

Pressing Times:

Media Under Fire in South Asia

IFJ Press Freedom Report for South Asia 2002-3



**INTERNATIONAL FEDERATION
OF JOURNALISTS**

**Prepared for the IFJ Journalism for Tolerance
Prize Giving Ceremony and Forum and
World Press Freedom Day, New Delhi, 2 May 2003**

Generously supported by the European Commission

Table of contents

3	FOREWORD
4	OVERVIEW
6	A RISKY BUT NOBLE PROFESSION: JOURNALISM IN BANGLADESH
10	HARD PRESSED: CHALLENGES TO JOURNALISM IN INDIA
14	MEDIA EMERGENCY: NEPAL'S DARKEST HOUR
16	GRACE UNDER PRESSURE: STATE OF PRESS FREEDOMS IN PAKISTAN
19	PEACE AND THE CHALLENGE FOR INDEPENDENT JOURNALISM IN SRI LANKA
SPECIFIC CASES OF VIOLATION OF PRESS FREEDOM	
23	INDIA
30	PAKISTAN
36	SRI LANKA

Foreword

By Jacqueline Park

Increasingly in South Asia we see groups taking their frustrations over a free press out on journalists – governments, insurgents, terrorists, corrupt officials, criminals, gangsters and fundamentalists of all religions.

And despite a widening democracy – and at least lip service in all – governments are seizing the opportunity of the war on terrorism to crack down on press freedom.

Concerned about the increasing intolerance toward independent journalism and rising violence against journalists, an unprecedented coalition of journalists' unions and press freedom organisations, meeting under the umbrella of the International Federation of Journalists (IFJ) in Nepal in September 2002, agreed to stand in solidarity and work together to rebuild public respect for the work of journalists and for an independent pluralist media.

This solidarity is based on a shared understanding of the importance of the craft of journalism, a commitment to good will, and on the most basic level, an understanding that journalists need to support each other to do their job in safety.

The rights of journalists underpin a democratic society. They include the right to operate in a democratic legal framework with access to information, protection of sources, freedom to report professionally and to practice journalism in a safe environment.

Solidarity is also based on an understanding that journalists' unions and press freedom organisations work together for these common interests and are crucial allies in this shared concern.

An ambitious plan of action was agreed in Nepal that provides a framework for parties to work together for improved safety of journalists and on joint campaigns in support of a diverse and democratic media culture in South Asia.

One solidarity action is the publication of this report, to both record and spotlight the cases of violence against journalists and press freedom violations, and to remember our brave colleagues that have paid too high a price for their work.

This report has been coordinated by the IFJ with the support of:

Indian Journalists' Union

All India Newspaper Employees Federation

Nepal Press Union

National Union of Journalists, Nepal

Federation of Nepalese Journalists

Center for Human Rights and Democratic Studies (CEHURDES), Nepal

Federation of Media Employees' Trade Unions, Sri Lanka

Free Media Movement, Sri Lanka

Pakistan Federal Union of Journalists

Green Press, Pakistan

Bangladesh Journalists Rights Forum

Jacqueline Park is the director of the IFJ's Asia Pacific Regional Office.

The IFJ is the global organisation of journalists, representing more than a half a million journalists organised in independent organisations in 106 countries. www.ifj.org

Overview

In January, the killing of *Wall Street Journal* reporter Daniel Pearl set the tone for the year. Pearl, who was investigating the heartless world of Al-Qaeda and international terrorism, was kidnapped and mercilessly used by his captors in Pakistan who videotaped his killing in an unprecedented display of brutality.

Another shocking case was that of Ram Chander Chaterpatti, editor of a local newspaper in the north Indian state of Haryana who was shot four times outside his home in Sirsa in October. Chaterpatti was reportedly targeted by a religious sect, Dera Sacha Sauda, for his reports on the sect's illegal activities.

Ruthless criminality and political indifference often mean that little can be done to stop determined killers. But governments must be challenged. They must respect democratic rights, investigate and follow up every attack and be held accountable when there is official complacency, negligence or, as in some cases, official complicity in attacks on media.

But if truth is the first casualty of war, then journalists themselves are often the first to suffer in periods of civil or political unrest. Across South Asia during the past year, a variety of conflicts continue to put not only journalists' physical safety, but also their ability to tell the truth with impunity, at risk.

Encouragingly, in the case of Pakistan at least, this has spawned a positive development. In March, Pakistan -- which became an active participant in the US-led campaign against Islamic terrorism in the region -- opened up, for the first time, the workings of its secretive Inter-Services Intelligence for the scrutiny of domestic and foreign journalists. This was prompted by a need to be seen to be actively participating in the campaign against Al-Qaeda cells in the region.

Elsewhere, however, conflict has brought with it the draconian use of overly restrictive laws governing what journalists can tell the public.

In countries such as Sri Lanka, where there has been real progress towards a lasting settlement between the warring ethnic groups, press freedom remains a critical issue. Part of this is the responsibility of journalists themselves who become caught up in the conflict and take sides rather than reporting from the sidelines. But, depressingly, individuals and organisations continue to receive threats and, on several occasions, actual physical harm, from participants in the armed struggle.

Bangladesh is a land of violence for journalists: two were killed in 2002 and many more were attacked and threatened. Although media are plentiful and relatively free, the level of violence and threats in Bangladesh is such that journalists investigating issues like corruption, organised crime, and political and religious violence, take enormous risks.

In India, heavy-handed government use of the Prevention of Terrorism Act and even the archaic Official Secrets Act has resulted in journalists being jailed and others being intimidated.

Nepalese journalists have been under intense pressure in the last year. Nepal, fighting Maoist insurgency, declared a state of emergency in November 2001 which lasted until August last year and saw more than 140 journalists detained. Two journalists have been killed; the well being of another is unknown since his kidnapping by the Maoist group six weeks ago. The dissolution of parliament and an interim government appointed by King Gyanendra has seen a further crackdown on journalists.

In many cases, governments have made use of a restrictive legal framework in order to coerce the media into toeing their line. In addition to liberal use of its Prevention of Terrorism and Official Secrets Acts, the Indian government has made extensive use of its defamation laws. And in the case of *tehelka.com* the government, stung by an expose on the renowned

internet journal's site, suggesting graft on the part of high government officials, pulled out just about every legal avenue open in order to harass the website virtually out of existence.

National security was cited as the reason for withdrawing Internet services as well as STD and ISD dialling from Jammu and Kashmir, a move which has also severely curtailed the ability of journalists to function properly.

In Pakistan, a set of new media laws announced by the military regime of Pervez Musharraf after the elections in October 2002 makes defamation a criminal offence, punishable by imprisonment and fines of up to Rs 50,000, many times the average journalist's monthly salary. The legislation also paved the way for the creation of a new Press Council with the power to ban publications.

The Sri Lankan government continues to wield the Prevention of Terrorism Act in restraint of fair and open reporting, however there are signs that the legal framework under which the media operates is gradually liberalising. If the ceasefire between the warring parties endures it may bode well for press freedom in the troubled country.

Reforms to Sri Lanka's Penal Code in June 2002 saw the abolition of the statutes relating to criminal defamation, which will henceforth be treated as a civil matter. More difficult, according to journalists in Sri Lanka, is the lack of ethnic diversity within newsrooms which has meant that self-censorship on either side of the political divide remains a major problem.

In many developing countries across the region the lack of a strong private sector advertising market has made dissent hard to sustain. Journalists in Bangladesh, for example, report that government advertising, which at present makes up the vast bulk of advertising revenue in the developing market, is withheld from those publications which publish criticisms of the government.

However there are positive signs of the development of a flourishing private sector advertising market, according to the latest World Bank report.

Positive, too, has been the development of strong independent media outlets in most parts of the region. It goes without saying that India, with its hundreds of newspapers, has a long tradition of press independence, but there, too, with the granting of the first independent FM radio licence to break the monopoly of the state-run All India Radio, the creation of independent voices is a welcome sign of diversity. Similarly in Pakistan the government issued 22 FM radio licenses last year -- although no new stations have thus far been given permission to start operating.

Clearly, though, there is a long way to go to achieve the conditions necessary for democratic and pluralistic media across the region. And this is only likely to flourish through the collective actions of journalists through strong, independent media associations that demand respect for independent journalism and give journalists a voice in negotiating proper training for journalists, a fairer legal environment and acceptable working conditions. Instances of harassment, intimidation -- and worse -- against journalists can no longer go improperly investigated as they so often have in the past.

Nevertheless, the year ends on an optimistic note. The IFJ and the International Press Institute, supported by an unprecedented coalition of 80 media organisations, unions, press freedom groups and international organisations, has created the International Institute for News Safety. This Institute, launched on May 2, 2003 will support new measures to improve journalists' safety. As the figures in this report show, it is needed more than ever. We may not be able to stop all the killings, but we can put safety of journalism where it belongs -- at the top of the media and governmental agenda.

=====

A Risky But Noble Profession: Journalism In Bangladesh

Bangladesh is a land of violence for journalists: two were killed in 2002 and many more were attacked and threatened. Although media are plentiful and relatively free, the level of violence and threats in Bangladesh is such that journalists investigating issues like corruption, organised crime, and political and religious violence, take enormous risks.

Intolerance, political animosity and arbitrary violence are commonplace. In Bangladesh, groups of activists, gangs of thugs, corrupt police officers and armed underground movements do not hesitate to attack journalists who disturb them. The dubious relationships among these different enemies of press freedom make it even more difficult for journalists to work and the impunity of those who attack the press encourages this violence.

The experiences of the past year suggest that the practice of journalism can be a risky proposition in Bangladesh. Two confirmed deaths, 43 arrests and numerous lawsuits launched against individual journalists illustrate the risks involved when a reporter, editor or broadcaster airs facts or opinions that provoke the ire of criminals, terrorists -- or politicians.

The risks are on the increase, but despite this it appears that more and more well-qualified and competent youth are joining the profession, with the conviction that journalism is a noble profession fulfilling a much-needed role in society. Simultaneously, big companies and industrialists in the country are investing large capital in the new technology required to publish a standard newspaper. Within the last four years the print media has been enormously upgraded with the needs of the readers in mind. Electronic media of the country are also on the upswing. Besides the government owned television, three private televisions are on air. Of these, Ekushey Television (ETV) was closed down last year by an order of the highest court of the country.

After the general election in October 2001 the new government terminated the services of 54 journalists of the state-owned news agency Bangladesh Sangbad Sangtha (BSS) and 300 other journalists lost their jobs in different newspapers in Dhaka. According to various sources, there are 7500 journalists working in different newspapers and news agencies in Bangladesh. Among the 2500 professional full-time journalists, there are 25 journalists' organisations in Dhaka. The Bangladesh Journalists Rights Forum (BJRF) is a national organisation for journalists in the country attempting to organise journalists in 64 Districts.

Working conditions of journalists also impinge on press freedom. Although the Fifth Wage Board Award has been effective since October 1997, most press lords including the state-owned news agency have not implemented it. Even the Newspaper Employees (Condition and Services) Act, 1974 is flouted. While journalists work without wages in extremely adverse conditions, division in the journalists' unions has weakened the struggle against high handedness by the government.

Advertisement policies are another way of making newspapers toe the line. Newspapers which publish news about corruption or misdeeds of the government find themselves without advertisements, thus making it difficult to continue publication. In contrast, a pro-government newspaper, irrespective of its circulation, can be sure of generous support. In its latest report on good governance in Bangladesh, the World Bank observed, "The press's effectiveness as agents of accountability towards ensuring good governance in the country is constrained by a number of serious weaknesses."

The Bank identified the weaknesses as: heavy dependence on public sector advertising, the weak rule of law, bribing of journalists, limited access to official information and poor training of journalists in investigative reporting. The World Bank suggested that improving the quality of journalism is essential to strengthen the role of the press as an agent of accountability.

