/Accusation:** unlawful activity

**Sentence:** Case ongoing

**Status:** Released on bail on March 9, 2017

**Name:** Akhlaq Jokhio

**Detained:** January 9, 2017

**Job:** Reporter, *Saaththi Awaz*

**Location:** Nushero Feroze, Sindh

**Incident/Accusation:** Pakistan

**Sentence:** 5 years' jail

**Status:** Jailed

**Name:** Qurban Gadehi

**Detained:** January 9, 2017

**Job:** Reporter, *Saaththi Awaz*

**Location:** Nushero Feroze, Sindh

**Incident/Accusation:** Pakistan

**Sentence:** 5 years' jail

**Status:** Jailed





Visit <http://www.ifj.org/regions/asia-pacific/> for more information.

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. IFJ Asia-Pacific coordinates IFJ activities in the Asia-Pacific region. The IFJ works closely with the United Nations, particularly UNESCO, the United Nations OHCHR, WIPO and the ILO, the International Committee of the Red Cross, the European Union, the Council for Europe and with a range of international trade union and freedom of expression organisations. The IFJ mandate covers both professional and industrial interests of journalists.