

Freedom in Solidarity

MEDIA WORKING FOR PEACE IN SOUTH ASIA



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This document has been produced by the International Federation of Journalists (IFJ) on behalf of partners and affiliates.

All India Newspapers Employees' Federation
 All Manipur Working Journalists' Union
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 Bangladesh Manobadhikar Sangbadik Forum
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FREEDOM IN SOLIDARITY: MEDIA WORKING FOR PEACE IN SOUTH ASIA

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Designed and printed by: Impulsive Creations

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October 2010



This document has been carried out with support of the United States Institute of Peace (USIP). The opinions, findings, and conclusions or recommendations expressed in this report are those of the authors and do not necessarily reflect the views of the United States Institute of Peace.

INTRODUCTION

bol k lab azad hain tere *Speak, for your two lips are free;*
bol zaban ab tak teri hai *Speak, your tongue is still your own;*
tera sutawan jism hai tera *This straight body still is yours—*
bol k jan ab tak teri hai *Speak, your life is still your own.*

dekh k ahangar k dukan main *See how in the blacksmith's forge*
tund hain shole surkh hai ahan *Flames leap high and steel glows red,*
khulne lage quflon k dhane *Padlocks open wide their jaws,*
phaila har ek zanjir ka daman *Every chain's embrace outspread!*

bol ye thora waqt bahot hai *Time enough is this brief hour*
jism-o-zaban k maut se pahle *Until body and tongue lie dead;*
bol k sach zinda hai ab tak *Speak, for truth is living yet—*
bol jo kuch kahna hai kah le *Speak whatever must be said.*

Bol (Speak), by Faiz Ahmed Faiz (V G Kiernan translation)

The media in South Asia are engaged in a difficult balancing act in coping with the momentous changes under way in the region. All countries in the region could be described as transitional societies. Although the five countries that are covered in this report differ in the specifics, they show sufficient elements of commonality – not least because of their shared histories – to allow for a common regional strategy that addresses the issue of media freedom as a vital element in the apparatus of conflict resolution.

This volume brings together the results of research conducted by the International Federation of Journalists (IFJ) with its affiliates and partners, to focus squarely on the role of journalists' organisations and their capacity to respond collectively in crises involving media freedom. There have been numerous cases of successful collective action by journalists' organisations caught in conflict situations. Equally, there have been instances where collective action has fallen short of envisaged targets. The research seeks to draw out several such events and knit them together to develop a set of strategies for the defence of media freedom in situations of conflict.

India, the largest country in the region, has a fairly stable political system underpinned by a broad consensus among all parties and institutions on the rules of the game. But its economy, recognised as an "emerging" presence in the new global order, is going through a significant structural transformation, engendering opportunities and threat perceptions through virtually all strata. Though India is potentially, on account of its size and diversity, the hub for much of the region's economic activity, this is a potential that remains largely unrealised because of the security anxieties that bedevil its relations with every other country in the neighbourhood. Within India, tensions continue to simmer in Jammu and Kashmir. Numerous insurgencies of an ethnic orientation actively operate in its north-eastern states and the central region witnesses violent encounters almost daily between security forces

and a Maoist insurgency spread across five states. All these situations confront journalists with an unrelenting set of challenges, and the responses have been varied and creative.

Other countries in South Asia are undergoing complex and multi-dimensional political transitions. Pakistan and Nepal went through nation-wide elections in early 2008 that promised a transformation of their mode of governance. Journalists' unions in both countries were a key element in the alliances that changed the course of politics, impelling despotic regimes – of a military stripe in one case and monarchical in the other – to stand aside and allow democratic forces to occupy political centre stage.

Nepal's newly elected Constituent Assembly has since failed to deliver on its promise to enact a Republican Constitution for the nation by May 2010. Two governments have held office, both after complex processes of bargaining between parties that are otherwise bitterly opposed. The pact between all the parties, that both governance and constitution writing would be undertaken on the principle of consensus, was breached immediately after the elections. And since the resignation of the second government to take office after the historic national elections of 2008, Nepal has waited long and so far in vain for a successor administration.

Pakistan went through a major struggle in 2007, to effect a transition to an elected government. The coalition government led by the Pakistan People's Party (PPP) has since, in partial recognition of the role played by journalists in restoring democracy, rolled back many of the worst laws and procedures introduced by the preceding military administration. But it remains hobbled by Pakistan's unique situation in global geopolitical equations. Pakistan's destiny has always been entwined with two among its immediate neighbours – India and Afghanistan. The situation in Afghanistan today casts a long shadow over Pakistan. To add to the instability induced by the large-scale settlement of Pakistan's Khyber Pakhtunkhwa Province (previously North-West Frontier Province), Tribal Areas and Balochistan by elements of the Afghan Taliban, the Pashtun and Baloch regions of the country are in a state of ferment, often refusing to accept the writ of the federal government. Journalists have kept up their struggle for decent wages and working conditions and for the overarching imperatives of safety and security. These have had significant successes. But the big media houses have been lukewarm in their support. And as in Nepal, the broad alliance with other civil society groups that made the movement for the democratic restoration a notable success, has come asunder after the immediate goal was attained.

Sri Lanka's long-running civil war produced a deep and bitter polarisation within civil society and the media. There were notable efforts during the worst days of the conflict to assert the rights of journalists to report as they see things, irrespective of communal identity. The ceasefire that was



Journalists in South Asia suffer threats of physical assault in their daily routine and are occasionally the targets of murderous violence as with the suicide bombing of the Peshawar Press Club. They face a crisis of livelihood and often have to take to the streets to defend their rights to fair wages and decent working conditions.
(photos by special arrangement and courtesy: PFUJ, United News of India)



declared by both sides to the conflict in 2002 provided new opportunities for journalists' organisations to build their collective solidarity and construct platforms for cross-communal campaigns. But efforts to reform state-owned media made little progress, though it was recognised as a priority area for action by several major stakeholders in the political system. When the civil war resumed with new virulence in 2006, journalists' organisations kept up their collective actions to establish a climate conducive to free and fair reporting. The indifference of media owners, their willingness to be co-opted into the Government's "with us or against us" attitude, and the insistent propaganda churned out by state-owned media during the renewed hostilities, were formidable obstacles. Journalists' bodies proved vulnerable in the new environment of media suppression, especially since a number of their key leaders were targeted and forced into silence or exile. The experiences of Sri Lanka though, embody valuable lessons for journalists' organisations in South Asia, as also elsewhere.

After nearly two years under a military-backed "caretaker" administration, Bangladesh made the transition to an elected government early in 2009. The months of emergency rule were tough on politics as conventionally practised. Both major parties were almost rendered non-functional by the imprisonment of their leaderships at various levels, though they sprang back to life with the formal announcement of the election schedule for the national parliament. But ever since the elections, which

resulted in a decisive victory for the Awami League, civil society and the media have remained bitterly divided by the rivalry between the two parties and their inability to agree on how the essential institutions for a functioning democracy – such as the judiciary and the election commission – should function. Meanwhile, trials for war crimes committed during the country's national liberation war of 1971 have begun, shortly after five of the assassins of the country's founding Prime Minister, Sheikh Mujibur Rahman, were executed. Politics has remained unsettled since the return of civilian government and the prospects for greater turbulence are strong. But civil society seemingly has endorsed both the execution of the Mujib assassins for a crime committed in 1975 and the commencement of the war crimes trials. Observers in Bangladesh believe that this could have a moderating effect on the bitter polarisation of the media community, though they take nothing for granted.

Diverse Discourses

With the exception of Bangladesh, all the countries covered in this report are linguistically diverse. Diversity of languages leads to a segmentation of media audiences and potentially the creation of different discourses within different communities. Although these countries all have a significant English language media presence, the impact of the English language is patchy and uneven. In India, the English language media is large and growing. It caters to the demographic groups at the upper end of the scale



of income and wealth and thus attracts the most lucrative advertising. The same is true, though to a lesser degree, for Pakistan and Sri Lanka. But in Bangladesh and Nepal, English language media remains relatively small in its diffusion relative to the population. Its influence stems from the fact that it is read by the upper strata and provides the basic information for the external world to form its understanding of events in these countries.

The English language media in the region tends to be strongly moored in the interests of a relatively narrow and affluent strata of the population. This obviously is a different phenomenon than the rootedness of other language media in their respective cultural communities. Often, when this form of cultural segmentation overlaps with the fault lines in the national polity, the media gets pulled into the conflict as an accessory on one or the other side. A case in point would be the civil disturbances that broke out in the Indian state of Jammu and Kashmir between July and August 2008 over a controversial land allotment to a religious trust. The two distinct cultural regions of the state were polarised in their responses. As a consequence, the media in the Kashmir region came in for widespread criticism in Jammu for supposedly inflammatory and exaggerated reporting, while the Jammu media was condemned in the Kashmir region for its supposed insensitivity. This polarisation infected the English media as much as it did the local language media.

A virtually identical scenario was enacted in the north-eastern Indian state of Manipur early in 2010, with a sharp

polarisation between communities living in the valley and the hills. Inevitably, the political tension between these communities played itself out in the media, seriously impeding journalists' freedom to operate.

Media and Social Status

The media's social moorings also come into question when significant public policy issues are discussed, as for instance, affirmative action for those historically disadvantaged under the Indian caste hierarchy. In 2006, just when such a public debate was under way in India, a survey in Delhi found that 80 per cent of journalists with any sort of influence over news priorities – from light to moderate to decisive – came from the upper tiers of the caste hierarchy. There were few among them from the Dalits and the "Other Backward Classes" – sections of the population considered to be "excluded" under the caste ideology. And the religious minorities also went under-represented in proportion to their share in the total population.¹

In Sri Lanka, the social moorings of media organisations and the character of the audience they address have a crucial bearing. The picture here is stark, since the

¹ See Alope Thakore, "Breaking into the Media", *The Hoot*, June 12, 2006, and "Caste matters in the Indian media", *The Hindu*, June 3, 2006. For a broader discussion of the debate on affirmative action, including the role of the media, see "Reservations: The Die is Caste", *The Little Magazine*, Volume VI, Numbers 4 and 5, 2006 (copies available for purchase online at <http://www.littlemag.com/reservation/printmag.html>).

violent quarter-century-long confrontation between the Government and Tamil insurgents continues to cast a shadow, though the hostilities were formally declared over in May 2009. The character of this polarisation has been reflected within the media too. In recent years a third dimension has been added to this hitherto bipolar conflict in the perceptions of the Muslim community, which has increasingly been caught in a bind between two unrelenting combatants. Here too, the situation for the media was grim. It got sucked into the hostilities and lost its sense of detachment from the interests of the belligerent parties, rendering it ineffective as an instrument that could work toward conflict resolution.

This is a long-running problem with the media in Sri Lanka. As mentioned in a study of the island nation's media in 2003, there is very little cross-cultural reporting. Every media organisation thinks its mission fulfilled if it caters to the interests and tastes of its own narrow linguistic group or socio-economic stratum. Where there is an element of cross-cultural media attention, it is often "intended to demonstrate pejorative aspects of the other ethnicity".² Things began to change towards the later years of the war with journalists' organisations making conscious choices to ensure that their professional work reflected broad concerns other than those of their own communities. These invariably invited censure and in several cases, persecution and violent retribution by those in government. But with the end of active combat, media professionals are seeking to build a new idiom of reporting that goes beyond narrow community identities and addresses the concerns of the nation's minorities fairly and equitably. Formidable obstacles remain, not least in the efforts of the incumbent regime to change the subject: from social justice to economic development as the main priority of post-war Sri Lanka.

Zones of Risk

In Pakistan, the overt conflict that has been going on in Khyber Pakhtunkhwa Province, Balochistan and the Federally Administered Tribal Areas (FATA) has taken a heavy toll of journalists. Yet the zones of overt conflict are not the only places where journalists are at risk. Local power groups and state security agencies are often known to threaten and attack journalists who report on certain of their activities which transgress the borderline of legality. As in Sri Lanka during the worst days of its civil war, violence in Pakistan has acquired a random quality and the targets are chosen – as with the bombing of the iconic Data Ganj Baksh mosque in Lahore in July 2010 – with maximum intent to cause both moral and material damage.

Journalists' organisations were at the forefront of the struggle for the restoration of democracy in Pakistan. In this effort, they managed to strike a broad alliance with media owners and editors, and other professional groups

such as lawyers, which multiplied the effectiveness of their interventions. But the broader alliance has not been sustained since the immediate objective was achieved in 2008. Pakistan's apex union of journalists has campaigned hard to secure the implementation of the statutory wage award announced in 2001, as also to ensure additional safety measures for journalists working in conflict zones. The tools of mass agitation and in the extreme case – a boycott or a collective cessation of work – have often been used, with partial success.

Unlike other countries in South Asia, Bangladesh does not have the problem of an active insurgency, except on a minor scale in the Chittagong Hill Tracts and the south-western administrative division of Khulna. The primary source of conflict here is the deeply polarised political environment, with civil society institutions, including journalists' bodies, riven by loyalties to rival political parties. Threats and physical hazards are a major concern for journalists from the south-western districts. Khulna division – one of the six main administrative units of Bangladesh – has witnessed the most dangerous working conditions for journalists in the country. Indeed, the phenomenon of "terrorism", involving both targeted and random acts of violence against media workers and other civilians, perhaps began in this area. The threats persist to this day, with both Islamic groups and radical left-wing groups contributing to a pervasive sense of insecurity within the media.

Nepal has seen the depths of media unfreedom in the last ten years and emerged from the experience with greatly enhanced capacity to appreciate the benefits of a free media and to fight for it. In February 2005, when King Gyanendra made his final pitch for absolute power, the Federation of Nepali Journalists (FNJ) was one of the first to condemn the action and call it for what it was: a coup against democracy. In the ensuing period, several journalists, including some of the FNJ's top elected officials, were imprisoned. Censorship was absolute.