The Bank also comments that two positive trends are at work in Bangladesh. They include the emergence of businessmen sufficiently endowed to be able to bankroll newspapers and a steady growth in private sector advertising as a share of total advertising. The development strategy that calls for a withdrawal of government from business activities also serves to progressively limit this abuse, says the Bank. While describing other weaknesses, the report said that in an environment marked by the weak rule of law, individual journalists and editors are easily bribed, or threatened by politicians who control and may be willing to use thugs to further their ends. Strengthening the rule of law will help strengthen the role of the press.

Following are some specific cases of violation of press freedom:

Journalists Killed and Attacked

According to newspapers and journalists organisations, two journalists in Bangladesh were killed in 2002.

- Harun Rashed, 44, with the regional daily *Purbanchal* was killed on March 2, 2002 in the southwestern district Khulna.
- Shukur Hossain, 40, with the regional daily *Anirbun* was killed on July 5, 2002 in the same district.

A total of 68 journalists were injured, some grievously, by terrorist attacks in the different parts of the country. 129 were issued death threats by the terrorists and anti-social elements.

Arrested

A total of 43 journalists, including two foreign journalists were arrested in 2002. Many of them were allegedly tortured while in custody. Cases were lodged against 75 journalists. Among the arrested journalists were: Shahriar Kabir, Muntasir Mamun, Enamul Haque Chowdhry, Salim Samad, Barnun Bhowmik Nayan and Abu Jaman Khokan. They are now released on bail.

On October 23, Moniruzzaman Monir, correspondent of the *Daily Jugantor* in the south town of Nalchity, was arrested after the brother of fundamentalist Jamaat-e-Islami party leader Abu Bakr Siddique filed a complaint alleging violence and extortion. The paper had printed an article by Monir about corruption by the group's local leader.

On October 27, two television journalists, Mujib Masud and Mamoon Abdullah, who work for a new program called "Roving Eye" broadcast by the privately owned station Channel-1, were attacked and detained by officials at the education ministry building.

On October 30, three journalists were arrested in the southern town of Agailjhara Saiful Islam of Dainik Jugantor, Omar Ali Sani of Dainik Ittefaq and Babu of the local daily *Dainik Gono Jagaron*. They were charged with extortion but their arrest is thought to have been linked with recent articles in the national press about illegal tree felling.

On November 25, two European journalists with UK based television station Channel 4 were arrested. Reporter Zaiba Malik and cameraman Bruno Sorrentino along with their interpreter Priscilla Raj and driver Mujib were about to cross the eastern border into India, close to Benapole. Also on November 25, free-lance journalist Saleem Samad was arrested for helping a British television documentary team prepare a report on Bangladesh. Bangladeshi authorities accused Saleem Samad, Priscilla Raj, Zaiba Malik and Bruno Sorrentino of sedition involving "clandestine activities as journalists with an apparent and malicious intent of portraying Bangladesh as an Islamic fanatical country." Following an international outcry, Malik and Sorrentino were released on December 11 and deported a few hours later. The two Bangladeshi journalists working with them Saleem Samad and interpreter Priscilla Raj were not released. Priscilla Raj was released on bail on December 22 and Saleem Samad on December 26.

On December 8, two local journalists and human rights activists, Muntasir Mamun columnist

and academic and Shahriar Kabir journalist and human rights activist, were arrested, apparently on suspicion of having connections with the British Channel 4 journalists. Kabir had a heart attack during his interrogation at a police station during the night of December 10-11, but his doctor and family were not allowed to see him. Both men were sent to Dhaka Prison on December 11. Their arrest could be linked to the police investigation of the Channel 4 journalists. Kabir was previously jailed for more than two months at the end of 2001 for investigating violence against Hindus, a minority community in the country. He was released on bail but still faces "sedition" charges.

On December 13, Enamul Huque Chowdhury, 45, senior correspondent with government news agency BSS and a stringer for the British news agency Reuters, was arrested for writing that bomb attacks on cinemas in the northern town of Mymensingh on December 7 may have been the work of Al-Qaeda terrorists. He faces two years in prison. The report quoted interior minister Altaf Hossein Chowdhury, but the minister later denied the statement. Reuters withdrew the report, saying it could not guarantee its accuracy. Chowdhury was arrested during a police raid after two days in hiding.

Mass Media and Laws

According to the Ministry of Information, there are 2175 newspapers and periodicals, including 306 national and regional dailies being published in the country. Additionally, there are news agencies including BSS a state-owned national news agency and the privately owned United News of Bangladesh (UNB). There are also some news agencies in the private sector. It may be mentioned that there are no newspapers either dailies or weeklies in the public sector. At present, Bangladesh also has a state-owned television and two satellite television stations in the private sector.

The media in Bangladesh face restrictive laws, some dating back to 1876, which restrain freedom of expression. These laws cover private media, news agencies, radio, television, theatre, audio-video materials, VCR rental and video copying, cinema, advertising, and telecommunication. Article 39 of the Constitution of Bangladesh guarantees freedom of expression, but does not contain an absolute guarantee. Article 39 itself contains a restriction: *"Freedom of expression is guaranteed subject to any reasonable restriction imposed by the laws of the national security, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court and defamation"*.

The heads of government have mouthed sentiments promoting freedom of the press, but Bangladesh has not signed and ratified the International Convention on Civil and Political Rights, which guarantees freedom of expression. The media must confront challenges of censorship in many ways, particularly since the people of Bangladesh look towards the media to play a vital and responsible role in institutionalising democracy. The government already has an imposing legal arsenal that it uses to justify the arrest of journalists and the Parliament may adopt an ever more stringent new law: a private member's Bill, now called the Special Privileges and Powers Act, 2002. The Bill met with a vigorous protest from all sections of the press, highlighting the fact that this legislation is contrary to the Constitution, which guarantees press freedom.

Journalists investigating cases of corruption face immense obstacles while on the job. The Official Secrets Act, 1980 gives government representatives the right to prevent access to official information, thus blocking access to vital information from government sources. Journalists have been constantly complaining that the police are discriminatory while applying this law. During the past few years journalists' organisations including the National Federation have deplored the enactment of a dozen laws aimed at harassing or silencing members of the press.

Newspaper License Cancelled

The Deputy Commissioner of Natore district in northern Bangladesh cancelled the license of *Dainik Uttarbanga Barta*, the only daily newspaper in the district. In an official order issued on July 4, 2002, District Magistrate Sadar Uddin Ahmed said the daily's license was cancelled

because the names of the country's president and prime minister had been incorrectly printed and because the newspaper was not regularly distributed to the Deputy Commissioner's Office. The editor replied to the notices, but the deputy commissioner's order said the answers were not satisfactory. The license was cancelled under section 20(D) of the Printing and Publications [Declaration and Registration] Ordinance (PPO) of 1973.

Journalists' unity

Where there has been unity among journalists in Bangladesh there has been some success in defending and promoting their rights. The Bangladesh Journalists Rights Forum (BJRF) has been taking this message to journalists throughout the country through seminars and workshops in 64 districts and a national forum in October last year where speakers addressed the issue of risks to journalists. They urged the government to formulate a Special Protection Act to ensure professional rights and safety for journalists. They also stressed the need for greater coordination in the journalist community, particularly between different organisations.

Contributions to this report from:
Bangladesh Journalists Rights Forum- BJRF
bjrfd21@yahoo.com
www.bjrf.net

Hard Pressed: Challenges To Journalism In India

India is one of the leading countries in terms of a pluralist press with over 40,000 publications, including dailies and periodicals, and dozens of private TV channels and growing number of FM radio stations. Journalists in this country, however, face several problems because of the prevailing political and social conditions, particularly the separatist and armed struggles going on in some parts of the country, attitude of the employers and apathy of the government.

Freedom of the press is guaranteed by Article 19 of the Constitution of India, which articulates the right to freedom of speech and expression. While press freedom has been much flaunted in India, the proviso to Article 19 – where ‘reasonable’ restrictions can be imposed in the interests of ‘the sovereignty and integrity of India’, the security of the state, friendly relations with foreign states or public order— was more in evidence in 2002, a year of intense social and political upheaval.

Media Under Attack

Media persons were subjected to attack from several quarters. Besides victimisation by the employers and harassment by the government, journalists are also facing the wrath of the mafia. Numerous journalists in the past have lost their lives for exposures of the mafia.

This trend continues. The four journalists who lost their lives between January 2002 and April 2003, were killed not by the government but by members of armed groups – Parvaz Mohammad Sultan in Kashmir and Yambem Meghajit Singh in Manipur. According to the All Manipur Working Journalists Union "there is arm twisting" both from the separatist groups and the security forces.

Paritosh Pandey, a crime reporter with *Jansatta*, Lucknow, and Ram Chander Chatterpatti editor of *Poora Sach*, in Sirsa, Haryana, were both shot dead by criminal gangs who were threatened by the exposure of their illegal activities.

Other journalists in Srinagar who narrowly escaped grenade attacks and shooting were Ehsan Fazili, Rashid Shahid, Zafar Iqbal and Ghulam Mohammad Sofi. Mohaniraj Lahade, a reporter for Marathi daily *Loksatta*, was kidnapped and beaten up by a local right-wing MLA and his accomplices for a report that was unfavourable to him. Political groups in Tamil Nadu too expressed their ire on newspapers in violent ways: the office of Tamil daily *Dinamalar* was ransacked, and five employees injured.

Strong-arm tactics by the government were not totally absent, however. The communal violence in Gujarat spawned its own share of violence on the press. The police assault on Sudhir Vyas, reporter with the *Times of India*, who was covering rioting in Rajkot, or the police assault on Sonal Kellog, reporter with the *Asian Age* who was attempting to interview women in Surat who had complained of police mistreatment, although condemned by journalists' associations, prompted no action against the police concerned. However, the massive lathi charge of newsmen in Sabarmati Ashram in April, which led to many newsmen being severely injured, was followed by an outcry, which led to the appointment of a one-man judicial inquiry into the incident. In the turbulent Kashmir Valley, Muzamil Jaleel, bureau chief of the *Indian Express* was manhandled by policemen escorting the Superintendent of Police. Miscreants in Raipur also attacked employees of Hindi daily *Jansatta* to protest against their 'anti-government news'.

The provision of insurance coverage by unions, for instance the Indian Journalists Union, is a recognition of the adverse conditions under which journalists operate. There has also been a demand that managements set up a Welfare Fund and insurance scheme for journalists posted in conflict areas such as the North East and Kashmir.

Muzzling the Press Through Laws

While the Emergency is generally considered to be one of the darkest times for the media, the use of legislation to curb freedom of speech and the right to dissent in recent years has demonstrated that open coercion is not the only means to bring journalists to heel. The use of the archaic Official Secrets Act, a relic of colonial times, to detain Iftikhar Geelani, Bureau Chief of the *Kashmir Times*, slapping of Prevention of Terrorism Act (POTA) on RR Gopal, editor of Tamil bi-weekly *Nakkeeran*, and imprisonment of Anil Nambiar, Thiruvananthapuram bureau chief of Surya TV on charges of forgery and defamation, highlight the vulnerability of journalists to draconian legal measures. Other forms of harassment that include defamation suits and income tax raids, for instance against Tarun Tejpal of *tehelka.com*, or investigation into the passport of Alex Perry, bureau chief of *Time*, or the token one-day imprisonment of Nikhil Wagle, editor of *Mahanagar*, for a critical editorial written in 1998, go to show that muzzling of the press takes different forms.

The beginning of 2002 saw 'national security' dictating the curtailment of telecom services in Jammu and Kashmir. In accordance with recommendations of the Cabinet Committee on Security, the Bharat Sanchar Nigam Limited withdrew Internet services, STD and ISD facilities from Jammu and Kashmir on January 1, 2002, after the attack on the Parliament on December 13 and the mounting tension along the Indo-Pak border. Although the ban supposedly covered only public call offices and cyber cafes and not offices and homes, journalists were affected by the overall jamming of communication. STD and ISD facilities were restored only in mid-May, while Internet facilities were restored on June 1, 2002.

Journalists opposed a cabinet bill on communication introduced in July that would empower an autonomous commission to "intercept and monitor" press messages, data, or information intended for publication. The tail end of 2002 saw the passage of the Freedom of Information Act, but not before the Supreme Court had given a nudge to the Bill, which had been languishing in a Select Committee of Parliament. While this piece of legislation --albeit weak--undoubtedly strengthens the media in its watchdog capacity, other developments threaten to curtail these rights.

In March 2002, the Indian media led by the Editors Guild of India strongly opposed the draconian provisions of the POTA which put severe restrictions on media. This provision would have enabled the police to demand notes and sources for any story on terrorism and would have made it mandatory for journalists to inform the police about any information gained from suspected terrorist organisations. While the government dropped these provisions from the final bill, journalists still fall within the ambit of the section in POTA casting an obligation to furnish information in possession which the investigating officer believes to be useful for or relevant for offences under the Act. Failure to furnish such information has been made punishable with three years imprisonment, a fine or with both. The arrest of RR Gopal, editor of Tamil bi-weekly under POTA on April 11, 2003, is the first time a journalist has been charged in India under the controversial law.

The contempt of court law came sharply into focus with the Karnataka High Court issuing contempt proceedings against almost all the major newspapers for reporting with regard to the conduct of three high court judges. The contempt law as of now is totally antithetical to freedom of the press. The complex task of ascertaining the truth and establishing it in a court of law apart, today even truth is not a defence under the contempt law. Again, if a member of the judiciary feels that a scurrilous attack has been made by a journalist, the proper remedy for the judge is to file a case of defamation against the concerned persons. In a democracy, contempt powers have been conferred on the courts as a protection to the people not as a muzzle for the press. In addition the contempt law violates one of the basic tenets of natural justice of "being a judge in ones' own cause" as the judge combines the role of a prosecutor as well as a judge. The recent move to amend the contempt law to make truth a defence is a step in the right direction.

Proliferation of the Media Industry

Today about 40,000 newspapers and magazines are published in more than 100 languages

and dialects. The circulation of some dailies touches nearly 1 million. More and more editions of newspapers are being published from district and small towns. While profits are soaring, the working and living conditions of journalists, the backbone of the industry, do not reflect this prosperity. India's first private FM radio station was launched in July 2002, breaking the monopoly of the state-owned All India Radio. Several independent television channels have sprung up, with 24-hour news channels, attempting to cater to various sections of viewership. With the sea change in media technology, the proliferation of electronic media and Internet, several new challenges have emerged. Unions have been demanding the setting up of an independent Media Commission to oversee these issues.

Working Conditions of Journalists and Freedom of the Press

The Wage Boards, under the Working Journalists Act 1955, set up to ensure decent working conditions for journalists, have not been implemented on a uniform basis. Right from the Palekar, Bachawat and the most recent Manisana Award notified in December 2000, the newspaper establishment has attempted to bypass implementation. On close observation, one will find that journalist organisations, at least in the print media, achieved great successes in their struggles only where they have fought their battles together with other newspaper employees. The successive wage boards are one such example. Though still inadequate, the wages of the newspaper employees have increased phenomenally because of the joint fights of journalists and other newspaper workers in the industry. Unions have been demanding that non-implementation of Wage Boards be made a punishable offence, and stringent penalties be imposed on newspaper establishments that fail to implement the Awards. The demand to set up a permanent Wage Board, which would give a sense of security to journalists, would also go a long way in upholding the independence of the press.

Strengthening the Press Council of India by giving it powers to implement its orders and impose penalties, is a long standing unfulfilled demand that would enhance press freedom in the country. Simultaneously, unions have been protesting the attempt in February 2002 to subvert, control and interfere with the working of democratic professional institutions like the Media Accreditation Committee by packing it with a disproportionate number of government nominees. Support of the workers has helped the journalists even in their struggles on professional issues. The Defamation Bill of 1988 and such other anti-press Bills were withdrawn because the press workers came on the streets along them in large numbers.

The move to introduce Foreign Direct Investment (FDI) in the print media has been opposed by journalists' associations. While it has been promoted as providing increased job opportunities and higher wages, most associations have condemned the move, calling it a "sell-out" to foreign investors and multi national corporations. The apprehension that the autonomy and diversity of the Indian press – both English language and regional -- will be compromised is a real concern, when we look at the monopolistic press in the US. The cabinet under Nehru had been against FDI in print media – a stand endorsed by subsequent governments from Indira Gandhi to Narasimha Rao. The argument that the ceiling of 26 % on foreign investment and the retention of editorial control in Indian hands has not convinced Indian unions. The prevailing corporate culture in the country has demonstrated that holders of even 7-10% equity can effectively control companies. Coupled with pliant editors who will serve their interests, the corporate take-over of the press will be complete.

Increased contract system, lack of statutory benefits, hire-and-fire policies and strictures against unionisation have already become a reality in many major newspaper houses. The pressure to retain jobs, to adhere to the management line and tailor news reports and editorials is a serious concern that the Press Council too noted as a threat to freedom of the press. Co-option and corruption among journalists, while a cause for serious introspection, cannot be seen in isolation from the job insecurity in the profession. While organised resistance to these trends is not very strong, the recent Labour Commission which recommended, among other things, amendment of labour laws in favour of employers, discontinuation of wage boards in any industry for fixing wage rates and doing away with the mandatory permission for laying off employees, provides an opportunity to forge unity among the press workers and journalists.

The merging of 'news' and 'advertising' and increasing tabloidisation has made a mockery of the very tenets of journalism. With many proprietors more interested in revenue, economic and social issues are slowly disappearing from the columns of newspapers. The selling of news space in the *Times of India*, one of the largest circulating English language dailies in the country is a reflection of the state of journalism today. To go beyond the considerations of the market and vested interests, and maintain a critical scepticism in the face of both gross and subtle curbing of press freedom, is the challenge to journalism in India today.

Report compiled by Laxmi Murthy with contributions from:

All India Newspaper Employees Federation (AINEF)
Indian Journalists Union (IJU)

Research Assistance: Ruhi Batra

Media Emergency: Nepal's Darkest Hour

The proclamation of a state of emergency, on November 26, 2001 following the breakdown of talks between authorities and Maoists, the government imposed censorship and began an unprecedented wave of arrests: at least one hundred media professionals were held.

Both the security forces and Maoists were involved in instances of violation of press freedoms and security: in a number of instances journalists have been arrested, harassed - even killed. And the perpetrators have yet to be brought to justice.

During the "state of emergency", which was finally lifted on August 29, 2002, the government effectively suspended all fundamental human rights except the basic provision of the "habeas corpus" in accordance with the Constitution of the Kingdom of Nepal, 1990.

Journalists found it impossible to present impartial news reports from the affected areas as both security forces and Maoist rebels put obstacles in the way of freedom of movement and reporting. State-owned media was encouraged to present events with a pro-government slant through Radio Nepal and Nepal Television as well as the state-owned newspapers, *The Rising Nepal* and *Gorakhapatra*. As part of the state of emergency any news items about the security operation had to be given permission from either the Royal Nepal Army, the Ministry of Defence or the Ministry of Home Affairs.

After Parliament was dissolved in June 2002, the security forces effectively held the reins of power. Nepal's Supreme Court refused a petition seeking to restore parliament, signalling fresh elections on November 13, 2002. In the interim, severe crackdowns by security forces saw thousands arrested including dozens of journalists (details are attached below).

On October 4, 2002, King Gyanendra assumed all executive powers by sacking caretaker Prime Minister Sher Bahadur Deuba and postponed the November 2002 elections for an indefinite period. On October 11, 2002, the King appointed an interim government under monarchist Prime Minister Lokendra Bahadur Chand, granting him limited powers. On January 29, 2003, the government and Maoist rebels declared a ceasefire for the second time. The first had broken in November 2001 after three rounds of talks.

After the declaration of the cease-fire, many pro-Maoist journalists were released as part of the peace process -- but some remain in detention and have yet to face charges.

Since February 1996, CPN-Maoist rebels have been fighting to establish a "people's republic" and abolish Nepal's constitutional monarchy. More than 7,000 people have died in the conflict. Nearly half of the victims were killed after the state of emergency declaration.

During the state of emergency which existed from November 2001, more than 150 journalists were arrested in different parts of the country. Most of them were arrested under the recently introduced Terrorist and Disruptive Activities (Control and Punishment) Act, 2002. The act was enforced to control rebel activities when the government declared CPN (Maoists) rebels as terrorist. Some journalists have reportedly been physically and psychologically tortured. Several detained journalists were kept at secret locations for several days while being questioned without actually facing official charges.

There have been three confirmed deaths of journalists in the past year.

The editor of Maoist daily newspaper *Janadisha*, Krishna Sen, was arrested in Kathmandu in May 2002 and allegedly killed in June after being held for a month at an undisclosed detention centre. After pressure from national and international press freedom groups, a commission of inquiry was set up under the control of the Ministry of Home Affairs. However the Ministry had already denied Sen's arrest despite it already having been reported.

Sen had already been jailed for 22 months for publishing an interview with Maoist leader, Dr Baburam Bhattarai.

The Maoist rebels allegedly murdered the editor of *Kadam*, Nawaraj Sharma, in Kalikot district (western Nepal). He was abducted from his home on June 1, 2002 and his body, bearing marks of torture, was found on August 13.

Another journalist, Ambika Timsina, who was associated with the pro-Maoist newspapers *Janadesh* and *Mahima* weeklies was found dead near the village of Pathari in Morang district (eastern Nepal) on December 12, 2002, after having been abducted by suspected Maoist rebels on the previous day. It is thought he may have been suspected of working for the security forces against the rebels.

There are many cases of journalists being detained, but subsequently released when habeas corpus cases were filed.

Many more were arrested but as a result of campaigning by CEHURDES and the Federation of Nepalese Journalists (FNJ), the government was compelled to release several of the journalists after the declaration of the cease-fire. However, some journalists, including Chitra Chaudhari, are under detention in military barracks in the western part of Nepal.

Typically, arrested journalists are taken to an undisclosed detention centre where, it is alleged, physical and psychological coercion takes place aimed at inducing the arrested journalist to admit to links with Maoist rebels. Bijaya Raj Acharya of Srijanshil Publishing house was detained by the police on January 19, 2002 and was taken to a military camp soon after his arrest. His hands and feet were tied and repeatedly tortured with electric shocks during a two-day interrogation. He was arrested for his suspected connections with Janadesh weekly and his close links with the Maoists rebels. He was released on March 19, 2002. No formal charges were filed against him.

As a result of arbitrary detention, more than 20 journalists and rights activists have filed complaints against the government at the district court of Kathmandu, Morang and Sunsari. The hearings are still continuing.

In sum, the situation for journalists has not changed a great deal. But there are signs, since the signing of the ceasefire that both sides are relaxing their attitudes towards the freedom of the press.

Report compiled with contributions from:

Centre for Human Rights and Democratic Studies (CEHURDES).
 For full report please contact CEHURDES. Tel: +977 1 4-475283 * Fax:+977 1 4-466599
 E-mail: cehurdes@enet.com.np, cehurdes@yahoo.com
 Internet: www.cehurdes.org.np, www.ifex.org/members/cehurdes

For the Nepal Press Freedom Monitoring report contact the Federation of Nepalese Journalists (FNJ) at fnjnepal@mail.com.np

Grace Under Pressure: State Of Press Freedoms In Pakistan

Even at best of times, media freedoms in Pakistan have always been far less than desirable. Journalists in the country have to work within pressures, restrictive boundaries of semi-coercive laws and far-from perfect working conditions.

Despite this, the tenacity and pluck of Pakistani journalists in an atmosphere of political instability and in the face of unfriendly governments deserves appreciation. Even in non-conducive conditions, they have continuously managed to exercise courage and in general managed to stay true to their calling.

The year began at its worse in January with the killing of *Wall Street Journal* reporter Daniel Pearl. Pearl, who was investigating the heartless world of al-Qaeda and international terrorism, was kidnapped and mercilessly used by his captors in Pakistan who videotaped his killing in an unprecedented display of brutality.

The period under review in this report – May 3, 2002 to May 3, 2003 – proved to be no exception to the conditions the media in general and the press in particular in Pakistan has had to operate in over the years. If the chronicle of violations – separately included in this report – is anything to go by, it turned out to be an especially difficult and eventful year for the media in Pakistan.