Beginning March 2006, with the royal absolutism pressured by an unrelenting Maoist insurgency, democratic forces began to mobilise for a fight-back, in which the media community, spearheaded by the FNJ, the Nepal Press Union (NPU) and the National Journalists' Union of Nepal (NJUN), played a significant role. Great moral capital accrued to the media community when the king was finally compelled to cede his absolute powers and reinstate the national assembly. This moral capital was well expended. The media community succeeded in a lobbying effort to get significant amendments incorporated into Nepal's Working Journalists' Act, which ensured that all journalists would be employed under defined conditions of remuneration and job security, and would benefit from an ongoing commitment by media organisations to professional skills development. A right to information law was also enacted by the interim national assembly, in recognition of the role the media community had played in the restoration of democracy.

² S. Deshapriya and S. Hattotuwa, *Study of the Media in the North-East of Sri Lanka*, Centre for Policy Alternatives, Sri Lanka, and International Media Support, Denmark, 2003, page 8.

Though these laws remain, in the main, unimplemented because of adverse material circumstances in Nepal, the media community is intent on seeing that the new political order is adequately attentive to issues of media freedom and the social and professional rights of journalists.

Cross-border Conflict Potential

Aside from the conflicts within each of the countries of South Asia, there has been a history of tensions between countries, most conspicuously between India and Pakistan, but to a degree between India and Bangladesh, Nepal and Sri Lanka too. Conflict potential between India and Pakistan remains high over Kashmir and mutual concerns over cross-border terrorism. Pakistan of course shares a border with Afghanistan that bristles with the potential for conflict over the suspicion that each country has become a base for political destabilisation in the other. Most of these conflicts have serious “transnational and global implications”. These conflicts arise from multiple and complex causes: economic, political and social. Historical factors also exert a potent influence, including the persistence of cross-border ties of family and ethnicity, which are a legacy of history. This factor is apparent between both sides of the divided state of Jammu and Kashmir, between Bangladesh and the neighbouring states of India, the Nepali plains and the *terai* regions of the Indian states of Bihar and Uttar Pradesh, and between Pashtoon tribes on either side of the Durand line that separates Afghanistan and Pakistan.

A recent essay on the potential for violence arising from the “territorial ambiguity” of nation-states formed in the retreat of colonialism, identifies three kinds of nationalist anxieties stemming from the ambiguity of India’s borders – McMahonian and Radcliffian (after the British bureaucrats who respectively laid out the borders with China and Pakistan) and Kashmirian (arising from the circumstances of that region’s accession to India). Each of these has generated a particular kind of violence, visible most sharply in the borderlands, where the natural affinities of community and kinship have entered into violent confrontation with the territorial imperatives of separate nations.³ Needless to say, the anxieties that India suffers on account of these territorial ambiguities have their counterpart anxieties on the other side of South Asia’s national frontiers, notably in Pakistan and Bangladesh.

In virtually all countries, cross-border ties are taken to be evidence of extra-territorial loyalties that could undermine the single-minded loyalty to the nation-state that is often expected in post-colonial contexts. This leads to the marginalisation of concerned social groups within their respective country’s national politics. This aspect of social exclusion is of course distinct from inherited forms

of exclusion such as those imposed by the caste system, which in different formats is prevalent in India, Nepal, and Sri Lanka. And since media in all countries tend to be highly attentive and responsive to official guidance, communities that are seen to be harbouring cross-border loyalties are seldom given a fair hearing in the media. Conflict continues as a result.

With governments unwilling to act decisively against a culture of impunity, journalists often adopt a play-safe attitude. Even where there is no prior restraint on the exercise of free speech, a hostile environment can compel the media to censor itself. Public dialogue on diverse points of view is stymied by the enforcement of traditional social and political taboos on the media. Two examples are the pattern of reporting in the Indian media on the situation in Kashmir, and the efforts in Sri Lanka to prevent critical reporting on that country’s conflict and its aftermath. Without access to adequately representative information, citizens are unable to engage fully in democratic processes and mechanisms seeking peaceful conciliation of group conflicts.

Strategies of Unity and Struggle

Where journalists are present in large numbers, their collective ability to fight for their rights is likely to be high. But this critical mass for successful collective action is likely to be difficult to mobilise where journalists are few and far between. In countries of vast expanse like India, or tremendous diversities of topography and culture, like Pakistan and Nepal, the journalists most vulnerable are those who are remote from national capitals and major metropolitan cities, in both the literal and figurative senses. Successful collective action requires effective networking above all, between journalists in all regions prone to conflict and their colleagues in the national capitals and major metropolitan cities. These cities could in turn, function as the nodes through which information is fed into regional and global networks to enhance the efficacy of local actions.

Journalists’ unions and organisations should in turn take on an active role at the local level in evolving norms for media coverage. An example would be Manipur in north-eastern India, where journalists are pressured by multiple insurgent groups, each working at cross purposes, and each intent on denying others a voice. The union in the state of Manipur responded to these challenges by evolving a code of conduct and publicising it widely so that the state agencies and insurgent groups were put on notice of how far they could get their views across through the media. This collectively agreed code has considerably enhanced the strength of individual journalists to turn down demands made by armed groups to skew their coverage one way or the other.

The appropriate vocabulary for conflict reporting is also a challenge for professionals in the field. Often, their carefully crafted news reports which are attentive to the nuances of the situation they face are edited,

³ Willem van Schendel, “The Wagah Syndrome: Territorial Roots of Contemporary Violence in South Asia”, in Amrita Basu and Srirupa Roy (editors), *Violence and Democracy in India*, Seagull Books, London and New York, pp 36 to 82.

headlined and placed on the page by staff in distant cities who are impatient with ambiguity and keen to establish a clear narrative. The journalist may not have a say in the headlines and the images that accompany their report, and a photographer may not have a say in the captions accompanying their work. This division of labour within news organisations could often pose a hazard for journalists and media workers in conflict zones, who are often called upon to explain particular terms and turns of phrase used in reports appearing under their credit-line, when the ultimate responsibility rests elsewhere. Journalists' unions in conflict zones in South Asia have responded to this challenge by evolving their own vocabulary, which is reflective of all the complexities and ambiguities of the situation they confront. They need the support of editorial headquarters in making this terminology an accepted ingredient of news coverage as it finally is published.

A firm norm has to be established that journalists' safety in conflict areas is the primary responsibility of employers and media organisations. There are collective processes that could contribute signally, such as an agreed norm on covering breaking news in highly hazardous areas. Journalists are often known to walk into deadly dangers in their keenness to be the first on the scene with the breaking news story. This attitude is fed by the competition between media organisations, which has become intense with the proliferation of cable and satellite channels.

Modes of agitation have varied, from street demonstrations to discrete lobbying behind the scenes. Street demonstrations have maximum impact when the issues are broad and can attract a wide cross-section of civil society organisations with similar objectives. Where threats become intense and multi-dimensional, journalists have often had to take recourse to the ultimate option of mass closure, as in Kashmir and Manipur on a few occasions, though closures in Kashmir are more often coerced rather than voluntary. This option also becomes relatively infeasible where the media functions in a highly organised, industrialised fashion, and the decision-makers are many.

Lobbying efforts could capitalise on the fact that in polities where elected officials are putatively accountable to the people, they are likely to be very keen to cultivate the goodwill of the media. But this is an aspect of the journalists' profession that could in specific situations produce outcomes skewed towards the gain of particular individuals rather than the collective body. This underlines the need for leaders and accredited negotiators to follow a policy of complete transparency when they enter into these processes. International solidarity and networking can also provide vital sustenance in moments of trial, as with the experience of the South Asia Media Solidarity Network (SAMSAN), a broad alliance of journalists' unions and press freedom bodies, functioning effectively since 2002.

Methodology

This project involved first a recapitulation of the most significant interventions and activities conducted by IFJ affiliates and partners in situations of crisis and conflict. The actions that were addressed included responses of journalists caught up in reporting conflict situations (including direct attacks, crossfire and targeted threats and intimidation); advocacy in situations of conflict (ranging from war to coups to civil unrest to the entrenchment of undemocratically installed regimes). In these contexts, the research sought to document how issues of conflict sensitivity are built into the training and other work conducted by journalists' organisations and the inclusion of conflict sensitivity in local codes of conduct.

A survey was done informally by establishing contacts with the principals involved in each case and interviewing other interested parties. Information was gathered through formal and informal contacts with all existing partner organisations of the South Asia Media Solidarity Network (SAMSAN) in the five countries. Previous contacts that the IFJ had developed with journalists who had been directly affected by incidents of violence and intimidation were renewed, to draw on the understanding gained through distance and hindsight.

The process included focus group discussions in India and Bangladesh. In Sri Lanka, conditions remained inimical for collective activities involving journalists, so rather than a focus group, inquiries were conducted discretely with individuals in the country and those now in exile. In Nepal and Pakistan, the researcher engaged under the project travelled widely and conducted a range of interviews with journalists who have been active in the struggle for press freedom and have valuable insights into the specific challenges that conflict situations pose. Activities conducted under other IFJ projects, such as the annual SAMSAN conference in September 2008 and 2009, were used to gain valuable participant feedback on themes and issues relevant to the aims of this report.

The findings of the research were prepared in detailed draft country reports and presented at a regional discussion in Kathmandu, Nepal, in July 2010 involving senior media representatives from all five countries. The roundtable discussion analysed the role of the media, journalists and journalists' organisations in conflict situations, and the part they played in mitigation of conflict within and between South Asian countries. The discussion further sought to identify the actions and campaign and advocacy strategies that had been employed by media communities, both in-country and jointly across the region, to address situations of conflict and, ultimately, to serve the resolution of conflict. Within this discussion, contributors assessed which strategies had proved effective in varying contexts, and what could be done in the future to improve or achieve peaceful conflict resolution in the future. This report presents the findings arrived at as a result of this entire sequence of activities and consultations.



Parliament is not seen as a legitimate arena for oppositional politics, which is increasingly played out through the media and in the streets (photo courtesy: Sukumar Muralidharan)

BANGLADESH

Political Polarisation Feeds Media Partisanship

Since the restoration of an elected government early in January 2009, Bangladesh has sought to rebuild a stable consensus that will guide politics into the years ahead. The task has proved arduous. The main political opposition, the Bangladesh Nationalist Party (BNP) announced early in the life of the newly-elected parliament, that it would boycott proceedings, protesting an election which it said had been rigged in favour of its main rival, the Awami League.

The failure of the country's main political formations to agree on a basic framework of rules has raised concerns that the media could once again relapse into its bitter partisanship, which more than any other factor has contributed to Bangladesh's failure to evolve an agreed charter on media rights.

Potential for serious political discord emerged over the execution in January 2010 of five of the nine persons convicted of the murder of Sheikh Mujibur Rahman, leader of the nation's Liberation War of 1971, after a trial that began in 1997 – more than two decades since the event. The ruling party, the Awami League – founded by Sheikh Mujib – reasoned that the execution was an important part of the country's reaffirmation of its foundational values of secularism and democracy. The opposition party, the BNP, has remained silent, making it clear that it is not reconciled to the execution of individuals who enjoyed its protection all through the years it was in power.

The media for its part has welcomed the event for its symbolic quality and its value in reaffirming the nation's commitment to the rule of the law. The *New Age* commented editorially, that the "political debates over the murderous ouster of Mujib regime would not be buried with the burial of the bodies of the convicts". "For (this) to happen", it said, "society would require threadbare discussions and

informed debates on the political events leading to the murderous political misadventure, its political and cultural consequences and the ways of freeing our history from the political hangover that the misadventure had caused 34 years ago".¹

The *Daily Star*, Bangladesh's most widely circulated English daily, had a more positive assessment, commenting, "It was for this nation, simply and very logically, a return to the great idea that rule of law matters, that justice is all, that anyone who commits a crime should not expect to get away with it. Indeed, now that the legal process has ensured a restoration of the principle of justice, it is time for all citizens, irrespective of political belief or party affiliation, to reflect on the dark shadows that for long impeded our march to a better and an egalitarian future."²

Inquiries made with the media community in Bangladesh as part of the process of preparing this report reveal that the Bangla-language press, with its vastly greater reach, tended to endorse the execution of the five with little equivocation. Two exceptions were *Sangram*, a newspaper controlled by the right-wing theocratic party, the Jamaat-e-Islami, and *Amar Desh*, which has always been associated with an adversarial posture towards the Awami League. *Amar Desh* has since become the site of a serious confrontation between the ruling party and the opposition, leading to the summary closure of the newspaper and the arrest of its editor. This case, about which more will be said later (see box), illustrates how the media in Bangladesh has become a proxy battlefield, in an environment where civic and

1 Editorial, *New Age*, January 29, 2010, extracted at: <http://www.newagebd.com/2010/jan/29/edit.html#1>.

2 Editorial, *The Daily Star*, January 29, 2010, extracted at: <http://www.thedailystar.net/newDesign/news-details.php?nid=123985>.

legislative institutions have had little opportunity to develop into forums for authentic political contestation. The struggle of journalists in Bangladesh then, is partly about preserving the media as a forum that the wider public can depend upon for accurate and reliable information. Despite odds, this is a venture in which they have been achieving significant successes.