For their work, one journalist was killed and several injured in separate incidents. While apparently the government was not involved in these violent incidents, in several instances the authorities were instrumental in wilful obstruction of the duties of journalists such as stopping them from reporting or recording or denying them entry to conferences or exhibitions despite carrying valid invitations. In most such cases, the journalists merely happened to be present to cover public events. In some cases, certain reports seemed to have annoyed intelligence agencies, inviting crude interventions.

That the violence against journalists and deliberate interference in their work this past year was spread over several parts of the country shows that being a journalist in Pakistan can be a dangerous, and sometimes even fatal, undertaking.

On October 20, 2002, Shahid Soomro, 26, the correspondent in Kandhkot for Hyderabad-based Sindhi daily *Kawish*, was shot dead resisting a kidnap attempt in front of his house allegedly in reprisal for his reporting on abuses committed during recent general elections held on October 10. Press reports claimed his reporting had angered the recently elected member of the provincial assembly from Kandhkot, Mehboob Bijarani, and that he had received death threats.

According to reports, two brothers of the MP, Waheed Bijarani and Muhammad Bijarani, and three accomplices, arrived at Soomro's house at midnight and called him. When Soomro came out, the assailants tried to kidnap him. They shot him with Kalashnikov and TT pistols when he resisted and then escaped in a car. Soomro was taken to hospital in critical condition but died before getting medical aid. Soomro had a reputation for courageous, independent reporting, and his publication, *Kawish*, is one of the most influential newspapers in Sindh. Put simply, Soomro was the victim of politicians angered by his reporting on their abuse of power.

Then there was the serious instance of harassment of Muzaffar Ejaz, the managing editor of Urdu-language Karachi daily *Jasarat*, who was, according to the journalist, picked up by Inter-Service Intelligence (ISI) officials on July 24, 2002 at 11pm as he left his office and threatened with reprisals.

He was interrogated and released five hours later. Ejaz said his abduction was the culmination of a week of harassment following the publication of a controversial story on July 16, 2002 about alleged intelligence involvement in politics that named names in a plan to unify the different factions of the Pakistan Muslim League in the run-up to forthcoming general

elections. Zarar Khan, the Associated Press correspondent in Karachi, also received threats for supporting Ejaz.

Another significant event this past year – a positive one this time – was when Pakistan’s most secretive intelligence agency, the Inter-Services Intelligence, sprang a surprise. In March 2003, ISI held two official briefings at its headquarters in Islamabad for journalists, one each for Pakistani and foreign scribes – the first time the secret agency openly feted the press corps. The unprecedented public relations exercise was focused on dispelling the impression that ISI was not cooperating with the government in its campaign against terrorism and in arresting Al-Qaeda fugitives wanted by the United States suspected of hiding in Pakistan.

Perhaps the most momentous development this past year, as far as journalism in Pakistan went, was the promulgation of a set of new press laws. Importantly, the laws, widely rejected by press representatives including owners, editors and working journalists, were issued not by the new elected, civilian government that emerged after the October 2002 elections but by the military regime led by President General Pervez Musharraf, who promulgated them barely days before elections.

The new press laws are troubling because, notwithstanding the government claims that they are reform measures, their bent is on limiting press freedom. The All Pakistan Newspaper Society, which represents the country’s publishers, went so far as branding the new laws as “illegitimate, unethical, and unconstitutional.”

The laws make defamation a criminal offence punishable with imprisonment and a fine of at least Rs 50,000 (about US\$400 – ten times the average salary of a journalist in Pakistan), and publishing without a government license punishable by imprisonment. Also mandated is the creation of a Press Council, chaired by a government appointee, with the power to ban publications and issue other punitive sanctions.

A reminder of the taste of things to come was when in November 2002 the government published a warning in the newspapers, banning the media against using or quoting from reports published by US-based online newspaper *South Asia Tribune* run by self-exiled Pakistani journalist Shaheen Sehbai. The government threatened journalists with the application of one of its new press laws dealing with defamation.

Sehbai left Pakistan after being threatened by the military government for being critical. Many of his webzine’s stories implicate the military authorities in corruption and human rights abuses that have been quoted by the press in Pakistan. While the Ministry of Information warning did not explicitly mention Sehbai or his webzine by name, it made reference to “a self-exiled Pakistani journalist” who is “fabricating reports intended to malign the government of Pakistan and its senior civil servants.”

Through the laws enacted in the dying days of the recent-most military regime in Pakistan, the authorities sought to paint the right to communicate as a new and independent right whereas it ought to be firmly established within the framework of existing rights, most importantly the right to freedom of expression.

A free media should be understood as the guarantor of pluralism and equality, a platform where no individual or community can be discriminated against and where everyone can have their stories and views heard. A platform of hard won democracy, even if mostly symbolic.

A free media in Pakistan is not possible if the current media-related laws – detailed analyses on which are included separately in this report – stay in place because they are a bar on the right to communicate. This right should be seen as an umbrella or framework term, encompassing within it a group of related rights including the right to access all information from public bodies that impinges on their lives; the right to pluralism within the media and to equitable access to the means of communication; the right to participate in public decision-making processes; the right to seek, receive and impart information and ideas and supporting rights.

While the press media scene remained bleak, the broadcast media realm brought some cheers despite the fact that the Ministry of Telecom and Information Technology went on an absurd spree to impose a telecom access-ban on over 1,000 pornographic websites amid protests by Internet service providers that the measure was slowing down Internet access.

The bright spot was the Pakistan Electronic Media Regulatory Authority, which in October 2002 granted 22 FM radio licenses in several cities across the country although none of the stations had received the formal permission to begin operations by May 2003. This hitch apart, Pakistan has done well in the period under review to set the ball rolling for what is expected to be nothing short of an electronic media revolution in the country.

When it comes to electronic media opportunities, Pakistan is poised for exciting times ahead. Too bad that can't be said for the print media, which has been burdened with new pressures and restrictions. Print journalists as well as broadcast journalists will have to continue navigating through troubled waters, tackling myriad threats from the government, militant groups, criminal gangs, political parties, and unfriendly intelligence agencies.

For Pakistani journalists, the more things change, the more they remain the same.

Report compiled with contributions from Adnan Rehmat, and Aslam Khan for Green Press and the Pakistan Federal Union of Journalists. For the complete Internews-Green Press report on press freedom in Pakistan contact Green Press: greenpress@hotmail.com

Peace And The Challenge For Independent Journalism In Sri Lanka

Background

The Ceasefire Agreement signed between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) in February 2002 made the year 2002 extremely critical in the modern history of Sri Lanka. After over 20 years of almost constant civil war and the consequent death and destruction as well as erosions of democratic freedom and human rights, there has been a breathing space, a time for considering options and for making a commitment to the long struggle for a sustainable peace. The long awaited political negotiations to end the protracted ethnic war began in October 2002 and continue, step by step.

In this context, the media in Sri Lanka also face the challenge of change. It not only needs to continue to work for the creation of democratic laws and practices that will enhance the freedom of expression and association in the country, but also needs to be freed from the shackles that have been placed on it, and that it has placed on itself through years of conflict and repression. The creation of a media culture of freedom that will not abandon its social responsibility is critical if the island is to move towards a more open and democratic future.

Overview of the media scene in 2002

In 2002, the state policy regarding the control of the state-owned media underwent partial attempts at professionalisation. There were changes in staffing, and at Lake House, the largest national newspaper in the island, which is completely owned and controlled by the state, there was also an attempt to place women in some middle-level decision-making positions. At the same time there were 'punishment transfers' dealt out to journalists who were considered to be supporters of the defeated People's Alliance.

Although at the start of its term in power the UNF government and the Media Minister seemed to want to preserve the 'independence' and 'objectivity' of the state-owned media, by the end of the year, the state owned media was slowly heading back to its 'traditional' role of being the propaganda unit of the governing political party.

The three major privately owned newspaper offices continued to function with not so many changes in policy. Several Sinhala weekly tabloid newspapers with more directly political agendas also began publishing during this year: among the more popular are *Lakmina*, *Lanka*, *Lakjana*, *Dinakara* and *Nijabima*. All these espouse the cause of various Sinhala opposition political parties.

The competition between the state-owned television and radio stations and the privately-owned audio-visual media became far more intense in 2002, with the state radio and television adopting changes in programming and in production techniques that have led to there being almost no difference now between the two. The privately owned radio and television stations have been expanding their transmission capacity. Nevertheless, state radio and television remain the electronic media that reach the largest number of consumers, especially in the far-flung areas of the island. In September 2002, after a lapse of 15 years, the state television station began a Tamil language channel with which it can reach the viewers in the north and east.

Broad basing or privatising state owned media has not been a main issue as far as the government is concerned. In spite of a range of public opinion that the state-owned electronic media should be transformed into genuinely independent public service broadcasting units, at the moment there is no public debate or campaign on this issue.

A Committee to work on policy formulation for all state-owned media was formed as directed by the Prime Minister in 2002. The Committee is headed by Edmund Ranasinghe, former

editor *Divayina*. But nothing has been heard by the public as to the activities or deliberations of this Committee since it was set up.

The work of the Telecommunication Regulatory Commission which serves as the sole authority to manage disbursement of radio frequencies, and therefore controls television, radio and digital microwave radio networking, has also come in for some criticism and calls for more democratic and transparent processes of decision-making. Several applications for the setting up of community radio stations have not yet received approval.

Following the signing of the Ceasefire Agreement between the Liberation Tigers of Tamil Eelam (LTTE) and the government of Sri Lanka, the north and east have opened up to the media from the south to a certain extent. In late 2002, controversy erupted over the permission and tax rebates granted to the LTTE to import fairly high-powered broadcasting and transmission equipment. The LTTE now operates a regular radio station from the Vanni (north-central province) and also publishes several newspapers and magazines including a Sinhala language monthly tabloid, titled *Dedunu* (Rainbow).

Journalists' organisations that work for the promotion of their profession have continued with their work through 2002, lobbying the government on a number of demands and also protesting harassment of media personnel whenever such incidents took place. The Free Media Movement, as well as the Editors' Guild, and the Publishers' Association have also maintained close links with international journalists and journalist bodies, as well as with organisations that defend the freedom of expression. There are a number of trade unions of media workers and the Federation of Media Employees Trade Union (FMETU), which unites all of them.

The Free Media Movement (FMM), a group of independent journalists and persons working in different fields in the media, is the most active lobbying and advocacy organisation in Sri Lanka.

Changes in media laws and policies

In Sri Lanka the Ministry for Media and Information governs matters relating to the media. In 1994, the previous government headed by President Chandrika Kumaratunga had established a number of Committees to look into matters relating to the media, such as:

- the broad basing of state-owned Lake House newspaper group;
- reform of laws relating to the media and to media freedom;
- establishing a media-training institute;
- improving conditions for media personnel;

The reports of all these Committees were handed over to the President by the end of 1996. However, implementation of the recommendations set out in these reports has been slow, and it is to the credit of the current government that some of the changes proposed have been put into place in 2002 and 2003. In addition, investigations into some cases of murder of journalists in the past years have also been re-opened.

In June 2002, Sections 479 to 482 of the Penal Code, which set out the law regarding Criminal Defamation, was unanimously abolished by Parliament. This law had enabled defamation to be treated as a criminal offence punishable by a prison sentence of up to two years. Following the abolition of this law, defamation is now a civil matter. An amendment to Section 15 of the Press Council Bill was also passed concurrently.

Amendments to the Parliamentary Privileges Act, the repealing of the Public Performance Act to be replaced by a Film Review Board, amendments to the national security act and the law to enable the establishment of a Media Council are all still pending. There is also the proposal to create a Press Complaints Commission to replace the present Press Council which has been in existence since 1973 but has focused its work primarily on Section 9 of the SLPC Law No. 5 which calls on it to adjudicate in complaints made against newspapers or

journalists. The prototype of the Press Complaints Commission as it now stands does not include electronic media.