Just weeks after an elected government took over the reins, Bangladesh was shaken by a mutiny in the barracks of the Bangladesh Rifles – a paramilitary force tasked with guarding the country’s borders – in the capital city of Dhaka. The event was deeply traumatic and threatened to unsettle the newly installed Government. It also underlined that civil and military institutions remain infirm in their commitment to the central principles of an electoral democracy. In its first reactions to the event, the Government clamped down on the YouTube video-sharing website and several blog-sites, which had posted visuals and other material connected to the mutiny. All users of the internet in Bangladesh were denied access to these sites, though the effort was not entirely successful. The sites remained available outside Bangladesh and the internet allowed sufficient avenues for those with the determination to access the information.³

The mainstream media in Bangladesh, though, escaped serious impediments during and after the mutiny. This was partly because – when the scale of the atrocities committed by the mutineers became clear – everyone fell in line and fully backed the new Government’s effort to bring the mutineers to justice. By mid-September 2010, a verdict had been reached for the mutineers who participated in the relatively minor incidents in the barracks in Sylhet town. The trial of the Dhaka mutineers was entering the stage of framing of charges, amidst some apprehension over the possible repercussions of the extreme penalty being handed down. It also remains uncertain if the return of civilian rule has made a significant difference to the media freedom situation. According to a list prepared by Odhikar, a human rights organisation based in Bangladesh, there were 115 identified acts of transgression against media freedom in 2008 – embracing the whole gamut from attacks to abductions, threats and legal action with intent to silence critical reporting.⁴ In 2009, the first full year since the restoration of an elected government, the same source reported 266 attacks on media freedom, covering the same range of situations.⁵

It must be underlined that the data for 2008 may be understated because of the numerous impediments placed in the way of critical reporting during the emergency regime.

As Odhikar has noted in its report for 2008, “overt and covert restrictions” continued to be imposed on the press and the electronic media all through 2008. These various restraints ensured that the true extent of media repression could not be accurately determined, simply because relevant information had no way of emerging into the public domain. Neither is there any basis to believe that the overall human rights situation has improved since the return of civilian rule.

Illustratively, the Odhikar report for 2008 notes 149 extra-judicial killings. The picture in 2009 was, if anything, worse, with 154 extra-judicial killings being recorded. Here again, the disclaimer needs to be entered that the information environment was not quite transparent in 2008, rendering the figures from that year non-comparable with those of 2009. Yet, there are grounds for worry about the record of extra-judicial killings, especially in terms of the implications for media reporting on the issue.

As in most of South Asia, the media has grown rapidly in Bangladesh over the past two decades, though the growth remains uneven. Print media is limited in reach and scope because of poor advertising revenue accruals and low literacy levels. The electronic media has grown but remains focused to a great extent on entertainment. Radio remains restricted by irksome rules. A community radio policy, announced in early 2008, has since been implemented though rather hesitantly.

The Emergency and After

The most significant event that has a bearing on the current report happens outside the period of immediate concern. In 1994, a mere three years into civilian rule - after the long years of military domination that followed Sheikh Mujib’s assassination - the Bangladesh Federal Union of Journalists (BFUJ) split. Both sides claimed the appellation of the main union and because of the bitter polarisation between the country’s two main political formations, then only incipient, this split has remained unbridged.

In 2001, shortly after national elections resulted in a decisive triumph for one of the political formations, a series of planned assaults occurred against the religious minority in Bangladesh, as also persons of the majority who had stood for religious neutrality in politics. By this time, the embitterment between the Awami League and the Bangladesh National Party (BNP) was complete and seemingly irremediable. The schism has since widened, fuelled by competing readings of the country’s history, and deep divisions over the mode of engagement with the neighbourhood and the world that would best serve national interest.

When another cycle of elections was due to begin in 2006, political violence broke out on the streets. The media again got trapped in the crossfire. The issue was whether an incumbent government, which had jurisdiction over the disposition of state power, could ensure free elections. National law in Bangladesh provides for a caretaker administration to conduct the affairs of state in

3 These and other related events are dealt with in the IFJ’s Press Freedom Report for South Asia issued in May 2009, available at: <http://asiapacific.ifj.org/assets/docs/082/145/d084a52-925dc91.pdf>.

4 Figures obtained from page 36 of Odhikar’s report on human rights in Bangladesh in 2008; available at: http://www.odhikar.org/report/pdf/hr_report_2008.pdf.

5 Figures obtained from page 27 of Odhikar’s report on human rights situation in Bangladesh in 2009; available at: http://www.odhikar.org/documents/2009/English_report/HRR_%202009.pdf



The emergency regime was tough on dissent, but journalists still organised to take legitimate grievances on to the streets (photo courtesy: Drik News)

the interregnum between successive governments. But the breakdown of mutual trust between the national parties and the public mistrust of the integrity of national institutions became so deep that the entire democratic process was suspended and an “emergency regime” imposed, fronted by a group of civilian bureaucrats but in reality, underwritten by the power of the armed forces.

There was a news blackout in the immediate aftermath of the proclamation of “emergency”. A series of meetings ensued over the next days between editors, senior journalists and the officials of the newly formed caretaker administration. The ban on news reporting was then relaxed with the media being granted explicit sanction to report “factually”. Television channels went back on-air with news programs and newspapers began to publish stories, though with a degree of caution and self-censorship.

Both the chief of staff of the Bangladesh Army and the chief adviser to the President – who functioned with the powers of a Prime Minister – were prone to affirm at every opportunity, that while Parliament remained under suspension, the media would be expected to function as an effective forum for public debate. However, the first actions under the emergency regime included setting up a special cell to deal with the media, which became a means of establishing control. Unwritten advisories were issued to the media on the limits of critical commentary in newspapers. As for broadcast media, specific written orders were issued at frequent intervals on the topics that could be covered in live talk shows and the people who could be invited.

There were frequent demarches issued from the administration during this period, asking the media to support the cause of the emergency regime. In April 2007, the Government took censorship a step further, sending out letters requesting media outlets not to publish or broadcast “ill-motivated, harassing or misleading reports,

particularly against government officials, businesses, professionals, intellectuals and politicians”. The letter stated, “The Government hopes that the country’s mass media will take greater care in publishing/broadcasting apolitical and substantial news, features, discussions, satirical sketches and cartoons, in order to maintain the positive role of the electronic and print media.” This did not yet indicate how far the new regime was prepared to go in enforcing its writ on the press. Nor was it clear what instruments the emergency administration would use. For these reasons, the initial impact of these demarches was not very great, though caution continued being the norm for the media.

When the first signs of a challenge to the new administration surfaced with student protests at Dhaka University in August 2007, the official tone became considerably harsher. Coverage of the demonstrations drew a stern reminder from the administration about the special circumstances of the “state of emergency”. The all but explicit suggestion from the administration was that the protests were instigated by media coverage and only took a violent turn on that account. As the unrest spread, the emergency regime put the main cities of the country’s six administrative divisions under curfew. Mainul Hosein, then the Information Adviser to the President, summoned a meeting of Bangladesh’s leading editors and television heads to urge that they “report conscientiously and responsibly”. The Government, he said, had no intention of imposing censorship in any form, although it had the powers to do so. This directive was reported in sections of the press in a critical tone, but again, because of the many ambiguities in the situation and the general belief that the emergency administration was seeking to establish a new mode of consensual politics, free of the bitter acrimony of preceding years, the media response was not overtly hostile.

The underlying tensions continued till the state of emergency was relaxed in December 2008. On December 5, 2008, when residual emergency regulations were on the verge of being dismantled, *New Age*, one of Bangladesh’s leading English-language newspapers, commented editorially that the “interference and intimidation faced by the news media in general and harassment faced by newsmen in particular” had been “significantly higher” under the emergency administration than “anything experienced in the previous 15 years”.

A Brief Recapitulation of Serious Events

Following is a recapitulation of some events from the past five years that focus attention on the hazards to journalism from the lack of a settled consensus on how politics should function and the limits of critical media commentary:

- In November 2005, Habibur Rahman Habib, general secretary of the Manikchari Press Club and correspondent of *Dainik Ajker Kagoj* and *Dainik Supravat*, was assaulted by cadres of the ruling BNP. Before the attack, a ruling party MP made threats against local journalists of Khagrachari. Members of the BNP also held a demonstration and set fire to copies of the daily *Dainik Jugantor* in Ullahpara, Shirajganj. The incident occurred after *Dainik Jugantor* published a report titled “Bangla Bhai – the chief of Islami Militants stays in a BNP leader’s house”.
 - Rafiqul Islam, a correspondent for the daily *Amar Desh* in Rajshahi, was brutally attacked by members of the Jatiyatabadi Chhatra Dal (JCD), the student wing of the ruling party in January 2006. Ten attackers entered the Durgapur Press Club and assaulted Rafiqul Islam, who is the club’s president. Nurul Islam, the club’s general secretary, was also attacked when he tried to intervene. Before the attacks Rafiqul Islam had filed a complaint with the police after he received warnings not to report on alleged extortion by JCD members, but no protection was offered.
 - In the town of Kushtia in May 2006, a BNP MP, Shahidul Islam, sent his armed cadres to attack a journalists’ convention that was taking place near the local press club. Many senior journalists, who were invited from Dhaka to attend the program, including Iqbal Sobhan Chowdhury, former editor of the *Bangladesh Observer* and BFUJ president, were injured in the attack.
 - On March 5, 2007, Jamal Uddin, correspondent for the news agency ABAS and the local daily *Dainik Giri Darpan*, disappeared from his home in Kathaltala. The next day, his body was found near Rangamati Lake. A part of his face was damaged and other parts of his body were found to have been scratched. A rope was tied around his neck. The post-mortem, released 12 days after the body was found, concluded that Jamal Uddin probably committed suicide. His colleagues and relatives however rejected this finding, saying it was based on circumstantial evidence, and that Jamal Uddin had no suicidal tendencies. Police claimed they found an audio cassette on Jamal Uddin’s body, where he recorded a suicide note. However, police refused to allow his colleagues to listen to the audio.
 - Jahangir Alam Akash, a reporter with the daily *Sangbad* and CSB Television, was arrested on the night of October 23, 2007, at his home in the Rajshahi administrative division of Bangladesh, by personnel of the Rapid Action Battalion V (RAB V). The arresting party was led by an officer who had been named by Akash in some of his reports as being responsible for a number of civilian killings. The arrest was effected on the basis of a complaint of extortion lodged by a local politician who had lost his trusteeship over a body administering the properties of religious institutions in the area, after several investigative reports by Akash alleged rampant financial malfeasance under his watch. Although Akash had obtained anticipatory bail from the appropriate court soon after the complaint was lodged, he was arrested on the strength of another complaint registered just four hours before personnel of RAB V raided his home. Akash was detained until November 19 and suffered torture at the hands of the RAB V and then at the hands of the Rajshahi police. Even after he was released on bail, fresh cases were registered against him by known offenders and he had to seek refuge in Dhaka, rather than return to his family home. He now lives in exile.
 - Zahirul Haque Titu, correspondent for the dailies *Inqilab* and the *New Nation*, was detained in October 2007 in his hometown of Pirojpur, in south-western Bangladesh. No case was mentioned, although the arrest was professedly made under section 16(2) of the Emergency Powers rules, which allows non-police law enforcers the same powers of search and seizure as the police. Titu had faced the overt hostility of Islamist elements and their allies within the BNP since 2003. The many attacks against him have gone uninvestigated because the BNP has typically alternated with the Awami League in exercising power.
 - On May 11, 2007, journalist and human rights campaigner Tasneem Khalil was arrested at his home in Dhaka by plain-clothes officers. Khalil was taken to the Sangsad Bhavan army camp and tortured. An assistant editor with the *Daily Star*, Bangladesh’s leading English language newspaper, Khalil has also worked for global broadcaster CNN International and compiled reports for Human Rights Watch. Khalil suffered serious injuries under torture and was released after a day’s detention.
 - Arifur Rahman, a cartoonist with the Bangla daily *Prothom Alo*, was dismissed by his employers in September 2007 after fiery demonstrations by Islamic groups against a cartoon he composed, involving a play of words on the name Mohammad. The newspaper apologised for carrying the cartoon, although neither the editor nor the publisher suffered sanction. Rahman was arrested two days later. With no one willing to stand surety, he was sent to prison for 30 days. After repeated extensions of his detention, he was released on March 20, 2008. He was discharged in all cases against him in January 2010.
- Journalists’ bodies in Bangladesh have typically organised strongly to meet these numerous challenges to their professional safety and security. But they face obstacles at various stages. Illustratively, when the BFUJ was gearing up to organise a national journalists’ convention in November 2005, to register its protest against the growing climate of fear for the media, the Government cancelled the reservation it had made for the venue, booked well in advance. No explanation was given, other than certain ill-defined “security” reasons.

Most of these acts of violence against journalists and the media have gone unpunished. Bangladesh in this respect shares in the culture of impunity that prevails – with rare exceptions – in most of South Asia.

Defamation Cases and Extortion Charges

Journalists face serious threats in their coverage of human rights issues, especially involving extra-judicial killings by the military and security agencies in Bangladesh. A further hazard is the frequent use of defamation law and extortion charges to silence critical reporting.

In July 2005, warrants for arrest were issued against the editors of two Bangla-language daily newspapers in a defamation suit filed by a member of the BNP, who stated that the newspapers had published reports implicating him and his two brothers in a murder.

In another instance, a BNP leader, Fakir Abu Bakkar Siddiqui, of Melandaha in Jamalpur district and chairman of Nayanagar Union Parishad (the first tier of the local government), filed a defamation case against the daily newspapers *Bhorer Kagoj*, *Prothom Alo* and local correspondents of *Shamokal* including editors and publishers of the dailies for publishing a news report on him.

In a positive move, the High Court in February 2006 granted anticipatory bail to Bazlur Rahman, editor of the daily, *Sangbad*. In July 2005, *Sangbad* published a report titled, “Conflict among local BNP members in Jamalpur”, which named a local politician as an accused in a criminal case, drawing forth a defamation case against the editor and correspondent under whose name the story had appeared.

Journalists’ Organisations Bitterly Divided

There have been occasions when the media has represented political rivalries in a manner that brings latent animosities alarmingly to the surface. A widely talked about instance is the public intervention in March 2010 by journalist Shawkat Mahmud, president of the Jatiya Press Club (JPC, or National Press Club) and adviser to BNP president Khaleda Zia. Irked by a statement by Prime Minister Sheikh Hasina on the public expenditure incurred in maintaining the tomb of General Zia-ur Rahman, former Bangladesh president and the founder and political icon of the BNP, Mahmud issued a dire and explicit warning of physical harm to anyone who thought of undoing the majesty of the monument. He also urged the Prime Minister to salute the monument every time she passed it, to honour the enduring political legacy of the BNP founder, particularly his role in restoring multi-party democracy to Bangladesh.