Other recommendations made by the R.K.W. Goonesekera Committee on the Reform of Laws Affecting Media Freedom and Freedom of Expression in 1996, such as the repeal of Section 37 of SLBC Law of 1966, and of SLRC Act No. 6 of 1982 that also provide for state control of the media, and the recommendations of the Sidat Sri Nandalochana Committee on broad-basing the state-owned Associated Newspapers of Ceylon Ltd. (Lake House) have yet to be considered for implementation.

Changes beneficial for Media Personnel: Training and Ethical Guidelines

Progress was achieved in 2002, regarding the establishment of a National Media Training Institute. The Free Media Movement, The Editors' Guild and the Publishers' Association in collaboration with UNESCO, produced a blueprint for an independent training institute. The government is providing building space and has officially informed foreign donors that it supports the establishment of an independent training institute. It is expected to be in place before the end of this year. The Institute, registered as a non-profit company under the Companies act, will be managed by a nine-member board of directors nominated by the three organisations.

Media personnel face many challenges in trying to perform their jobs with competence and recognition. There are no accepted guidelines for editorial freedom, either in the state-owned media or privately owned media. Lack of professional training makes the media community weak in their bargaining power. In order to compensate for this lack, the Editors' Guild has created its own Code of Professional Practice and is initiating adherence to these principles in a small way. The Free Media Movement and the Publishers' Association have been associated with creating this Code and have endorsed it.

Media Freedom

The continuing existence of repressive laws such as the Prevention of Terrorism Act, attempts by the state to impose further restrictions on the freedom of information and a continuation of physical and verbal attacks on the media and on media personnel in 2002 have contributed to create an atmosphere within which media freedom and the personal safety and security of media personnel and cultural workers in Sri Lanka is under threat. In addition, a political culture of violence and impunity has led to the creation of an environment in which expression of dissent in itself can constitute a life-threatening activity.

The media in Sri Lanka is a part of the problem of the ethnic conflict, reinforcing mutual suspicions among different ethnic and religious groups and communities by continuously playing on the nationalist and religious emotions of the people. The mainstream newspapers continue to display a fairly blatant bias towards its specific language community (Sinhala, Tamil or English reading public) often suppressing or distorting news from the other side of ethnic divide.

For example, in 2002, the Muslim community complained that the Tamil language press was biased against them in reporting on Tamil-Muslim clashes in the Eastern Province. The tabloid newspapers in particular do not adhere to any norms of balanced or ethical reporting. The concept of newsroom diversity also does not exist.

Along with a state-centric bias, the mainstream media is largely disinterested in issues of development, gender equality and human rights. Political parties, especially those in power, receive favourable coverage while others must jostle for space with advertisers. Traditionally, the political parties presently in power have had the support of the privately owned media. Now they also have access to and a fair degree of control over the state-owned media. Thus, the opposition is constantly alleging that they do not receive equal coverage for their meetings and events.

Intimidation and harassment of media personnel and journalists simply trying to carry out their job of reporting news continues. There is also evidence that in the north and east, efforts are made to prevent the sale of Tamil newspapers on the street. Little is ever done to prosecute those guilty of such intimidation.

And at a time when fair reporting of the peace process is crucial to the success of the negotiations and to a sustained ceasefire within which civil society may slowly regain its equilibrium, many members of the media engage in irresponsible journalism and reporting.

It remains a challenge to all the organisations and trade unions of media persons and journalists to take whatever steps are within their power to change the ethos within their own community as well as to challenge the structures that impede their enjoyment of the right to safe working conditions and the right of the community to have access to reliable and fair information.

Report compiled with contributions from the Sri Lankan Free Media Movement (FMM) and the Federation of Media Employees Trade Unions. For a copy of the complete FMM report email: fmm@diamond.lanka.net

Specific Cases of Violation of Press Freedom

INDIA

Cases between January 2002 – April 2003

JOURNALISTS KILLED

Paritosh Pandey – April 14, 2002

Pandey, a crime reporter with the Hindi-language daily *Jansatta* was shot dead at point-blank range at his residence in Lucknow. Local journalists complained that the police was slow in reacting to Pandey's murder. They staged a demonstration at Raj Bhawan to press for immediate arrest of the killers. The motive behind his killing remains unclear. The police believe Pandey was killed because he had inside information on the murder of the Public Works Department engineer and was likely to publish the information in the newspaper¹.

Yambem Meghajit Singh – October 13, 2002

Singh, Imphal-based chief correspondent for the television production company North East Vision, was tortured and killed². He was found blindfolded with his hands tied behind his back and his body covered with bruises. No group has claimed responsibility for the murder. According to colleagues, one of the region's separatist groups was responsible for the journalist's death. Singh, who was involved in the student movement, had criticised separatist groups in his television programme. Singh had also said he would expose corruption by officials and politicians in forthcoming television programmes. IFJ wrote to the Chief Minister of Manipur, Okram Ibobi Singh, demanding an inquiry to bring the killers to book.

Ram Chander Chaterpatti – November 21, 2002

Chaterpatti, editor of the *Poora Sach* newspaper in Sirsa, Haryana, who was shot at a month earlier, succumbed to his injuries on November 21. On October 24, a gunman fired several shots at Chaterpatti. It is thought he was attacked because of his reports on irregular activities of a religious cult, Dera Sacha Sauda³. Officials believe that the religious group ordered the journalist's murder following his reports on sex scandals and other crimes allegedly committed by the cult. Three persons including a senior member of the group have been arrested. Other journalists in the area have also complained about receiving threats for highlighting the alleged anti-social activities of the Dera. The journalists of Sirsa have demanded a CBI probe into the incident. IFJ wrote to the Home Minister demanding an inquiry.

Parvaz Mohammad Sultan – January 31, 2003

Sultan, editor of the News and Feature Alliances (NAFA), a local news agency in Srinagar, was murdered by two unidentified men in his own home. Sultan worked out of his home in Srinagar. The men walked into his house, shot at him several times and walked out unnoticed⁴. The journalist had enough strength left to come out and seek help from the neighbours but died on the way to the hospital. No militant group has claimed responsibility for the attack.

¹ *The Indian Express*. July 5, 2002

² www.rsf.org

³ *The Times of India*. November 23, 2002

⁴ *The Hindustan Times*. February 1, 2003

JOURNALISTS ATTACKED

Doordarshan Television and Radio Kashmir offices – April 26, 2003

On April 26, according to the Committee to Protect Journalists, five people were killed when assailants detonated a car laden with explosives near the main gate of an office complex housing the offices of Doordarshan Television and Radio Kashmir in Srinagar. Both media outlets are owned by the Indian government. The attackers then threw a grenade into the security post outside the building and tried to enter the offices. A gunfight ensued, during which the three assailants and two security officers were killed.

Journalists Covering Communal Violence in Gujarat

On February 28, Sudhir Vyas, a reporter for *The Times of India*, was physically assaulted by the police as he attempted to cover the massive rioting in the city of Rajkot. In spite of showing his press credentials to the officers; the police attacked him. About four officers assaulted Vyas, beating him with wooden batons. Vyas' beating was not an isolated incident. Many journalists found themselves at the receiving end of the mob's ire. On the same day, miscreants in Behrampura burnt an ANI camera and car and confined the crew in a State Transport bus for four hours⁵. An office of Gujarat Today in Ahmedabad was attacked and damaged. In Surat, Rajul Chiniwala, a photographer from the *Sandesh* a Gujarati newspaper, was caught by a mob⁶. They poured kerosene and petrol on him and were about to set him on fire when a police van came on the scene. NDTV crew had to cry 'Jai Sri Ram' before their vehicles were allowed to move.

Sabarmati Ashram - April 7, 2002

Journalists and media professionals were covering two peace demonstrations at Gandhi Ashram that were disrupted by members of Gujarat Yuva Morcha, the youth wing of the BJP. The police while rescuing Medha Patkar, who was attending the peace meeting, suddenly lathi charged the newsmen covering the scene. Deputy Commissioner of Police VM Parghi told Pranav Joshi, a cameraman with NDTV to stop filming⁷. After Joshi asked why he was to stop, he was hit in the head and fell to the ground. Joshi was hospitalised and placed in intensive care. Harsh Shah, photographer with the *Indian Express*; Harshyal Pandya, journalist with ETV were also seriously wounded. Kalpit Bachech, a photographer with the *Times of India* was hit in the ribs and kicked. Dhimant Purohit, correspondent for *Aaj Tak*; Sanjeev Singh, reporter for NDTV; Amit Dave photographer for the newspaper, *Jansatta*; Ashwin Amin, reporter, Ketan Trivedi and Gautam Mehta journalist and photographer with the *Gujarat Samachar*, were also injured. The journalists filed a complaint against the deputy superintendent shortly after this incident. The Chief Minister expressed his regret over the incident and appointed a one-man judicial inquiry under retired Justice SD Dave of the Gujarat High Court. The report was to be submitted by the end of April.

Earlier in April, Sonal Kellog, reporter with the *Asian Age* and a male reporter from a Surat-based newspaper, were pounced upon by the police when they went into Surat's walled city to interview women who had complained of police atrocities⁸. Ms Kellog was hit with a stick and the man was thrashed. When they approached the Police Commissioner to complain, they were told he had no time for them.

Ehsan Fazili – April 18, 2002

Fazili, senior staff correspondent of *The Tribune*, was injured when an unidentified militant hurled a grenade at his house in Srinagar. He sustained splinter injuries and was admitted to hospital. According to eyewitnesses, the militant actually wanted to target a security bunker and a BSF patrol party⁹. The grenade was not aimed at Mr. Fazili, police said. Four people were arrested by special operations group of the J&K police from a cyber café including its owner, Qaisar Ahmed, in Poloview area.

⁵ The Editors Guild Fact Finding Mission 2003

⁶ *The Hindu*. April 9, 2002

⁷ www.rsf.org

⁸ *The Hindu*. April 9, 2002

⁹ *The Tribune*. April 19, 2002

Zafar Iqbal – May 29, 2002

Iqbal, a journalist at an English daily in Srinagar, *Kashmir Images*, was seriously injured when three unidentified gunmen shot him in the face and legs. Eyewitnesses said that three persons entered the newspaper's office asking for explanations about an article that appeared on the front page of the daily that morning¹⁰. They gave the journalist a paper to sign and when he was signing they opened fire at him. The assailants fled the scene and have not been arrested.

Rashid Shahid – July 10, 2002

Shahid, editor of the Urdu daily *The State Reporter* was critically wounded when unidentified gunmen shot at him in Srinagar. Shahid, whose real name is Abdual Rashid Tantray, was stopped by gunmen at Chanpora while he was on his way to office on a scooter¹¹. The assailants fired at him at point blank range. The journalist was hit in his neck and shoulder. The police suspect the involvement of militants, however no militant organisation has claimed responsibility for the attack. Shahid who himself was a militant, served a two-year jail sentence prior to launching his own newspaper and a news agency three years ago.

Dinamalar – July 30, 2002

The office of the Tamil daily *Dinamalar* was ransacked by a group of six people armed with wooden sticks¹². Five people – two sub-editors, two proof-readers and an office assistant – were injured. According to sources at the newspaper, the assailants are assumed to be members of the Dravida Kazhagam. The likely reason behind the attack is thought to be a cartoon depicting Dravida Kazhagam's leader as a rat being chased out by Tamil Nadu's chief minister which appeared in the July 26 edition of the paper.

Muzamil Jaleel – September 1, 2002

Jaleel, the Srinagar bureau chief of *The Indian Express*, was manhandled by policemen who were escorting Superintendent of Police (East) Rafiqul Hassan. The incident occurred when Jaleel was returning home from work¹³. While crossing the road near his residence in Jawahar Nagar, he noticed a road accident involving a private car and one of Hassan's escort vehicles. Without ascertaining Jaleel's identity, the policemen, caught hold of the journalist and started hitting him, even threatening to kill him. Jaleel suffered injuries on his head. The state's top police and civil officials have promised to take action against the policemen.