Members of the ruling party were quick to file defamation cases against Mahmud – by one count, 27 have been filed in various courts – in complete disregard of the legal norm that such litigation can only be initiated by persons directly aggrieved. The BNP responded by activating the network of press clubs that owed allegiance to Mahmud, and conducting protest rallies against the legal harassment of its adviser. Leading journalists from various parts of the country were slated to participate. But one that was

scheduled in the south-western divisional headquarters town of Khulna on 20 March was denied permission to use a public address system, provoking another round of recrimination between ruling party and opposition.

Media commentary also tended to be polarised. A columnist in the *Daily Star*, for instance, confessed to being “surprised and shocked” at Mahmud’s warning to the Prime Minister, saying it transgressed all cultural norms of “respect” to the individual and shockingly amounted to a physical threat to an elected Prime Minister. The claim that General Zia-ur Rahman deserved an honoured position because he had restored “multi-party democracy” in Bangladesh was debunked in decisive terms: “In the guise of restoration of a democracy, the late dictator made sure that all the noble principles underpinning the War of Liberation were cast aside in order for the enemies of freedom to return to the political centre stage. The old Pakistan-obsessed Muslim Leaguers and Jamaatis, who should have gone to prison or worse for treason, *a la* Nuremberg, came back to repaint themselves as men who mattered in Bangladesh. And you call that a return to multi-party democracy?”⁶

There were also public expressions of disquiet within the journalists’ community at the overt politicisation of the JPC. But these concerns tended to be muted since Mahmud is by no means the only senior journalist to overtly engage in partisan politics. In 2009, the president of the BFUJ faction aligned with the Awami League, Iqbal Sobhan Chaudhary, contested national elections on the party’s ticket and lost. There was seemingly no contradiction seen between his role as leader of a nationwide union of journalists and his public loyalty to one of the country’s main political parties.

Cross-border Conflict Potential

Bangladesh continues to have serious bilateral difficulties in its relationship with India and these cast a long shadow over the functioning of the media. The most recent source of discord has been India’s proposal to construct a dam at Tipaimukh in the state of Manipur. Water experts in Bangladesh have estimated that this could result in serious losses to the lower riparian regions in their country. The media has taken up this issue and the Indian High Commissioner in Bangladesh has in particular, been targeted for allegedly intemperate utterances. This in turn has led to finger-pointing between governmental authorities and the media and serious bad blood.

These apart, the problem of territorial enclaves along the border between the two countries continues to defy solution. India has sovereignty over several patches of land within Bangladeshi territory, to which it has no contiguous access and the same applies for Bangladesh’s sovereign territory within Indian borders. These uncertainties over border demarcation, citizen allegiance

⁶ Syed Badrul Ahsan, “The mediocre and the maddening”, *Daily Star*, March 24, 2010, extracted on the same day at: www.thedailystar.net/newDesign/print_news.php?nid=131302. The reference here is to two political parties - the Muslim League and the Jamaat-e-Islami - both electoral allies of the BNP.

THE AMAR DESH CASE

On June 1, 2010, the Government of Bangladesh cancelled the “declaration” – which refers under local law to the registration of a newspaper – of the Bangla daily *Amar Desh* on the grounds that it was in breach of the law, in having no authorised or identifiable publisher.

The “acting editor” of the newspaper, Mahmudur Rahman, was arrested shortly afterwards and charged with multiple cases of financial malfeasance by the country’s Anti-Corruption Commission (ACC). The Deputy Commissioner (DC) of Dhaka cancelled the registration of *Amar Desh* under the applicable law, the Printing Presses and Publications (Declaration and Registration) Act, 1973, since he allegedly found that the publisher in whose name it was registered had in March 2010 informed the authorities that he was ceasing his involvement with the newspaper.

The newspaper had been bought up by Rahman in 2009, shortly after Bangladesh returned to civilian rule. The erstwhile publisher determined in October 2009 that he would discontinue his association with the newspaper and formally notified the local authorities in March 2010. An application that Rahman tendered to be registered as the publisher of *Amar Desh* was rejected on the grounds that he was ineligible, because of numerous criminal cases registered against him. The cancellation of the newspaper’s registration followed a formal report by the Special Branch of the Dhaka police, recording this finding.

The official narration on the *Amar Desh* closure, unsurprisingly, won few adherents, except among

partisans of the ruling party. The more proximate cause of the newspaper’s troubles, it was widely recognised, was a series of critical stories it had run on alleged acts of malfeasance by senior officials of the Government.

On December 17, 2009, *Amar Desh* carried a report about a dubious transaction with a U.S.–based oil company, concluded on the specific recommendation of the Prime Minister’s energy adviser. A sum of USD 5 million was paid as illegal gratification in concluding the deal, the report said. Three days later, the correspondent in whose name the story appeared was attacked in a busy part of Dhaka.

Rahman, who was previously chairman of the Board of Investment and Energy Adviser in the 2001-06 BNP-led government, secured anticipatory bail protecting himself against arrest five days later. In granting this relief, the court also directed all lower courts not to entertain defamation claims against Rahman until its next hearing. On February 11, 2010, Rahman was attacked in Dhaka. He was not injured, but the car in which he was travelling was badly damaged. A public meeting was held soon afterward to protest the attack as a violation of press freedom. But several prominent journalists stayed away, accusing the BNP of turning it into a political event.

At a meeting on April 3, 2010, journalists aligned with the BNP and its political ally, the Jamaat-e-Islami, criticised what they called the “oppression” of media personnel, drew up a charter of demands and presented the Government with an ultimatum of June 15, 2010, to accede to their demands. With its clear political overtones, the campaign attracted much adverse comment from journalists of the Awami League camp. They pointed out, for instance, that

and the jurisdiction of border guards, has led to great tension along the border, often involving loss of innocent life. Media coverage of these issues, again, has tended to obscure the true sources of the problem and the possible solutions on both sides.

Issues of trade, migration and the supposed sponsorship of cross-border insurgencies, continue to play a corrosive role in mutual relations between the two neighbours. Travel between the two countries has also become more difficult in recent years with the Indian High Commission in Dhaka introducing a new visa process that requires online application. In recent months, a report by the U.N. Drug Control Agency pointing to the smuggling of drugs for illicit use in Bangladesh attracted much attention in that country’s media. The largest source of such illicit drugs was identified as India. Within the Indian media though, the story merited little attention, since Bangladesh though a large country in the immediate neighbourhood, is still considered to not belong in the league of top-tier international relations for India. The media needs to address this asymmetry in perceptions to bring about a more enlightened public dialogue on cross-border issues, including those that embody a conflict potential.

Sources of conflict and available remedies: Journalists’ perceptions

A survey conducted by IFJ among Bangladeshi journalists in the early years of the emergency regime, testified to the widespread perception, that “power politics” is the main source of conflict in Bangladesh. These findings have been underlined by a more recent survey.

The problem, a majority of respondents say, could be mitigated by facilitating constructive people-to-people contacts, with the community of journalists playing a facilitative role. The overwhelming sentiment gauged by the survey, was that the media should focus on the “human element” in all conflicts and report in an “accurate and unbiased” manner.

A significant majority among the respondents felt that if journalists’ unions could form broader alliances with other civil society groups, it would augment the capacity of both to intervene in significant civic and political issues. Many referred to the movement of 1990 for the restoration of democracy, when journalists’ union and civil society organisations joined hands to topple a fifteen-year long military autocracy.

Rahman's credentials as an editor and publisher were of relatively recent and somewhat dubious provenance, since he only bought into *Amar Desh* after his stint at chairman of the Board of Investment and Energy Adviser.

Since the BNP lost political power in 2007, numerous corruption cases have been lodged against Rahman, even before the Awami League assumed power in 2009. In June 2008, for instance, the ACC, operating under the "emergency" administration, launched proceedings against him for embezzlement involving a sum of over BDT 100 million. This case involved his ownership of an entity known as Shinepukur Holdings Ltd, which was involved in real estate development in Dhaka city.¹

On February 9, 2010, Rahman was denied permission to travel to Germany. In a suit for damages filed early in April, he claimed that the purpose of the visit was to attend a trade fair which would be of potential business gain for him as the owner of a ceramics manufacturing unit. Yet the case has been represented in sections of the local media as a violation of press freedom.

This case, as with many others, illustrates the ambiguities that surround individual claims by newspaper owners that their interests are in some way consistent with those of the larger independent journalists' community. In an environment where the media is seen as a partisan battler rather than a fair and neutral source of information, journalists tend to get caught in the crossfire of political sniping.

1 The story can be read in the Daily Star, issue dated June 20, 2008, extracted at this writing from: www.dailystar.net/story.php?nid=42890.

Certain localised cases, which did not attract quite the same international attention, are also cited to underline this principle. In April 2001, for example, the *Purbakon* newspaper in Chittagong came under attack from a local leader of the Awami League, then the ruling party. This occasioned another united campaign by various professional bodies, student organisations and civil society, in an effort to bring those guilty to justice.

Other significant milestones in the collaboration between journalists' unions and civil society include the movement sponsored by National Committee to Protect Oil, Gas, Power and Port; and the movement for Khulna University in the 1980s. Similarly broad alliances were also formed when journalists Manik Saha and Shamsur Rahman were killed in separate terrorist attacks.

How far this manner of collaboration will remain a real option in the current political climate, though, is another question.

Most respondents to the survey conducted under the current project, believe that media rights will remain a dead letter unless journalists, editors, owners and others can work together. This manner of alliance would be feasible when the country's independence is at stake, to protect human

rights, sovereign rights over natural resources, the ideals of the liberation war, the values of secular democracy, and the process of accountability for war criminals. To make this broader alliance a reality, issues such as the implementation of the award of the wage board for journalists, and the revocation of all black laws relating to the media, could be a minimum programme of action.

Political polarisation remains the most significant impediment to journalism that is true to its values.

Threats and physical hazards continue to be a challenge for journalists in Bangladesh. Khulna, one of the country's six administrative divisions, has witnessed the most dangerous working conditions for journalists in the country. Indeed, the phenomenon of "terrorism", involving both targeted and random acts of violence against media workers and ordinary civilians, began in the Khulna area, according to most journalists. The threats persist to this day, with Islamic groups and radical left-wing groups contributing to a pervasive sense of insecurity within the media.

Every region of Bangladesh has problems specific to itself. Chittagong division, which has seen a low-level insurgency and occasional outbreaks of ethnic fighting, is also often a hazardous area for journalists. Journalists and media workers in the Chittagong Hill Tracts in particular often face the denial of essential professional equipment and material, on the grounds that the generalised availability of these could help the cause of the ethnic insurgencies.

Most journalists surveyed in the earlier phase of an IFJ project had been exposed to conflict situations. A clear two-thirds had done more than 10 stories in the preceding year on conflict situations. Fewer than 2 per cent claimed not to have encountered any conflict situation while on the professional beat.

More than 60 per cent of the respondents thought that the information provided on conflict by government departments, police and military sources was "limited". More than 36 per cent thought the information from these sources was "biased". An overwhelming 88 per cent of the respondents were prepared to characterise media coverage of conflict as "biased". More than half cited "commercial considerations" as the main reason for media bias, while just under one in five thought that media proprietors' political interests were the principal underlying factor.

Responding to a question on institutional remedies for the problems they face, a majority of respondents to the most recent survey said that they had no viable mechanism of redress. Close to 80 per cent of respondents said that they could lodge complaints with the local union branch, their own media office, and the local press club, but few of these get any attention. When media owners decide on their news coverage priorities, there is apparently no way that a journalist can alter those facts.

Numerous institutional changes were suggested by the journalists who participated in the study, including:

- Regional and international bodies who will take note of each instance of the violation of journalists'

rights in conflict situations and pressure the relevant authorities and agencies to institute remedies;

- Institution of an Ombudsman within all media organisations to oversee ethical practices and editorial choices;
- Creation of a cell within the Bangladesh Press Council, with adequate powers and resources to attend to complaints from working journalists;
- Formation of a special commission or authority that will exercise broad oversight in the media sector, with membership from journalists’ bodies, media owners’ organisations, and government; and

- Institution of serious training programmes by journalists’ organisations, with priority attention to media ethics and fairness issues.

Needless to say, all these recommendations are underpinned by the requirement that the country’s two main political parties should engage more constructively and not allow their rivalry to be a continuing force for disruption of civil society activity. This requires, at the minimum, agreement between them on the country’s recent history, the values of its war of liberation – however construed – and a compact that civil society institutions will not be subject to their meddling attentions.

INDIA Problems Persist Despite Strong Foundations

India has strong Constitutional provisions and judicial rulings in defence of press freedom. But in a nation of sub-continental expanse, there are regions where press freedom seems an empty slogan. Likewise, there are parts of the country where press freedom is under threat from the untrammelled commercialism of media functioning. Because of its vastness, issues of media freedom in particular regions of India tend not to resonate in India’s capital or its vast metropolises, where “national” public

opinion is moulded. There have been occasions though, when events that challenge the commitment and courage of professional colleagues in faraway locations have elicited strong solidarity actions from collectives based in the national capital.

Early in July 2010, the Delhi Union of Journalists (DUJ), a constituent unit of the IFJ-affiliated Indian Journalists’ Union (IJU), issued a strong statement deprecating the drastic erosion in the atmosphere for journalism, following



Kashmir’s journalists have had a tough time negotiating the numerous restrictions imposed to curb recent disturbances (photo courtesy: Rising Kashmir)

month-long civil disturbances in the state of Jammu and Kashmir. Cities in the Kashmir valley had been under curfew for a number of days since widespread demonstrations began in the region early in June. On July 7, as the army was summoned, the curfew was extended to cover the movement of all civilians, and word put out that press passes would no longer be honoured. All Kashmir's media personnel were confined to their homes. Camera operators in the capital, Srinagar, were assaulted as they sought to record the day's events and some had their professional equipment confiscated by security personnel.

The day's incidents followed similar occurrences on July 6, when at least 12 photographers working for local, national and international media were assaulted in Srinagar as security forces sought to restrain them from recording demonstrations. As the photo-journalists and news cameramen were attacked, senior police officers were heard remarking that without media attention the protests would soon lose momentum.

Two other important institutions based in the Indian national capital, the Press Club of India and the Editors' Guild, joined the solidarity actions for Kashmir's journalists. This focused and relatively powerful response from professional organisations in New Delhi was elicited by an unprecedented degree of unity shown by journalists in Kashmir. For the first time in two decades of trouble in the region, five different organisations managed to assemble on the same platform and put forward a common position demanding basic professional freedoms. These organisations included the Kashmir Press Guild, the Kashmir Press Association, the Kashmir Press Photographers' Association, the Kashmir Videographers' Association and the Kashmir Journalists' Corps. This multiplicity of organisations is an index of disunity in the past. But their newfound conviction that strength lies in unity is an important indicator of the potential of the new course they are charting.

The united action drew forth a degree of international support. And the empowered bodies within India reacted with considerable sensitivity. The Press Council of India, which was created with a mandate to oversee media conduct and ethics, but has since extended its gaze towards media freedom and journalists' safety, took cognisance of the events and asked the Kashmir bodies to submit a memorandum describing all relevant events. The working environment for journalists began improving but then took a turn for the worse early in September 2010 when the festive occasion of Eid-ul Fitr drew mass demonstrations on the streets and a strong-arm response. Two days later, the Kashmir valley witnessed its worst civilian death toll in almost two decades, when an estimated 15 demonstrators among a vast multitude that had taken to the streets to protest the alleged desecration of the Islamic scripture in far away New York, were killed in police firing.

The DUJ has in the recent past lodged strong protests with the Indian Union Government and carried out demonstrations in solidarity with journalists of Manipur

in India's north-east. Also active has been the Editors' Guild of India – as on February 17, 2010, when it issued a statement strongly deprecating the Manipur government for its indifference to the problems faced by local media. Particularly troublesome, it found, was the failure of governmental authorities to defend press freedom against the actions of non-state armed groups.

Multiple Pressures on Press Freedom

While expressing its deep concern over the plight of journalists in Manipur, the Guild called for "urgent remedial measures to bridge the growing gulf between the Government and the Manipur media".

In mid-2009, when the IFJ conducted a series of inquiries involving journalists from Manipur, the situation had become sufficiently grave for a senior editor in the state capital city of Imphal to consider the option of carrying a fire-arm for self-defence. The editor, who spoke in confidence, was aware that he would forfeit his right to be regarded as a civilian non-combatant – and claim all attendant protections – once he opted to arm himself, even in self-defence. But he was willing to sacrifice principle in the face of the practical difficulties of being an editor in one of India's most troubled states. India has had a passing familiarity, ever since the Punjab militancy in the 1980s, of editors seeking armed guard for their security. To the credit of Manipur's journalists, they have – aside from talking about it – not yet sought active recourse to this option. The reason, at least partly, as the senior editor from Manipur put it, is that they have a reasonable assurance that civil society still stands with them and will sustain them in the struggle against the threats of armed militant groups.

Mid-May 2010, Thuingaleng Muivah, leader of the long-running Naga insurgency demanding an autonomous Nagalim, or "Greater Nagaland" integrating all Naga-inhabited areas, prepared to visit his home village in the district of Ukhrul in Manipur. Suspecting an effort to stir up new turmoil in the state's delicate ethnic mix, Manipur's Government banned his visit. A protest by Muivah's supporters at the Nagaland-Manipur border was fired upon, resulting in the death of two. Muivah's political party, the National Socialist Council of Nagalim (NSCN), called a blockade of the highway through Nagaland, the main route for supplying Manipur. Stocks of food and other essential supplies in Manipur were soon depleted. As prices soared, state authorities opened an alternative route through which they could truck in material in an armed convoy. But the blockade, which went into a third month before it was partially eased under a threat of armed action by the Indian union government, deeply dented the rhythm of civic life in Manipur.

Journalists, like all sections of civil society, suffered from this extraordinary outbreak of animosity. Scarcity impinged on journalism when inventories of newsprint held by Manipur's many dailies began running low within a few weeks of the blockade. Many Manipur dailies reduced their daily quota of pages. Indeed, the blockade was eased just

as many of Imphal's editors were contemplating a possible shutdown.

In terms of its relationship with the local press, civil society in Manipur went through a spectrum of attitudes. Mid-May, as civil society groups in Muivah's home district of Ukhrul mobilised to protest the ban on his visit, they accused the press in the Manipur valley, home predominantly to the Meitei ethnic group, of insensitivity to the hill tribes' perceptions. As the NSCN blockade began to deeply hurt daily life, a counter mobilisation by people in the Manipur valley prevented essential supplies from going up to the state's hill districts. Newspapers were among the commodities blockaded.

Civil society groups and journalists' organisations in Ukhrul were outraged by the counter-blockade by activist groups in the Manipur valley. Showing a degree of inter-ethnic solidarity, the All Manipur Working Journalists' Union (AMWJU) – headquartered in Imphal though with ties and affiliations across the state – condemned the seizure of newspapers. Basic commonsense prevailed: that the exchange of ideas and information – whatever their skew – should not be hostage to inter-ethnic or communal rivalries. The Ukhrul District Journalists' Association also joined in the condemnation of the blockade of newspapers.¹

Within Ukhrul though, the journalistic consensus seemed to have little diffusion through civil society, as communities mobilised to block passage for newspapers from the Manipur valley, to protest their alleged indifference to the rightful demands of the Naga people. As reported by the *Imphal Free Press*, Naga tribes in the Ukhrul region were unimpressed by the reporting of the Manipur valley newspapers. In this sense, the consensus among civil society agitators seemed the opposite of that achieved by the journalists.

AMWJU has long sought a defence mechanism against the threats that journalists face. Despite the diversity of the social matrix, where, as a local journalist and media analyst puts it, "multiple histories, multiple cultures and multiple identities (are) struggling for recognition"², the journalists' community has often been able to achieve great unanimity of purpose.

On November 20, 2008, AMWJU declared a closure of all newspapers in the state to protest the murder three days before of young journalist Konsam Rishikanta Singh. Six days on, the strike was extended indefinitely. It was only after 11 days that local authorities conceded a key AMWJU demand – that the investigation into Rishikanta's murder

be entrusted to the Central Bureau of Investigation (CBI), controlled by the Union Government. Yet, as the Editors' Guild of India pointed out on February 17, 2010, there has been little progress in identifying those guilty of Rishikanta's murder. That situation persists.

AMWJU has on earlier occasions called for a complete closure of all newspapers in Manipur to protest particularly difficult situations. Journalists in Manipur are pressured by one or more of the region's multiple insurgencies to favour particular viewpoints and shut out all others. And an overarching reality is the state security authorities' insistence that all insurgent groups that defy the state's writ should have no right to be heard through the media. This pincer movement between insurgent groups and state authorities often leaves journalists without recourse.

Manipur's journalists united in June 2005 to adopt a resolution on the norms of fair reporting. The document was arrived at after extensive debate and reflected, in the particular circumstances of Manipur, a deep concern for the integrity of the reporting function (see box). Norms and procedures in the resolution were widely publicised so that militant groups and security agencies would know the limits to which the media might accommodate their conflicting demands. Pushing demands beyond these limits, it was said, would trigger a closing of ranks by Manipur's media and possibly a mass shutdown. Yet, as pointed out in an assessment two years into the code's operation, there was little to suggest it had been an effective tool in safeguarding professional integrity or journalists' physical safety. The "militants (were) well versed in their tactics to get their releases published keeping the press constitution and rules intact".³

Manipur is a region where the media's daily functioning is at considerable risk, and the flow of news is vitiated by numerous extraneous pressures on the practice of journalism. But in terms of the hazards facing journalists, Assam has been India's ground-zero.

Assam: A Climate of Impunity

On July 29, 2009, a trial court in Guwahati, Assam's largest city and capital in all but name, acquitted the sole accused in the murder of Parag Kumar Das, who was at the time of his death, executive editor of *Asomiya Pratidin*, the largest circulated daily in the Assamese language. Das was a widely-known journalist and public intellectual, active in human rights campaigns and an outspoken critic of the security strategy of government authorities, which often involved the covert use of underground elements to carry out targeted murders. He was an active campaigner for a particular conception of an Assamese national identity, which he said was entitled to a separate sovereign existence outside Indian control. He was shot dead in May 1996, in a busy part of Guwahati as he fetched his son from school. It was by coincidence or otherwise, the very day that a new government was being sworn into office in the state.

1 This construction of events is based on interviews with journalists in Manipur and concurrent reporting in the local press, notably the *Sangai Express* and *Imphal Free Press*. Some particularly relevant reports are available at www.e-pao.net, which regularly aggregates some of the most important news reports pertaining to Manipur. On the hill peoples' disaffection with the valley-based newspapers, see the *Sangai Express* reports, available at: <http://www.e-pao.net/GP.asp?src=14..180510.may10> and <http://www.e-pao.net/GP.asp?src=14..180510.may10>. On the "counter-blockade" imposed by the valley and the impact on newspaper distribution, see: <http://www.e-pao.net/GP.asp?src=19..230510.may10>.

2 Anjulika Thingnam, "Media Under Siege, Media Functioning in an Armed Conflict situation: A Case Study of Manipur", *Social Action*, Volume 57, Number 4, October-December 2007, p 382.

3 Ibid, page 391.

MANIPUR: SAFEGUARDING MEDIA AUTONOMY

With militant groups proliferating, the journalists of Manipur united in October 2001 to adopt a shared code of conduct. With a few amendments, the code was reaffirmed by the All Manipur Working Journalists' Union (AMWJU) in June 2005. The code is actuated by a complex mix of objectives: to reassert editorial autonomy in the news dissemination process, while providing fair coverage to voices of dissent and ensuring that the media are not seen under circumstances as accessories to acts of violence.

The first challenge the media had to face was that of identifying what voices of dissent have a legitimate claim to being represented in the media, irrespective of their status under the law. A basic requirement that the media has imposed, is that every statement or claim should have an identifiable source. And that once the source is identified, the editor will decide on how strong the claim to fair coverage is. Any invitation to a press conference, similarly, should have an identifiable source and press releases should be duly signed and bear an organisational seal on its letterhead. All invitations and press releases should be distributed by the organisation concerned and in no instance will a journalist or a media organisation take on the responsibility on behalf of any political group.

When rival claims are made by organisations that conform to all the above requirements, the editor will use his discretion and in most instances, give equal space to both. If there is a threat to human life inherent in any

of the claims, the editor will have the right to delete the offending sections from any statement.

All media organizations and professionals will follow the norms of journalistic conduct laid down by the Press Council of India, in matters involving sensationalistic and insensitive portray of events or personalities. Editors would take full responsibility for the tone and content of their coverage, including for omissions and commissions that may be regarded as offensive.

Where there are legitimate expectations or anxieties that a particular news report could create communal tension or offence, editors would have the right to delete or omit the concerned material. In all but the minor grievances that could be settled through a letter to the editor of the concerned news organisation, the AMWJU would be the first agency or institution that should be approached by any aggrieved person. AMWJU would address the concerned grievance according to its transparent set of norms and criteria. And if there has been a violation of the code of conduct, it would institute appropriate sanctions.

Needless to say, the AMWJU's most significant difficulties have been with instituting the kind of sanctions that could deter repeated breaches of the code. A further source of difficulty is the unrelenting attitude of the state government and the security forces deployed in large numbers in Manipur. In August 2007, the Home Department of the Government of Manipur issued an order which permitted for the confiscation of any media material referring to banned organisations or their personnel, in whatever form.

Assam's journalists – represented by the Journalists' Union of Assam (JUA) and the Assam Union of Working Journalists (AUWJ) – took up a program of agitation, and seemingly won an important concession when the state Government handed over the investigation of the case to the CBI, an agency that putatively would remain immune to local pressures. Yet in rendering his judgment of acquittal of the sole accused, the trial judge reserved special words of censure for the investigating agency, pointing out numerous procedural lapses and a conspicuous failure of witness protection, which led several crucial witnesses to withhold evidence or turn hostile. Das's is one name among a grim catalogue of 20 journalists who have been murdered in Assam since 1990.

The United Liberation Front of Assam (ULFA) and numerous Bodo groups constitute the most active insurgencies in Assam. These cooperate in a contingent fashion, despite their sharply conflicting political and territorial agendas. ULFA has gone through several schisms and a distinct outfit constituted by surrendered members of the organisation (which designates itself the "surrendered" ULFA or SULFA) has appeared on the

scene as an accessory of the Government's anti-insurgency efforts. The Bodo groups in turn are split, with one arriving at a ceasefire agreement with the state and union governments in 2003, negotiating an agreement to ensure Bodo tribal territorial autonomy. The other group continues its insurgency, but again underwent a split in December 2008 between a faction that favoured a suspension of military operations and another which thought otherwise.

The two most recent killings of journalists in Assam – Jagjit Saikia in November 2008 and Anil Mozumdar in March 2009 – are believed by state police to have been the direct outcome of their involvement, overt and covert, in these insurgencies. These connections were widely known and talked about, though little was done to restrain the journalists involved, whether by newspaper managements or local authorities. This points to the deeper problem where journalists are often used as conduits by business groups and state agencies seeking to establish some form of contact with banned underground groups. Conclusive proof that these two murders were connected with the victims' proximity to underground groups has not been advanced, nor would such



Rishikanta Singh's murder in Manipur's capital city in November 2008, led to an eight-day long agitation (photos courtesy: Sobhapati Samom)

proof, if available, mitigate the need for determined pursuit of those responsible.