Ghulam Mohammad Sofi – September 17, 2002

Sofi, editor of leading Urdu daily *Srinagar Times*, was shot at by unidentified gunmen in his house in Dalgate area in Srinagar. Sofi sustained a bullet injury in his hand and was rushed to a hospital¹⁴. His personal bodyguard, Ali Mohammed, was also injured in the firing. The attack followed a warning issued just hours before by the United Jihad Council (UJC) asking the "local press to mend ways or face the consequences." Apparently, the UJC was upset with the glowing reports of peaceful polling in the state elections.

CK Suresh – October 18, 2002

Suresh, a photographer for the national daily *The Hindu* was attacked by a group of AIADMK volunteers while covering the civic polls at Alandur¹⁵. A group surrounded the photographer and blindfolded him, before snatching his camera and accessories. He was punched in the face, despite his pleas that he had not taken any photographs at the spot. Local party functionaries, who were nearby, rushed to his rescue and led him to safety. A photographer of *Dinamalar* (Tambaram) office, K Ramesh, who followed the *Hindu* photographer, was also targeted by the mob.

Jansatta, Raipur – October 19, 2002

¹⁰ *The Indian Express*. May 30, 2002

¹¹ *The Hindustan Times*. July 11, 2002

¹² *The Hindu*. July 31, 2002

¹³ *The Indian Express*. September 2, 2002

¹⁴ A *Press Trust of India* report dated September 17, 2002.

¹⁵ Shanker, S. *The Hindu*. October 19, 2002

Three Jansatta employees, including an assistant manager when some men attacked them allegedly to stop publication of the newspaper. The miscreants armed with guns, threatened the employees to stop criticising the government in their newspaper. The assailants were reportedly led by a relative of Bal Krishan Aggarwal, a close aide of Chief Minister Ajit Jogi¹⁶.

Mohaniraj Lahade – October 23, 2002

Lahade, a reporter for *Loksatta*, a regional daily in Maharashtra, was kidnapped and beaten up by local Shiv Sena MLA Anil Rathod and four accomplices for allegedly reporting a hearing in the District Court which did not go in Rathod's favour¹⁷. Three other *Loksatta* staffers who tried to rescue Lahade were also assaulted. The assailants later took Lahade to Rathod's office and residence where he was beaten with sticks by Rathod himself. Rathod and his accomplices were arrested and later let out on bail.

JOURNALISTS KIDNAPPED

Yumnam Arun and Iboyaima Laithangbam – October 8, 2002

Laithangbam, a reporter for the national daily, *The Hindu*, and Arun, a free-lancer for the eastern monthly, *The Eastern Panorama*, were kidnapped by Kuki militants in Manipur on the morning of October 8¹⁸. Travelling on the National Highway, the two journalists were ambushed by gunmen in the Chandel district, about 75 km from Imphal. The duo was released safely on October 10 in the town of Pallel. In an account of his detention published in *The Hindu* on October 11, 2002 Laithangbam said that the United Kuki Liberation Front (UKLF) had abducted the journalists to protest 'poor coverage' of the UKLF activities. The outfit also threatened to target any local newspaper that did not publish its 'handouts' properly and that "journalists captured in future would face the music".

JOURNALIST EXPELLED

Nasir M. Shadid – July 7, 2002

Nasir M. Shadid, the New Delhi correspondent for the Arabic-language satellite channel, Al Jazeera, was expelled from the country. Shortly before the announcement of his expulsion, Shadid's request for government accreditation had been refused¹⁹. The journalist's colleagues in New Delhi feel that Shadid was kicked out because the government of India did not like his coverage of the anti-Muslim pogrom in Gujarat, and security forces' heavy-handed treatment of common Kashmiris.

CENSORED

Star News – March 2, 2002

While covering the Gujarat riots, there were efforts made by the Narendra Modi government to gag the media. News channels across Gujarat, which gave blow-by-blow accounts of the riots, were blinked off the television screens in several cities as the police silenced certain channels on the orders of the government. Exercising special powers, the Ahmedabad police commissioner PC Pande issued notices to cable operators in the city directing them to block all programmes that could incite violence, enmity between two communities and disrupt law and order situation in the city²⁰. Those not adhering to the directives would be subject to punishment, the notice said. According to the Modi government, Star News was indulging in irresponsible reporting by naming the two communities in clashes and 'misreporting' facts. Star News was banned for a couple of hours on March 2 in most of the cities in the state. The ban was revoked on Sunday when the channel's representatives requested Modi at a press conference to lift what they termed an 'unfair ban'.

JOURNALISTS HARASSED

¹⁶ *Jansatta*. October 20, 2002.

¹⁷ *The Indian Express*. October 24, 2002

¹⁸ *The Hindu*. October 11, 2002

¹⁹ International News Service report. July 7, 2002

²⁰ *The Times of India*. March 2, 2002

Alex Perry – June 21, 2002

Perry, South Asia bureau chief for *Time* was threatened with expulsion after he wrote an article questioning Vajpayee's leadership in view of his frail health at a time of heightened tensions between India and Pakistan. Perry was questioned by the Foreigners Regional Registration Office (FRRO) over his alleged possession of more than one passport. Perry was allowed to stay on in India after submitting sufficient evidence and no further action was taken.

Anirudh Bahal – August 7, 2002

Bahal, a reporter for the portal, *tehelka.com* was arrested on alleged charges of assaulting and threatening a Central Bureau of Investigation official. He was granted bail by a Delhi court on furnishing a bond. Bahal was part of the investigative team that exposed corruption in dealings of the government. This was the third case that investigative agencies registered against the news portal ever since Operation Westend. The CBI officials lodged a FIR at a police station alleging that Bahal assaulted the Deputy Superintendent of Police, NS Kharayat²¹.

Nikhil Wagle – August 7, 2002

Wagle, editor of *Mahanagar*, a Marathi evening paper was arrested and jailed for a day for breach of privilege of the Maharashtra Legislative Council²². Wagle was imprisoned for his editorial *Vidhan Parishadetil Vidhwan* published on April 24, 1998. The privileges committee recommended 10 days' simple imprisonment (seven days for the breach of privileges and three days for staying away from the hearings) but later, the Chief Minister Vilasrao Deshmukh, moved the motion for a day's imprisonment. Wagle was released on August 8.

Anuradha Sheshadri – December 12, 2002

Sheshadri, the Press Information Bureau's (PIB) Western Region Director, earned censure from Union Information and Broadcasting Minister Sushma Swaraj for releasing an anti-Modi article on December 3 penned by a freelance journalist, Digant K Dave²³. Principal Information Officer Sahib Singh on December 8 is said to have expressed "strong displeasure" for clearing the article without his approval. Singh declined comment on whether action would be taken against Sheshadri. Her last stint had ended in an abrupt transfer: she was transferred as Joint Director (News) at Doordarshan to the PIB following an oral complaint lodged by a local BJP leader.

LEGAL ACTION AGAINST JOURNALISTS**Burmese Journalist Soe Myint** – April 10, 2002

Soe Myint, managing editor of the Mizzima press agency and vice secretary of the Burma Media Association, was arrested from his home in New Delhi on April 10, 2002. He was transferred to Calcutta where he was held for five days. He was released on bail on April 17. The arrest was allegedly in connection with a crime committed 12 years before – unarmed hijacking of a plane - for which he served 3 months in a Calcutta jail. In a letter to Jaswant Singh, External Affairs Minister, Reporters sans Frontières (RSF) asked whether the arrest of this journalist, reputed for his reporting on human rights violations in Burma, had a direct relation with the diplomatic rapprochement between New Delhi and Rangoon. RSF asked the minister to guarantee the safety of Burmese journalists exiled in India and their right to inform²⁴.

Nepali Journalists Arrested – July 11 2002

Indian authorities arrested four Nepalese, including three journalists on charges of assisting Maoist rebels, reports Agence France-Presse (AFP). Journalists Parth Chhetri, Maheswor Dahal and Aditi who work for *Nepali Awaj* (Voice of the Nepalese) newspaper which is published in New Delhi were arrested on July 11. IFEX reported that Dahal is said to have

²¹ *The Hindu*. August 8, 2002

²² *The Hindu*. August 8, 2002

²³ *The Indian Express*. December 11, 2002

²⁴ RSF website

also worked for the pro-Maoist weekly *Janadesh* in Nepal before a state of emergency was declared.

Tehelka.com – August 8, 2002

A Bangalore court issued non-bailable warrants against Tarun Tejpal, managing director of the news portal, tehelka.com, and three others – Anirudh Bahal, Samuel Mathew (reporters) and executive producer Minti Kanwar Tejpal – in a defamation suit filed by Union Minister Srinivasa Prasad, who alleged that he was defamed in the Tehelka expose on defence deals, parts of which were telecast over cable TV. The Supreme Court, however, stayed the defamation proceedings on a petition filed by Tejpal seeking transfer of the case to a Delhi court on the same day.

The portal's reporters, Bahal and Mathew were also among the five names included in the chargesheet prepared by the CBI in the Official Secrets Act case related to the leakage of "secret" and "classified" Home Ministry documents²⁵. If found guilty, all five could face between three and seven years in jail.

The portal has been subjected to various raids and such cases have been frequently framed against them ever since Operation Westend. Tejpal believes that the BJP government has a vendetta against the portal.

Karnataka High Court – December 5, 2002

The Karnataka High Court *suo-moto* initiated criminal contempt of court proceedings against 56 persons including editors, reporters, printers and publishers of 14 newspapers and magazines across the country for reporting an incident at a resort near Mysore which allegedly involved judges of the court in a "sex scandal"²⁶. The publication of such reports were said to amount to criminal contempt within the meaning of Section 2(c) of the Contempt of Court Act, 1971. Two separate petitions were filed by the Registrar-General of the High Court seeking action against the publication for publishing "scurrilous, scandalous allegations, which bring the entire administration of justice to disrepute". It should be noted that reporting or criticism of judges' conduct outside the courtroom, even though scurrilous has little to do with the obstruction of justice and the contempt jurisdiction of the courts cannot be invoked in such instances. The High Court has made *The Times of India*, *The New Indian Express*, *Deccan Herald*, *The Hindu* and *Hindustan Times* (English dailies), *Kannada Prabha*, *Prajavani*, *Vijaya Karnataka* and *Udayavani* (Kannada dailies), *Lankesh Patrike*, *Nota*, *Agni* (Kannada periodicals) and *The Week* and *The Outlook* (English weeklies) as respondents.

JOURNALISTS IMPRISONED

Iftikhar Geelani – June 9, 2002

Geelani, New Delhi bureau chief of Jammu-based English daily *Kashmir Times* was arrested by the police following a raid on his house by various agencies such as the Income Tax department and the Intelligence Bureau. He was arrested under the Official Secrets Act (OSA) for possessing a "secret document" about "troop deployments" in Kashmir, which was recovered from his computer. The document was actually a news article written on the basis of material published in 1997²⁷. Geelani was arrested under Section 3 of OSA which provides for penalties for spying if the offence is committed in relation to any work of defence, arsenal, naval, military or air force establishment or station, mine... or in relation to any secret official code, to 14 years and in other cases to three years. He was also chargesheeted by the Delhi police for allegedly supplying sensitive documents to Pakistan on the deployment of Indian troops and para-military forces in Jammu and Kashmir. Geelani spent six months in jail and it was only on December 12 that his innocence was proven when Director, Military Intelligence informed the court that the document seized from the journalist carried no classified information and in fact contained published material widely available. But it wasn't until January 10, 2003 that the government withdrew the case against Geelani. The Chief Metropolitan Magistrate ordered Geelani's release on January 13, 2003.