Crises of Livelihoods and Ethical Standards

However these legal and judicial matters are settled, they point towards a wider ethical malady of journalism. Journalists in India's metropolitan centres often lose sight of the situation their colleagues in the outer reaches of the nation confront – poor pay or none at all, no letters of appointment or defined working conditions, and little assurance that media owners will back them when they face local tensions over news stories.

There is no professional code that prohibits a journalist from holding any political view – short of one that actively advocates violence or glories in its exercise. But Assam's journalists concede that both Saikia and Mozumdar may have overstepped several ethical thresholds in the mode of their association with insurgent groups. Both may have been involved in financial transactions on behalf of these groups, which in turn may have involved the abuse of their identity as journalists.

Aside from these bonds of choice between journalists and underground groups, there are also associations born of compulsion. Poor pay and working conditions – and media groups' indifference to the needs of quality journalism – make journalists potential accomplices in overt and covert political agendas which promise them a basic level of material security and well-being. The malaise has become so deep-rooted that journalists in recent times have been known to volunteer their unpaid labour in several of the more troubled districts of Assam, since greater rewards lie in parlaying the identity of a media person into material gain.

Besides ULFA and the Bodo groups, Assam has a multiplicity of other militant groups and political movements with the potential to break out in insurgency.

Most of these are constituted on ethnic lines, and allegiances shift frequently. Even for a journalist who chooses to play safe and not get on the wrong side of the authorities or the insurgent groups, these frequent shifts in allegiance pose a hazard.

These events taking place in India's distant borders do not feature prominently in national media. And reporting from these districts is an unending battle against overt threats by the militant groups and the natural human tendency to take sides. The situation is muddled to the extent that even legitimate professional contacts with insurgent groups are impossible without attracting the taint of partisanship. Government authorities have often entered into negotiations with underground groups on territorial and political issues. But an unbiased and accurate portrayal of these groups' agendas in the media is often discouraged by the common tendency displayed by parties locked in conflict: the denial of a voice to opposing sides. Indeed, journalists who seek to achieve this manner of portrayal of the militant movements end up at risk. The outcome is to seriously impair one possible means through which the media could contribute to conflict resolution, by promoting a public dialogue between contending groups.

Jammu and Kashmir: Opening up Spaces

In the two decades since a militancy erupted in the Kashmir valley, the media has gone through various phases in its fraught relationship with state agencies. In 1996, when elections were under way in Jammu and Kashmir (or J&K), the only means the media had to deal with the multiple pressures it faced was to shut down. In the 2002 electoral cycle, the media managed to function with relatively little pressure.

The 2008 elections took place in the aftermath of prolonged and widespread civil disturbances, following the controversy over allotment of land to a religious trust.

Beginning with mass protests in the Kashmir valley, the political crisis was qualitatively transformed when retaliatory actions began in the Jammu region. A few days into the crisis, a conclave of the Kashmir valley's most senior journalists resolved that state authorities should adopt a policy of complete transparency with the media and the general public in Kashmir about all ongoing incidents of violence and lawlessness in both the Jammu region and the Kashmir valley.

However, the situation deteriorated and a blanket curfew was imposed in the valley on August 23. Newspapers in Srinagar failed to print for six consecutive days on account of severe restrictions on the movement of journalists and other media employees. Security agencies also compelled local cable news channels to suspend broadcasts or to air only entertainment programs.

Fifteen journalists and media workers were reported injured on August 24 in targeted attacks by personnel deployed for special security duties. The injured included journalists from India's two main news agencies, the Press Trust of India and the United News of India, who had been trying to go to their places of work.

Three English language newspapers in Srinagar – *Greater Kashmir*, *Etalaat* and *Rising Kashmir* – posted website notices regretting their failure to publish because staff could not travel to work. The Urdu language press was also paralysed. News websites during this period were updated sporadically only because some employees were confined to their offices by the curfew. At the same time, in a cycle of attacks and retaliation, copies of the *Daily Excelsior*, published from the city of Jammu, were burnt in a locality of Srinagar, for its ostensible indifference to the protests in the Kashmir valley.

As in most areas of conflict, Kashmir witnesses a tendency for contesting parties to deny others a voice, except where it suits their interest. A central question confronting the media community in Kashmir is whether the voice of ordinary people has been heard through the media or stifled, all through the years of conflict and insurgency. Among journalists in Kashmir there is recognition that the voice of the people, as reflected through the media, has been subdued to an extent. The main difficulty encountered by journalists in Kashmir is the overlapping of several narratives: the local, the national and the global. Linked to this is the narrative that emerges from Pakistan's long-standing political intervention in Kashmir, and that country's seemingly unending turbulence.

As in most other parts of India with a history of conflict, the state and the security agencies are a major source of news in Kashmir. Journalists are often under compulsion to report in accordance with the state's views. This sets up a conflict in terms of ethical practice, since the inputs received from official sources are often at variance with the information gathered first-hand by journalists.

In reconciling these conflicts, the media community in Kashmir maintains the tough language of confrontation, though it has also to accommodate the officially determined

narrative. Yet the practice of journalism and the manner in which attributions are made seems clearly to proclaim that certain stories are featured under duress. It has been a long and hard process of negotiation, but because of the high international visibility of the Kashmir issue and the greater degree of public scrutiny exercised over agencies in the state, the authorities have been compelled to yield ground. This ongoing process of negotiation does not however ensure the security of journalists.

These tensions begin with the basic vocabulary of conflict reporting, in the choice between the use of "dispute" or "problem" – to discuss the status of Kashmir – and between "terrorist" or "militant" to describe the insurgent elements. Journalists' dispatches are commonly edited, headlined and laid out on the page by colleagues in distant centres such as Jammu and New Delhi, who may not be aware of the daily compulsions that colleagues working on the ground face.

The militancy imposes its own censorship on journalists and the media. News reports that inconvenience militant groups and, in particular, call into question the commitment of Pakistan to the cause, are severely restricted. When respected political leaders in Kashmir are reviled by state agencies on the other side of the Line of Control that divides India from Pakistan, or when training camps for militants are shut down under the pressure of coercive diplomacy by India and its western allies, media outlets in Kashmir come under pressure to ensure that public perceptions of the objectives of the militancy are not undermined. Commonly faced with the threat of lethal force for reporting in a manner that displeases one side or the other, journalists opt for self-censorship rather than truth-telling.

Kashmiri journalists have also suffered prolonged imprisonment on ill-defined charges. Typically, agitational efforts by local journalists in the cause of fairness and justice in these cases have been deterred by the pervasive threat of retribution. Maqbool Sahil, of the daily *Chattan*, was picked up in September 2004. Though charges were never framed, it was widely put out that he had been engaged in spying for a hostile neighbouring state. Journalists in Kashmir took up his cause but failed to make much of an impact. It was only when the media community in the national capital joined the cause that Sahil began to see the light at the end of a long tunnel. Similarly, Iftikhar Gilani, Delhi-based correspondent for the *Kashmir Times* daily, was arrested from his home in Delhi in June 2002 and charged three months later under the archaic Official Secrets Act. The documents found in his possession that supposedly incriminated him were in reality available in the public domain and had been extracted from various websites. His cause was taken up by numerous journalists' groups – both in Kashmir and Delhi – and he was released in January 2003 after the Government admitted that it had no case. The campaigns and petitions undertaken by Kashmiri journalists were vital in securing Gilani's freedom. But they only gained the requisite traction when journalists and civil society groups in the national capital joined in.

Maoist Insurgency in the Heartland

The Central Indian plateau, embracing parts of five Indian states – Chhattisgarh, Orissa, Andhra Pradesh, Maharashtra and Jharkhand – is another area of extreme risk for journalism. Illustratively, in October 2009, just as a major counter-insurgency operation got under way in this region, three journalists in Chhattisgarh were issued notices by police, ordering them to reveal the sources of reports either published or broadcast. Two journalists working for widely circulated Hindi-language dailies were asked to reveal their sources for a report suggesting that innocent villagers were killed in an anti-insurgency operation by security forces in a remote southern part of the state. In a separate case, a TV news channel reporter was asked to present himself before the local police in Kanker district, for broadcasting a Maoist claim of responsibility for the murder of a local political figure. A senior police officer in the state was also reported to have sanctioned aggressive measures, including firing at journalists who cross into Chhattisgarh from neighbouring districts of the state of Andhra Pradesh to report on anti-insurgency operations.

The local journalists' union, the Chhattisgarh Shramjeevi Patrakar Sangh (CSPS or the Chhattisgarh Working Journalists' Union), held a meeting on October 12 to discuss the threats. It resolved to undertake a major campaign to generate public awareness on media freedom issues in a situation of sharpening conflict.

Journalists in the Maoist insurgency area are often intimidated into silence by a climate of intolerance promoted by state authorities. Media function, in the words of a journalist in Jagdalpur, principal town in the Bastar region of Chhattisgarh, "under the pressure of circumstances".

In September 2009, security agencies carried out what they called a major security operation in the village of Gachanpalli in southern Chhattisgarh. Thirty Maoist insurgents and six security personnel were reportedly killed. A few days later, on October 1, 2009, an operation in the village of Gompad in Dantewada district of Chhattisgarh state resulted in 12 alleged Maoist insurgents being killed.

In January 2010, India's Supreme Court ordered the transfer to a medical institution in Delhi of a witness who had suffered a serious leg injury in the second incident. While she was being transferred through the state capital of Raipur, journalists seeking to meet her were denied access. The Inspector-General of Police for Bastar, the top police official in the insurgency-affected areas of Chhattisgarh, admits that he received complaints from journalists at the time and that this had prompted an inquiry with the local Superintendent of Police (SP). The explanation he obtained was simply that the media had been kept away in compliance with advice received from doctors treating the witness.

On January 17, *The Hindu* became the first major national newspaper to report on the police effort to control the movements of this and two other witnesses to the Gompad

incident.⁴ Also recorded in this news report was the effort by police in Chhattisgarh to control all movement into and out of the site of the incident. As reported in the newspaper, on January 15, armed police "lined the length of the highway from Dantewada town to Konta, the block headquarters closest to Gompad, stopping vehicles and questioning commuters". The reporter for *The Hindu*, who was travelling with two Dantewada-based journalists, Anil Mishra of *Nai Duniya* and Yashwant Yadav of *Navbharat*, "was repeatedly detained along the route and told that Gompad village was out of bounds as a major anti-Naxal operation was under way".

Mishra and Yadav are active members of the CSPS in Dantewada district. Their narration of the event is that the local media was unable to track the Gompad event and its aftermath on account of numerous constraints. First, there was an active effort to deny them access to the site and to authentic information. Second, a climate of actively deterring critical reporting had been created since about July 2009, when a major security operation was launched in the Maoist insurgency areas. Finally, the escalation in the scope of the armed confrontation since then had fed public susceptibility to repeated warnings by official spokesmen that Maoism constituted the foremost internal security challenge to India.

Being a national newspaper with multiple editions and a long history behind it, *The Hindu* was able to take the kind of risks in the context of the Gompad incident that the local media – smaller and financially less sound – could not. In this respect, the scenario for the local media had changed drastically with the launch of a vigorous new phase in the anti-insurgency operations in July 2009. By way of comparison, in January 2009, when a security operation in the village of Singavaram in the south of Chhattisgarh turned out, like the later Gompad incident, to have targeted innocent tribal villagers rather than active insurgents, the local press stepped up with searching news reports that encouraged local civil society organisations to take up the matter through a writ petition in the High Court, demanding accountability from the state Government. Clearly, the press in the Maoist insurgency areas needs to rediscover that *elan* and not be deterred by the heightened mood of public insecurity that has arisen since July 2009.

Security Laws Breed Insecurity

Special security laws in force in the regions of conflict include the Public Safety Act in Kashmir, the Armed Forces Special Powers Act in Kashmir and the North-East, and the Chhattisgarh Special Public Security Act in Chhattisgarh. These laws have certain common features in empowering security agencies to act with a relatively high degree of impunity in defined situations when "unlawful activities"

⁴ See the news report on the website of *The Hindu*, available at this writing at: <http://www.thehindu.com/2010/01/17/stories/2010011761241000.htm>



Vigilante attacks are a constant threat as Lokmat IBN TV discovered when it aired a discussion critical of a party that once led the ruling coalition in Maharashtra state (photo courtesy: Deepak Salvi)

are suspected. The definition of “unlawful activities” again is over-broad and in terms of reporting these, even factual accounts of militant activity could often attract the accusation of “aiding and abetting” a banned organisation.

Journalists also sometimes feel deterred in reporting common issues of governance in the areas of the Maoist insurgency. It is now part of the official commonsense – endorsed by officials as senior as the Indian Prime Minister and the Union Home Minister – that the institutions of governance have been seriously remiss in areas of the Maoist insurgency, that the violence there indeed may be an outcome of the chronic inability of the state agencies to deliver the security and welfare benefits for which they are mandated. This has brought about a heightened degree of public scrutiny over the officials posted into the more troubled areas – an inconvenience that they seek to deflect by every available means, including by accusing critical reporters of Maoist sympathies.

Journalists also often face challenges in areas that are not understood to be conflict-prone in the conventional sense. An instance is Samiuddin, alias Nilu, correspondent for the Hindi daily *Amar Ujala* in Lakhimpur Kheri district in the northern state of Uttar Pradesh. Threatened at various times by local police beginning in 2004, he was snatched in May 2005 while on his way home from work, by persons believed to be from a special police group.

Samiuddin’s troubles are believed to have begun after he filed a series of reports documenting arbitrary actions and the harassment of innocent people by the local police. His abduction in May 2006 could according to investigations subsequently carried out by India’s National Human Rights Commission (NHRC), have had fatal consequences, but for the precaution he had taken of registering a formal complaint with the watchdog body, apprehending a threat to his life. Once informed that the matter was under NHRC consideration, Samiuddin’s captors reportedly let him off.

The NHRC decided the case after close to five years, ruling it an “extraordinary” one involving a journalist exercising his right to report and inform. It ordered state authorities in Uttar Pradesh to pay financial damages amounting to ₹ 500,000 to Samiuddin and file a compliance report within six weeks.