²⁵ *The Hindustan Times*. August 8, 2002

²⁶ *The Deccan Herald*. December 6, 2002

²⁷ *The Times of India*. June 11, 2002

Anil Nambiar – June 29, 2002

Nambiar, the Thiruvananthapuram bureau chief of Surya TV, a regional television channel, was arrested and imprisoned on the charges of forgery, defamation, conspiracy, presenting a false document as genuine one under Sections 466, 469, 471, 500 and 120 (b) of the Indian Penal Code²⁸. He was later released on conditional bail. On June 24, Surya TV aired a report based on an intelligence 'document', which implicated Tourism Minister KV Thomas in a hawala scandal. Nambiar, who worked on the story revealed that he sourced the 'intelligence report' with the help of Shobhana George, legislator, who in turn denied the charge.²⁹

Kumar Badal – July 3, 2002

Badal, reporter for the news portal *tehelka.com*. was arrested by the Central Bureau of Investigation (CBI) in connection with a case of poaching of the endangered species of leopards on the Aravali forests of Uttar Pradesh. Four First Information Reports (FIRs) were registered with the Biharigarh police station on May 23, 2002 and a case under the Wildlife Protection Act was registered³⁰. The case was subsequently transferred to the CBI which registered the case on June 3. On June 26, the CBI searched Badal's house in Delhi where they claimed to find evidence which linked him to the poaching case. Badal was arrested on July 3 by the CBI. His bail pleas were rejected in the city courts. The Supreme Court (SC) came to Badal's rescue when it released him on bail on January 13, 2003 six months after his arrest. The SC pulled up the CBI for keeping Badal in judicial custody for six months on the pretext of investigating Badal's involvement in a poaching case. Ever since the defence expose, the portal has been at the receiving end with death threats, income tax raids, Intelligence Bureau notices and police harassment.

Krishna Kumar – January 29, 2003

Kumar, reporter of the fortnightly Tamil paper *Nakkerran*, was arrested in connection with the killing of a young woman five years ago but the paper says his arrest is part of regular harassment of *Nakkerran* and its journalists for criticising police brutality. Detectives arrested Kumar and reportedly mistreated him during interrogation to discover links between him and Veerappan, a notorious bandit who the police have failed to catch.

MK Ramdas – February 19, 2003

Ramdas, reporter for the Malayalam satellite channel Asianet, was charge-sheeted in a case connected with the Muthanga *adivasi* agitation³¹. Many feel that the slapping of conspiracy charges against the newsman is part of a larger strategy by the government to prevent the media from passing on information to the Opposition.

RR Gopal – April 11, 2003

Gopal, editor of Tamil bi-weekly *Nakkerran* was arrested on April 11 and charged with "conspiring to promote the secession of Tamil Nadu state" and "possession of a firearm" under the Prevention of Terrorism Act (POTA). He has also been arrested for the murder of one police informer called Rajamani. Surprisingly, the deceased is registered under 'Missing' cases in Sathyamangalam police station in the Coimbatore district since 1998. In 2001, it was made into a murder case (wef.05-07-2001 Sathyamangalam police station, crime no.414/200). On April 16, 2003, Gopal was brought under the provisions of Section 4 (a) of the Prevention of Terrorism Act (POTA). The journalist has been remanded to judicial custody till April 25. It is the first time a journalist has been charged in India under the controversial law. Terming POTA as a 'threat to press freedom,' the IFJ called on the Chief Minister of Tamil Nadu, Selvi J. Jayalalithaa, to release Gopal immediately and drop all charges against him.

²⁸ *The Hindu*. June 29, 2002

²⁹ *The Week*. August 25, 2002

³⁰ *The Frontline*. February 1-14, 2003

³¹ www.keral.com

PAKISTAN

Cases between 3 May 2002 - 3 May 2003

May 3, 2002

Tariq Swati, a cameraman for state-run Pakistan Television was violently attacked by activists of the Hazara Qaumi Mahaz, which supports President Pervez Musharraf in Abbottabad. His attackers were angry at him for not filming their activities long enough during the referendum that elected Musharraf as president for five years. Doctors diagnosed a kidney wound.

May 11, 2002

Pakistan arrested British reporter of Indian origin Amardeep Bassey from the border with Afghanistan for alleged spying. The 29-year-old investigations editor from *Sunday Mercury* had been travelling from Kabul to Peshawar when taken into custody. He originally travelled to the region to take part in a media trip organised by the British Foreign Office and then stayed in Afghanistan to follow up some stories. The Pakistani authorities said he did not have the correct exit visa. He was freed on June 7 after a 27-day detention.

June 25, 2002

Hayat Ullah, a free-lance correspondent working for several dailies, was detained by US troops in the South Waziristan area of northwest Pakistan bordering Afghanistan. He was held for a week, before being released in July, along with three other journalists who were reporting on American operations in the tribal areas against suspected **Al Qaeda** operatives. Hayat said he was kept blindfolded and handcuffed for most of the time in detention.

June 26, 2002

Activists from Benazir Bhutto's Pakistan Peoples Party attacked the bureau of a weekly **Naqqara** in Gilgit over refusal to print a statement from their district president. They smashed windows, furniture and telephones and assaulted bureau chief Alamgir Hussain and staff reporter Syed Ali.

July 15, 2002

Sheikh Omar Saeed, the principal accused in the kidnapping and murder of *Wall Street Journal* reporter Daniel Pearl, was sentenced to death by an anti-terrorism court in Hyderabad. The court also handed down 25-year prison sentences to three other co-accused, Salman Saquib, Sheikh Adil and Farhad Nasim. Pearl had been kidnapped on January 23, 2002. Remains of his body were found in May from a shallow grave in Karachi.

July 17, 2002

The Sindh provincial government sealed the offices of two newspapers – *Evening Special* and *Morning Special* – for a one-month period and arrested their editors, Aqeel Najmi and Hanif Dawami respectively. Police said the journals published obscene photos and used vulgar language in their reports despite warnings. The restrictions on publications were lifted on August 1, 2002.

July 19, 2002

CRS, the public relations company of journalist Hussain Haqqani, was raided in Islamabad and sealed and almost forced to close. A major client of the firm, a public-sector bank, was told to cancel their contract. Backdated income tax notices were revived. "Senior government officials told me I was crossing permissible limits in criticism of government policies. I have written nothing against Pakistan ever we just have different ideas of what is best for the country," Haqqani said. A government spokesman claimed Haqqani had a history of "resorting to defaming the government in the name of freedom of the press which amount to blackmail."

July 24, 2002

Muzaffar Ejaz, editor of Karachi-based Urdu daily *Jasarat*, was picked up by intelligence officers as he left his office at 11pm. He was interrogated and released five hours later. Ejaz said his abduction was the culmination of a week of harassment following the publication of a controversial story about alleged intelligence involvement in politics that named names.

July 28, 2002

Islamabad police opened fire on journalists and photographers in an attempt to stop them from taking snaps of a violent encounter between the law enforcement agencies and the villagers of Pind Sangrial and Sri Saral in Sector D-12. Among those either manhandled or whose cameras were snatched and the films destroyed included Tanveer Shahzad of *Dawn*, Waheed Ahmed *Business Recorder*, Naveed Akram of *The News*, Nadeem Ahmed of Geo TV and Abdul Hamid of *Jang*.

August 10, 2002

The Sindh Information Department issued a notice to Karachi-based Urdu newspaper *Daily Special* for publishing what it termed was "highly objectionable material." The department advised the publisher and printer of the newspaper to refrain from publication of immoral material.

August 21, 2002

Khalid Hijazi, an employee at army headquarters, filed a complaint with the Rawalpindi police against Shaheen Sehbai, the editor of US-based *South Asian Tribune*. He is Sehbai's cousin's ex-husband. The complaint alleged that Sehbai carried out an armed robbery in Hijazi's home on February 22, 2001. Sehbai left Pakistan in March 2002 after resigning as editor of *The News* after allegedly being harassed by the government. Sehbai termed the burglary accusation "a complete fabrication" by the military government of General Pervez Musharraf.

August 27, 2002

Aziz Sanghar, a reporter for English daily *The Nation*, who had filed a story about a protest in an industrial area in Karachi against power outages, was beaten up at the office of the Karachi Electrical Supply Corp managing director. He was visiting the office to seek the official version on the continued power breakdowns in the city.

September 9, 2002

Amir Mateen of *The News* filed a complaint with Islamabad police and wrote to President General Pervez Musharraf that he was constantly being chased and harassed by intelligence agencies and that his telephone was being tapped. "I have been warned that if I do not stop writing against the government I would be harmed physically."

September 16, 2002

A large number of journalists holding valid security passes for the coverage of a defence exhibition inaugurated by President General Pervez Musharraf were refused entry by military officials who refused to acknowledge passes issued by the Special Branch of the Sindh Police bearing photos and other relevant details of the journalists.

September 30, 2002

Customs officials in Peshawar assaulted several reporters and photojournalists and damaged their equipment near the Peshawar Press Club after they chanced upon the officials striking a deal with a group of tyre smugglers right on the road and started taking photographs. The

journalists included Tanzilur Rehman of Jang, Amjad Malik of Geo TV, Waheedullah Khan of *Statesman*, Azam Khan of Ausaf and Imran Mehr of *Express*.

October 2, 2002

Several Pakistani journalists who applied for visas to cover elections in New Delhi-administered Kashmir were denied visas by the Indian High Commission in Islamabad.

October 16, 2002

Rawalpindi police arrested Mansoor Ahmed, brother-in-law of senior journalist Shaheen Sehbai, in a case of an alleged dacoity committed by Sehbai in February 2001 when he was editor of *The News*. Ahmed was named by an army employee in the case filed against Sehbai, 18 months after the alleged incident, and after Sehbai launched his outspoken webzine South Asia Tribune from the US. The arrest was made as the court granted bail to another Sehbai relative, 18-year old Imran, after he was kept in jail for over six weeks in the same case. Sehbai left Pakistan in March 2002, 13 months after the alleged incident, during which time no complaint was lodged or no case was registered against him while he was in Pakistan.

October 20, 2002

Shahid Soomro, 26, the correspondent in Kandhkot for Hyderabad-based Sindhi daily *Kawish*, was shot dead resisting a kidnap attempt in front of his house allegedly in reprisal for his reporting on abuses committed during recent general elections held on October 10. Press reports claimed his reporting had angered the recently elected member of the provincial assembly from Kandhkot, Mehboob Bijarani, and that he had received death threats. According to reports, two brothers of the MP, Waheed Bijarani and Muhammad Bijarani, and three accomplices, arrived at Soomro's house at midnight and called him. When Soomro came out, the assailants tried to kidnap him. They shot him with Kalashnikov and TT pistols when he resisted and then escaped in a car. Soomro was taken to hospital in critical condition but died before getting medical aid. Soomro had a reputation for courageous, independent reporting, and his publication, *Kawish*, is one of the most influential newspapers in Sindh.

November 1, 2002

Former journalist Siddiqui Farooq, who is currently the information secretary of former prime minister Nawaz Sharif's Pakistan Muslim League-N, was sued for \$50m for allegedly levelling false charges against a firm of paying commission to Federal Communications Minister Javed Ashraf Qazi for contracts. This is the biggest ever suit against a serving or former Pakistani journalist. Farooq was also severely beaten up following his allegations against Qazi who denied involvement.

November 2, 2002

The government published a warning in the newspapers, banning the media against using or quoting from reports published by US-based online newspaper *South Asia Tribune* run by self-exiled Pakistani journalist Shaheen Sehbai. The government threatened journalists with the application of a tough and controversial defamation law that went into effect a few weeks ago. Under this law, journalists convicted of defamation risk up to three months in jail, a fine of Rs 50,000 and an obligation to publish an apology. Sehbai left Pakistan after being threatened by the military government for being critical. Many of his webzine's stories implicate the military authorities in corruption and human rights abuses that have been quoted by the press in Pakistan. While the Ministry of Information warning did not explicitly mention Sehbai or his webzine by name, it made reference to "a self-exiled Pakistani journalist" who is "fabricating reports intended to malign the government of Pakistan and its senior civil servants."

December 20, 2002

Islamabad police beat a team of reporters from the state-owned Pakistan Television after they tried to investigate reports that the police were holding some persons in illegal lock-up. The team led by reporter Anwarul Hassan were beaten up and detained for two hours and their equipment damaged after they discovered 10 persons being held by the Sabzi Mandi police picket.

December 26, 2002

Several armed men kidnapped Rashid Qamar, a reporter with Urdu daily *Pakistan*, from Faisalabad. He was shot six times and left for dead in a deserted area at Jhang Road. He was critically injured.

January 6, 2003

Faisalabad Union of Journalists President Javed Akhtar Malik was attacked by a group of unknown assailants. Fortunately, Malik escaped unhurt.

January 7, 2003

Over two dozen armed men destroyed the equipment of OK Cable Network in Peshawar, saying that cable TV was “banned” and against Islam. The attack took place close to the Gulbahar police station, but none of the perpetrators were arrested. The cable operators had agreed to resume services to their tens of thousands of customers in Peshawar after talks with government officials.

January 10, 2003

The Pakistan government formally protested to New York-based Pakistani journalist Zahid Ghani for “harming Pakistan’s relations with the United States.” Ghani had criticised the US for raiding Pakistani businesses and residences, arresting hundreds and deporting a large number to Pakistan in the post 9/11 period. He had spoken out at a press conference addressed by Islamabad Ambassador to Washington Ashraf Jehangir Qazi, which was covered extensively by the American media.

January 10, 2003

Tribal leader Tariq Mateen led several supporters of the Islamist government of North West Frontier Province, in destroying cable television installations in Peshawar, ripping out about 20,000 metres of cable, declaring that cable television was henceforth banned. Some residents fought the attackers during the incident, which followed the militants’ imposition of a 10 January deadline for cable operators to cease their broadcasts.

January 18, 2003

Interior Minister Faisal Saleh Hayat served a Rs 500 million notice on *The Friday Times* weekly for allegedly publishing a libellous and contemptuous article against him. The journal said it had published nothing against the complainant that had not been published before by others.

January 21, 2003

Author Fazal Wahab was shot dead by four armed men in Mingora in North West Frontier Province for being critical of Islamic clerics after a spate of death threats. Despite requests, the police failed to provide him protection. Wahab caused local anger with his book *Mullah ka Kirdar (The Mullah’s Role)*, which was banned amid protests. Local religious leaders issued a fatwa or edict declaring him a “non-believer,” thereby inviting death for alleged blasphemy.

January 21, 2003

Federal Interior Minister Faisal Saleh Hayat issued a legal notice to Urdu daily *Khabrain* for publishing a news item about his alleged conviction for a crime in a court of law. He claimed that he had never been convicted. The minister later admitted in the National Assembly that he was on the official Exit Control List, which debars persons from leaving the country without permission who are wanted by the courts in a criminal case.

February 1, 2003

Security personnel for Sehba Musharraf, the wife of President General Pervez Musharraf, roughed up a journalist after he tried to photograph the First Lady at an arts exhibition in Lahore.

February 22, 2003

Syed Anwar of Peshawar daily *Frontier Post* was threatened with “terrible personal consequences” by two henchmen of an Afghan military commander in Nangarhar province after he reported that Hazrat Ali, the province’s military chief, was arrested by United States forces for drug-smuggling, kidnapping and supporting members of Al-Qaeda in their escape from the Tora Bora mountains. The two secret service men, one of whom was identified as Abdul Rehman, went to the newspaper’s offices in Peshawar to deliver their threat. They also warned that they may ban all Pakistani journalists from Afghanistan’s three eastern provinces. The authorities in Jalalabad have banned the sale of *Frontier Post* in the Nangarhar province.

March 10, 2003

Lahore-based *The Independent* said it received a threat allegedly made by Punjab Home Secretary Ejaz Shah who reportedly telephoned the weekly’s publisher Ilyas Meraj and told him, “Enough is enough. The Punjab government has finally decided against your newspaper for working against the national interest.” The weekly carried Shah’s comments in an article including the advice to “roll back” the weekly’s operations if he “wants to stay in business and stay safe.” Shah denied making these remarks and told the Council for Protection of Journalists he had not spoken to anyone at *The Independent* during the week that he had been alleged to have made the call.

March 16, 2003

Mahmood Khattak, a Peshawar-based correspondent for *Dawn* newspaper was manhandled by the police in the Karak Bazaar when he was on his way to Tank from Peshawar on a car and asked to show his papers. Superintendent Police Karak Mohammad Ayub insisted on arresting him saying the journalist resembled a car-lifter by face. The matter was settled when another policeman verified Khattak’s credentials.

March 24, 2003

Akhtar Baloch, a journalist and a human rights activist based in Hyderabad was picked up by some intelligence sleuths and detained for three days. He later said he was interrogated about his rights activities and warned to restrict them.

April 1, 2003

Ashfaq Ali, a senior sub-editor of English-language *The News* was severely beaten up by the police in Karachi when his motorcycle was brushed by a police van.

April 3, 2003

Hayatullah Khan, the correspondent for the Urdu-language daily *Ausaf* in Mir Ali town of North Waziristan Agency bordering Afghanistan, and his family were reportedly harassed by military

officials after he reported about the alleged misuse of army vehicles in the area. His brothers and daughter were expelled from the army-run school in the area.

April 4, 2003

The house of Awardeen Mehsood, a correspondent for Urdu-language daily *Khabrain* and news agency NNI, in Laddah town of South Waziristan Agency bordering Afghanistan was attacked with a bomb. The explosion damaged the door of his home. No one claimed responsibility but Mehmoood suspected a link with his reports on the activities of the Youth Movement, which is pressing for a change in the status of the Tribal Areas. In 2002, Mehsood, a member of the Tribal Union of Journalists, was sentenced to pay a heavy fine of Rs 35,000 (US\$5,400) for allegedly libelling the region's civilian administration.

April 12, 2003

Paramilitary Sulej Rangers forcibly denied entry to a large number of reporters at a reception area on the border with India and prevented them covering the arrival of a group of Sikh pilgrims from India. This was despite the fact that all journalists were carrying valid invitations from the provincial government's Press Information Department to cover the event.

SRI LANKA

Cases between January 2002 - April 2003

February 7, 2002

Judgement in case of intimidation of Iqbal Athas, senior defense journalist and *Sunday Times* columnist in February 1998 in which 2 Air Force officers were found guilty of entering the home of Mr. Athas and threatening him and his family. They were sentenced to 9 years imprisonment in this connection.

February 15, 2002

Fredrica Jansz of *Sunday Leader* received death threats.

April 3, 2002

Death threats received by Sarath Chintana of *Lankadeepa*, his house visited, wife abused and over 50 tapes taken away; he is being asked for a tape of a meeting in Wattala addressed by the President on February 24, in which she was negative about the peace process.

April 24, 2002

Photo-journalists covering a demonstration by the National Bhikkhu Front in Colombo 11 were obstructed by STF.

April 26, 2002

Lifting of Criminal Defamation Bill; sections 479 to 482 : Victor Ivan, Bandula Padmakumara, Buddhika Weerasinghe and Sinha Ratnatunga go free.

April 2002

6 persons including former driver of president, PC Sudath Chandana arrested in connection with June 1998 attack on home of *Sunday Leader* editor Lasantha Wickrematunga.

May 2002

Sales of Thinamurusu (EPDP) banned in many places in north and east; SLMM intervenes.

May 23, 2002

Senior journalist BHS Jayawardena, Sec Gen of SL Press Association, threatened by Police in Colombo 3.

June 6, 2002

3 members of EPDP wanted in connection with Nimalarajan murder.

June 14, 2002

Arrest of a member of EPDP over Nimalarajan murder.

July 7, 2002

BBC Jaffna correspondent Thavachelvam assaulted by unknown gang.

July 10, 2002

Nishantha Kumara, *Ravaya* correspondent, attacked on bus following reports of torture in custody of a woman in Wariyapola.

July 16, 2002

Thuinakkural journalist Mohan assaulted by Air Force officials when he went to the ceremonial taking over of office by the new Air Force chief Air Marshall Donald Perera.

August 8, 2002

Attack on office of *Thinakkadir* in Batticaloa; 4 members of staff assaulted, equipment worth Rs. 1.2 million removed and building set on fire; they allege LTTE involvement, LTTE condemns attack.

September 1, 2002

Army spokesman Sanath Karunaratna says that 3 films have been refused support because it was felt that the themes were derogatory to the army: the three films are: *Ira Mediyama*; *Bheeshanayey Athuru Kathaawak*; *Nahi Vereyna Verani*.

October 3, 2002

Journalists covering a peaceful protest convened by a group of Samurdhi officers at Medirigiriya, Pollonnaruwa, were attacked when the demonstration was broken up by an unruly mob. Police did not intervene to stop the attack.

November 8, 2002

Maharagama Police assault and detain Uvindu Kurukulasuriya, *Ravaya* journalist following his attempt to intervene in a case in which the Police were assaulting a man and a woman at the Maharagama junction.

November 27, 2002

Telephoned threats to *Dinakara* following article on activities of UNF politicians in Hanguranketha.; on November 26 a van belonging to the newspaper company was stopped and the driver assaulted.

December 1, 2002

An attack on the office of *Navamani*, a Tamil newspaper catering to the Muslim community was reported.

December 3, 2002

Journalists covering the elections to the Tittarampalatha Cooperative Council in Wellawaya were attacked by a gang when it became clear that the ruling party, the UNF, was doing badly at the polls; the two men who were attacked were from the state-owned television (SLRC) and the Sinhala newspaper published by Lake House, *Dinamina*.

December 23, 2002

The registrar of the Supreme Court of Sri Lanka had requested information on journalists from Rupavahini Corporation (the state-owned television station) signifying that contempt of court charges may be laid against them. The Sri Lanka Rupavahini Corporation (SLRC) and the state-owned Lake House newspaper group had earlier aired and published interviews with two judges about a case the latter had filed with the Supreme Court.

This threat by the Supreme Court to charge the journalists with contempt of court was a serious challenge to freedom of expression in the country.

January 7, 2003

There was an attack on the house of S. Jayamanthamoorthy, Vice President of the East Lanka Journalists Association and a free-lance journalist on the night of January 7, 2003. A hand grenade was thrown into his house, which was set on fire by unknown persons, according to the East Lanka Journalists Association.

February 4, 2003

The Supreme Court imposed a one year prison sentence for contempt of court on a citizen (Michael Anthony Fernando) who approached the court believing that his fundamental rights had been violated.

Mr. Fernando is a 45 year-old English teacher and secretary of the Lakjana Human Rights Protection Organisation. Many human rights organisations have declared that in this case the right to freedom of expression of Michael Fernando has been violated clearly.

February 7, 2003

Police manhandled Jaffna-based Tamil journalists who were covering a mass demonstration. A journalist was injured during this incident. According to information received by the FMM, the state security apparatus attacked journalists in both instances after identifying them as journalists.

February 20, 2003

Police obstructed journalists reporting at JVP demonstration and water cannon (using water mixed with tear gas) was used to attack journalists, especially photojournalists, covering the JVP led anti-peace demonstration in Colombo on February 20, 2003. A journalist with the Upali Group (The Island newspaper) had to be admitted to hospital following the attack.

March 11, 2003

The Propaganda Secretary of the JVP (People's Liberation Party) at an opposition political rally held on 10 March 2003 in Colombo, said that one day the independent media institutions will be physically surrounded by hundreds of thousands of people such as those attending their rally. This statement constitutes a clear threat to the freedom of expression generally, and to private media institutions in particular.

March 2003

In late February the government gazetted a Bill called the Prevention of Organised Crime Bill. In the face of challenges to the constitutionality of the draft Bill, in mid March the Supreme Court decided in favour of the Bill. It has not yet been taken up in Parliament.

Clause 5 of the Bill prescribes punishment for persons causing intimidation or harm to persons investigating or assisting investigators or witnesses or potential witnesses or persons in whom the former has an interest; the explanation to this section states that the phrase 'intimidation or harm' would include the refutation of a person. This clause constitutes a serious interference with the right to freedom of expression because it would have the effect of preventing the public from publishing or expressing views on important matters related to organized crime. Further this clause would effectively result in criminalizing of defamation.

April 2003

Opposition newspapers claimed that the President (who is from the main opposition party) was going to take over the Media Ministry or a state-owned TV channel and a Radio channel. Presidential adviser Mr. Anura Bandaranaike (MP) had repeatedly requested that the President should do so in order to get more coverage for the activities of the Opposition.

despite the fact that the specific provisions relating to criminal defamation in the Penal Code have been abolished by Parliament.

=====