In another important move, the Press Council of India (PCI) heard Samiuddin’s case and called for six-monthly reports on his security for the five years following, from the state authorities. The PCI, which inquired into the matter through its own processes, described Samiuddin’s as “a rare case that calls for serious attention”.

The role of the NHRC and the PCI in defending press freedom has come to the foreground with this and various other cases. There have however been no consistent standards for the invocation of

the jurisdiction of these bodies. And the lengthy procedures of fact-finding and adjudication that they follow render their utility in a situation of urgency somewhat shallow.

The PCI had in 2007 constituted a team to inquire into the state of press freedom in Assam and other north-eastern states, after being apprised of an alarming escalation in threats faced by journalists from armed insurgent groups. The findings of this inquiry, together with an extensive list of recommendations, were published in the annual report of the PCI for 2007-08.⁵

Journalists all over India have been using the authority of the PCI and the NHRC to defend their rights. In certain areas, state human rights bodies are also possible arbiters in issues involving press freedom.

Terror Strikes and the Media

On February 13, 2010, a bomb went off in a popular eatery in Pune, a town 220 km from India’s commercial metropolis of Mumbai. India and Pakistan were on the verge of commencing a renewed dialogue to settle at least some issues in their tortured mutual history. Much of the mainstream media commentary tended to interpret the Pune blast as an active effort to scotch the prospects of reconciliation between estranged neighbours.

Press reporters who sought to access the hospital sites where the injured from the Pune blast had been taken were blocked and told that they had no permission to visit those still under trauma.

The following day, Pune’s Commissioner of Police held a press conference at which he was summary in all his responses, sharp in putting down any questions about the conduct of his police force, and devastating in his dismissal of any claim that the press should have had access to the witnesses to the bombing. The media were kept out with

⁵ The report is available at: <http://presscouncil.nic.in/HOME.HTM>.

deliberate intent, said Pune's top policeman, since access to the witnesses could potentially jeopardise investigations. Politicians could not be denied access though, since they were the main agency through which relief could be administered to the victims.

Two weeks after the bombing, the Pune police were being questioned for their failure to find any possible lead to identify the perpetrators. An arrest was effected on May 24 of a person who was reported to be a suspect. He was granted bail on June 15 by a sessions court which was not convinced by the evidence provided by police.

India has been a target of terrorism, more than most other countries, in the past 10 years. The attack on the Parliament compound in Delhi in December 2001 and the commando-style raids in the heart of the commercial metropolis of Mumbai in November 2008 book-end a sequence of horrific terrorist bombings in numerous other cities, typically targeting vital nodes and facilities of urban life and designed to cause maximum loss of life and sap civic confidence. These years have also seen the enactment and subsequent repeal of a draconian Prevention of Terrorism Act (PoTA) by the central Government, the banning of several political groups and the prosecution of numerous individuals on charges of terrorism.

Security agencies, including the state police forces, have acquired certain special powers to deal with the terrorist threat, typically involving expanded powers of arrest and restrictions on the flow of information. Yet the media has been able to uncover significant facts and report quite substantially on many of the ongoing investigations into these terror strikes.

The Delhi Union of Journalists (DUJ), in a very important study of media reporting on a major event in the counter-terrorism campaign – the armed encounter in which two youths were shot dead in Delhi's south-eastern suburb of Jamia Nagar in September 2008 – has pointed out how the narrative on terrorism that the media has put together is often inconsistent and potentially damaging to the social image of a particular religious community.⁶ The *Mail Today*, a morning tabloid and the most recent entrant into the crowded market for dailies in New Delhi, ran a sequence of stories about the dubious circumstances of the armed encounter, suggesting with an abundance of evidence that the police force was covering up the possible killing of innocents with elaborate stories of their involvement in terrorist crimes.⁷

Typically, the security mindset talks about controlling the flow of information, while the civic interest is in enhancing access, so that the police agencies function, as they should, as responsible agents of the public interest.

When several landmark sites in Mumbai came under

attack in November 2008, media credibility was as much under scrutiny as the state agencies' preparedness to face such contingencies. Again the DUJ responded with a significant and deeply analytical study of the media response to terrorism.⁸ And at the one-year anniversary of the Mumbai attacks, a member of the Mumbai union asked a very pertinent question: "If justice is all it takes to break the cycle of conflict and tragedy, when will the media begin to speak of it?"⁹

India-Pakistan Engagement and the Media

Cross-border water flows in the Indus river system have recently emerged as a contentious issue between India and Pakistan. Given the technical complexities involved, the media has not quite been able to get a grasp on the various implications of the Indus Waters Treaty, concluded between the two countries in 1960. But a Harvard University-based water resources expert, has made the following telling observation: "Living in Delhi and working in both India and Pakistan, I was struck by a paradox. One country was a vigorous democracy, the other a military regime. But whereas an important part of the Pakistani press regularly reported India's views on the water issue in an objective way, the Indian press never did the same."¹⁰

The explanation, this observer found, lay in the degree to which the media in the two countries was responsive to the official *diktat*, in matters involving their mutual relations. As India and Pakistan moved into a new phase of engagement in February 2010, the media tended to be thoroughly negative. Little was expected from the meeting of top officials from the two countries' foreign ministries when they met on February 25. And little was delivered. This brings up the point whether the media in the two countries have condemned their publics to the tyranny of low expectations.

An interesting development that the newspaper-reading publics in India and Pakistan woke up to at the dawn of the new year in 2010 was the "Aman ki Asha" (or quest for peace) initiative launched by the Times of India group in India and the Jang group in Pakistan. These are the biggest media houses in their respective countries, with solidly entrenched interests in newspapers, TV and radio. How this initiative will shape up remains to be seen. But at this writing, the public mood is sceptical. No one is quite willing to believe that this initiative has anything to do with truly articulating the popular desire for peace, rather than with tapping another avenue of commercial profit.

6 Excerpts from the study are available at: <http://www.thehoot.org/web/home/searchdetail.php?sid=3360&bg=1> and <http://www.thehoot.org/web/home/searchdetail.php?sid=3367&bg=1>

7 *Mail Today* through the month of October 2008 carried numerous reports questioning the official narration. These can be accessed through the newspaper archives at www.mailtoday.in

8 See Anjali Deshpande and S.K. Pande, "Three Days of Mumbai Terror Reporting", at <http://www.thehoot.org/web/home/searchdetail.php?sid=3490&bg=1>, which is an excerpt from the full study, available on request from the DUJ office.

9 Geeta Seshu, "26/11 myth making: to what purpose?", available at: <http://www.thehoot.org/web/home/searchdetail.php?sid=4219&bg=1>.

10 John Briscoe, "War or Peace on the Indus", extracted from: <http://thesouthasianidea.wordpress.com/2010/04/03/war-or-peace-on-the-indus/>.

NEPAL

Protecting a Fledgling Democracy

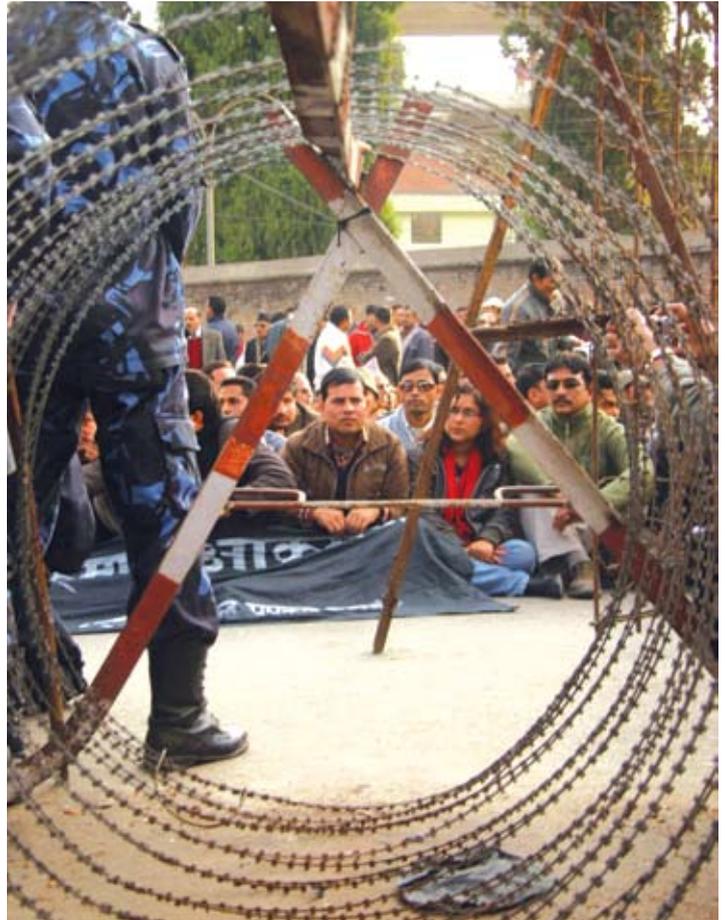
Privately-owned media in Nepal emerged with the establishment of democracy in 1990 through the *Jana Andolan*, or people's movement, which followed decades of autocratic rule under the Rana dynasty and the royally-mandated Panchayat system. This experiment with multi-party democracy soon came to an end after the Communist Party of Nepal (Maoist) began an uprising which it called a "people's war" in 1996. Throughout these tumultuous events, Nepal's media struggled to keep the torch of freedom burning amid immense difficulties: geographically spread and remote or inaccessible mountain areas, poor infrastructure, widespread illiteracy, and extreme poverty.

According to statistics compiled by the Federation of Nepali Journalists (FNJ), 31 media people have been killed since July 2001 as a direct consequence of their work. Alarming, almost as many media workers were killed after the Comprehensive Peace Agreement of 2005, as at the height of the conflict. The political instability following the return of democracy in 2006 has not made matters easier for the media, which had already been tested by a decade-long insurgency.

The ongoing transition to democracy has been far from smooth. Former Maoist combatants are yet to be integrated into the security apparatus of the state, and the onerous task of writing a new Constitution still remains to be attended to. The absence of decisive political leadership has added to the prevailing social, political and economic uncertainty.

Recent killings of media owners reflect a general state of lawlessness, especially in the southern plains, or the *terai* region. On July 22, 2010, Radio Tulsipur FM chairman Devi Prasad Dhital was shot dead by unidentified assailants. Dhital was the third media owner to be murdered in Nepal in six months. Earlier, in February, the chairman of Channel Nepal television and the satellite Space Time Network, Jamim Shah, was gunned down on a busy Kathmandu road by masked attackers. Less than a month later, Arun Singhaniya, the chairman of the Today Group, which publishes the daily newspaper *Janakpur Today* and owns the radio station of the same name, was shot dead by an unidentified gang on motorcycles outside his home in Janakpur in Dhanusha district.

Journalists in Nepal have continuously borne the brunt of official ire. They have also had in more recent times to face the easily roused anger of Maoist rebels and the various armed groups in the *terai*. The abduction of the vice-president of FNJ's Pyuthan chapter and a reporter with FM broadcaster Mandavi Radio, Keshav Bohara, in late June 2010 are examples of the daily risks that journalists face. Journalists in the districts are particularly vulnerable, as in the case of Tika Bista, a reporter with the daily *Rajdhani*.



Journalists through the years of royal absolutism confronted tough situations on a daily basis
(photo courtesy: Bikash Karki)

In December 2009, following publication of an article critical of the Maoists in the locally-published *Jantidhara*, Bista was slashed with razor blades, thrown off a cliff and left to die near her home in Rukum in Nepal's far west. This gruesome attack occurred less than a year after Uma Singh, a courageous young journalist, was brutally murdered in Janakpur town in the *terai*. Although some arrests were made, those behind her killing are said to be at large.

Monarchy to Maoism: Media Under Stress

In the years since 1996, the Maoist insurgency has dominated Nepal's politics. The rebels, led by Pushpa Kamal Dahal, *alias* Prachanda, operated mainly in Nepal's remote rural and mountainous areas, characterised by grinding poverty, neglect and illiteracy.

Kathmandu's Narayanhity Palace, home of the royal family, was the scene of a grisly incident in June 2001, when the reigning monarch Birendra, his wife Aishwarya and eight other members of the royal family were murdered. Dipendra, son of the king and first in line of succession to the throne, was alleged to have carried out the massacre before turning the gun on himself. The crown prince died three days later, leaving the way open for his uncle Gyanendra to take over. Numerous conspiracy theories emerged about the killings. An official probe found Dipendra guilty of the murders.



Journalists scuffle with riot police in Kathmandu during the protest against killing of media entrepreneur Arun Singhania (photo courtesy: Rajesh Dhungana)

A brief ceasefire between the Government and the Maoist insurgents followed the palace massacre. When the ceasefire collapsed in November 2001, the Government declared a state of emergency. What followed was more than three years of pressure on civil liberties, when a number of journalists and media workers were killed, detained or taken hostage.

On October 4, 2002, King Gyanendra dismissed the parliamentary government, later reinstating the sacked prime minister Sher Bahadur Deuba and his cabinet, while retaining control over security and obtaining a free hand in dealing with the Maoist insurgency. Even during the ceasefire right through 2003, there was a steady deterioration of human rights in Nepal, with press freedom and freedom of expression under severe pressure.

The media was squeezed between the monarchy and the Maoists, victim to atrocities committed by both the army and the rebels. Detention under draconian anti-terror laws, disappearances, abduction, torture and murder were common. The situation for journalists and the press did not improve significantly after the state of emergency was lifted on August 29, 2002. Following the collapse of another ceasefire on August 27, 2003, journalists were displaced from their work zones after receiving direct and indirect threats from the parties in conflict. In 2004, the Working Group on Enforced or Involuntary Disappearances established by the United Nations's human rights body submitted a documentation of 130 cases of what were *prima facie*, enforced disappearances, to the Government. This grim tally was among the highest number recorded in any country that year. This period of deteriorating law and order became the justification for one of the most repressive events in Nepal's history.

The Royal Coup: Test of the Independent Media

On the grounds that elected governments were doing little to handle the insurgency, Gyanendra seized all

powers, detained political leaders, and immediately suspended press freedom on February 1, 2005. The army entered newsrooms and privately-owned television and radio stations, and ordered that work stop immediately. Phone and internet lines were cut for three days, and mobile phone connections for weeks. Individuals smuggled out dispatches through any means available to break through the information blackout. A notice issued two days after the royal takeover warned: "considering the nation and national interest, His Majesty's Government has banned for six months any interview, article, news, notice, view or personal opinion that goes against the letter and spirit of the Royal Proclamation on 1 Feb 2005 and that directly or indirectly supports destruction and terrorism".

Then followed a stringent period of censorship. Armed men in green were soon replaced by military intelligence personnel intruding into editorial offices. The Nepali media though, launched an effective resistance, with satirical and tongue-in-cheek retorts. The *Kathmandu Post*, one of Nepal's largest circulating English-language dailies, ran a satirical editorial titled "Socks in Society", on how socks without holes are a prestige symbol in a poor country like Nepal. The *Nepali Times* and *Himal Khabarpatrika* left blank spaces where copy had been censored. Another tactic was an obstinate silence, and Nepali weeklies such as *Deshantar* and *Bimarsh* left the editorial space blank. This act of defiance led the Chief District Officer, the head of local civil administration in Kathmandu to summon five editors and interrogate them. Their release was only secured after they signed a statement undertaking to report to the authorities whenever summoned.

When leaving editorial space blank was prohibited, another form of rebellion by an editor of *Sanghu*, a Nepali weekly, was to delete his name from the space where it would normally have appeared as "Editor and Publisher". "I am no longer the editor of my own publication," he said at the time. "If the security personnel who censor my copy would reveal their names, I'd put them down as the 'true' editors."

Pressure to comply with official "guidelines" was also implemented by controlling advertising spending. After a "one-door" policy for distributing advertisements was enforced in mid-September 2005, critical media were denied government-paid advertisements. Indeed, the criteria for qualifying for government advertising included the "positive involvement" shown in building the morale of security forces. Failure to do so would potentially cut off an essential source of revenue, especially for smaller weekly and fortnightly newspapers. Most private sector advertising is limited to the dailies, while the Government controls 30 to 40 per cent of the roughly NPR (Nepali Rupees) 2 billion

(about USD 26.5 million) advertising pie. Many smaller newspapers and radio stations became unviable and were forced to fold.

Unions Fight for Press freedom

Professional bodies of lawyers, teachers and engineers protested, and coalitions for democracy were formed. Journalists were at the forefront of the agitations, under the banner of the Federation of Nepali Journalists (FNJ), considered a non-partisan umbrella organisation. The Press Chautari, Nepal Press Union (NPU), the Krantikari Patrakar Sangh, and other party-affiliated unions were also active, although most of their activists went underground fearing arrest. "At the time, it was very important to be vocal," says Shiva Gaunle, FNJ treasurer during the crucial period of 2002-2004, and vice-president from 2005-08. "Even the simple act of releasing a press statement critical of the king's actions was a daring act, which became a rallying point for those who loved press freedom and democracy." The media industry was also at the vanguard of mobilising democratic forces under the banner of the Professional Alliance for Peace and Democracy (PAPAD).

So influential were the journalist bodies under the FNJ umbrella, that repeated attempts were made from the royalist side to weaken its solidarity. A National Federation of Journalists was set up with pronounced royalist sympathies, backed by generous government funding. While this move to create divisions among the journalists' community was ineffective, many journalists in state-owned media (National News Agency and Radio Nepal) lost their jobs for refusing to join the new organisation. "It is ironic that journalists' struggles contributed to paving the way for democracy, but freedom of expression is not yet guaranteed," says Poshan KC, secretary-general of the FNJ at the time of this writing.

The lifting of the emergency on April 29, 2005, did little to improve press freedom. Journalists across the country, especially in remote districts, suffered killings, violent attacks, intimidation, harassment and displacement, targeted by both the Government and the Maoist forces.

The conditions faced by local media in the districts were particularly harsh, caught as they were between the Royal Nepal Army and the Maoists. Pressure, coercion and direct threats to censor or alter news content were common. Media facilities and infrastructure were vulnerable to being shut down, deliberately damaged or removed by one or the other combatant side. The chain of production to distribution was liable to be disrupted to prevent the delivery of independent news. The emergence of armed vigilante groups in certain areas, particularly in the *terai* ahead of the peace process, also posed a serious threat to media practitioners.



A news photographer helps a woman injured in street violence in Kathmandu (photo courtesy: Kiran Panday)

Draconian Laws and Proactive Judiciary

The draconian Media Ordinance promulgated on October 9, 2005, and renewed in April 2006, attempted to provide legal cover for the government restrictions to suppress freedom of the media and the right of Nepali citizens to receive independent information. The Ordinance effectively amended six key media laws: the Radio Act, 1958; National Broadcasting Act, 1992; the Press Council Act, 1992; the Press and Publication Act, 1992; the National News Agency Act, 1962; and the Libel and Defamation Act, 1959. The FNJ raised its voice against the Ordinance, which has since been used to justify raids on radio stations, seizure of radio transmission equipment, restrictions on news broadcasts and the detention and harassment of journalists. The FNJ also mounted a legal challenge to the Ordinance, on the grounds that it violated the 1990 Constitution, in particular the guarantee of freedom of expression. After twice putting the application of the Ordinance in abeyance, the Supreme Court of Nepal finally upheld its validity. It was only after the king gave in to the democracy movement in May 2006 and reinstated parliament that the Ordinance was annulled.

The Terrorist and Disruptive Activities (Prevention and Control) Ordinance (TADO) issued in 2001, and extended in 2005 and again in 2006, criminalised the very act of dissemination of independent news. The Ordinance, with its provision for detention without hearing, was used to arbitrarily harass and detain media practitioners. The Public Security Act of 1989 (PSA) was also routinely used to curb freedom of expression and freedom of association. After the popular movement of April 2006 known as the *Jana Andolan II*, the most notable use of the PSA has been to detain scores of Tibetans protesting in the lead-up to the Olympic Games in Beijing in 2008.

The Supreme Court of Nepal played a significant role during the insurgency and the movement to restore democracy and rule of law. In numerous cases of illegal arrests and detention, torture and extrajudicial killings,

MISSIONS SAVE LIVES

During the insurgency, and in particular after the 2005 royal coup, journalists were besieged by both the Maoists and the state. Censorship, bans, criminal intimidation, kidnapping and disappearance were routine, as were assaults, occasionally fatal. The FNJ began a dialogue with the Maoist Central Committee leaders in order to protect individual journalists and impress upon them the need for an independent media. Then FNJ central committee member Purna Basnet led a team to negotiate the release of Som Sharma, of the weekly *Aankha*. This Ilam-based journalist had been abducted on May 13, 2005, reportedly for writing critically about the Maoists. A letter to his family informed them that Sharma was in the Maoist “people’s custody” and would be killed. After conversations with different leaders by email and phone, Sharma’s captors met the FNJ team. They then released him after 55 days in captivity. It was the first remarkable step to protect a journalist from the conflict. “After this successful rescue mission, a level of confidence in journalists was built up all over the country,” Basnet says. “The credibility of the FNJ grew, since it had been just over a year since Dekendra Thapa had been abducted and killed after appeals to the Maoists to release him failed.”

Buoyed by the experience, the FNJ formed a committee to continue such interventions, and Basnet led several rescue missions. More than 18 such missions in various

districts were carried out during this period. To mention some of the important missions: to Dailekh (to release a *Kantipur* reporter from the army’s custody); Sindhuli (rehabilitation of two journalists displaced to Kathmandu after death threats from a chief district officer); Kanchanpur (release of Khem Bhandari, a local newspaper editor from army custody); and Taplejung (to settle a case of physical assault on a *Kantipur* reporter by Maoist cadres).

Dekendra Raj Thapa, a journalist with state-run Radio Nepal, was killed by Maoist rebels on August 11, 2004, six weeks after he was abducted in the mountainous western district. An FNJ delegation met with Maoist rebels in Dailekh to appeal on Thapa’s behalf. The rebels posted a notice at Thapa’s village, saying they had killed the journalist for spying. Local Maoist commanders announced they intended to kill 10 more journalists in nearby districts. Journalists took to the streets of Kathmandu on August 18 to protest Thapa’s killing. In September, for the first time, Maoist spokesman Krishna Bahadur Mahara wrote a letter to the FNJ in which he called the murder a breach of policy, promising to investigate the killing. The Maoists later admitted a similar “breach” in the case of Gyanendra Khadka, a teacher who also worked with Rashtriya Samachar Samiti (National News Agency) and who was murdered in September 2003 in Sindhupalchowk. But no written apology was made.

the Government was compelled by *habeas corpus* writs, to produce illegally detained journalists in court. Significantly, the judiciary was instrumental in protecting the rights of journalists across the political spectrum. According to lawyers Bhimarjun Acharya and Tikaram Bhattarai, as well as past FNJ presidents Bishnu Nisthuri and Taranath Dahal, the number of killed and disappeared journalists would have been very much higher in the absence of a relatively independent judiciary. The judiciary decided in favour of journalists in more than 100 cases of *habeas corpus* writs in the Supreme Court and the country’s 16 appellate courts.

Nepal has a high rate of enforced disappearances. The United Nations Working Group on Enforced or Involuntary Disappearances found that Nepal recorded the most disappearances in state custody worldwide in 2003 and 2004. The country’s judiciary played a crucial role in the circumstances. As lawyer Kishor Uprety points out, “Nepal’s Supreme Court, in 2007, broke the long tradition of a conservative and passive approach to justice and issued a significant verdict which could have a long-lasting effect on the country’s political governance, both from the municipal as well as international law perspectives.”¹ The reference is to the ruling of June 1, 2007, when a division

bench of the Supreme Court of Nepal, comprising Justice Khila Raj Regmi and Kalyan Shrestha, responding to 83 *habeas corpus* petitions, directed the Government to (i) provide compensation to 83 families of persons who were subjected to state-enforced disappearances; (ii) promulgate an Act criminalising enforced disappearances; and (iii) form a commission to investigate and thereafter prosecute those involved in the killing of people in detention centres. In keeping with the court order, a draft bill on enforced disappearances was drafted in November 2008, though it is yet to be passed. The Maoist-led Government (which is no longer in power) passed the Person Disappearance (Crime and Punishment) Ordinance and the Truth and Reconciliation Commission Ordinance in January 2009. But their status remains controversial.

Another significant area of judicial intervention has been the protection of freedom of expression. During the insurgency and during the king’s takeover, the courts interpreted legal provisions in favour of FM radio and media houses, upholding the rights to information and free speech. This was particularly important at a time when the National Human Rights Commission was weak. The Supreme Court redefined press freedom in Nepal to include radio in a landmark case in 2001. It prevented closure of radio content distributor Communications Corner in June 2005. At the

¹ Uprety, K. 2008. “Against Enforced Disappearance: the Political Detainees’ Case before the Nepal Supreme Court”. *Chinese Journal of International Law*. Vol. 7. No. 2. pp. 429–457

peak of suppression of the media in August that year, the court ruled unconstitutional the Government's prohibition on news broadcasts on FM radio, after a writ was filed by an FM station. Similarly, government orders to close FM stations by seizing transmitters and other equipment were suspended following interventions by the Supreme Court.

The Radio Revolution

Nepal leads South Asia in radio broadcasting, both in terms of outreach and content. While in the rest of the region governments and big corporations continue to control the airwaves, and private or community-owned FM stations are confined to entertainment, independent FM stations in Nepal produce a variety of news, current affairs and entertainment. There are currently 186 radio stations in operation, with 323 granted licences.²

The history of radio in Nepal goes back to 1950, when the Nepali Congress Party was struggling against the feudal Rana autocracy. The "freedom fighters" had launched Prajatantra Nepal Radio (Democratic Nepal Radio) from Biratnagar in the eastern *terai*. Radio was used to promote the party's program for bringing in democratic politics. When the Rana monopoly over power was ended, the new Government shifted the station to Kathmandu and renamed it Nepal Radio, later Radio Nepal. Gradually, however, this station became identified with the Government of the day, and lost some of its credibility as a news source.

It was not until 1997 that a few Nepali media activists and journalists together launched the country's (and South Asia's) first community radio station in a modest one-room studio in Kathmandu. Radio Sagarmatha was a harbinger of the radio revolution, bringing in practices that could be described as "public service broadcasting". Once the FM spectrum was prised out of government control, about 50 FM stations were launched within a few years. Besides giving a boost to the music industry, FM radio rapidly became a major – and in many instances the only – source of news. This was legitimised by a landmark Supreme Court decision in 2001 which established the right of radio to broadcast news.

After the 2005 royal coup, the Government banned the radio broadcast of news and news-related programs for six months. FM radio had transformed access to news and information on current events. Radio has also made newspapers more accessible through "what the papers say" segments. By cutting access to FM news, the king denied Nepalis a vital source of independent news, in a country



With all the threats and challenges they face, Nepal's journalists are quick to every breaking news site
(photo courtesy: Kiran Panday)

with about 70 percent illiteracy and poor road and air connections in the hills. With the BBC's Nepali service now the only source of news, scores of people, desperate for information, queued to buy short-wave radios.

"A group of journalists had developed networks in Indian cities along the border with Nepal, so as to bring out newspapers and radio broadcasts if the Government was to ban news media in the country," says Prateek Pradhan, the then editor of the *Kathmandu Post*, the largest circulated English-language daily. However, this manner of resistance only prompted a further clampdown.

Besides depriving people of a source of independent news, many radio stations collapsed as advertisers withdrew sponsorship of popular programs that were no longer permitted on air. About 1000 journalists working in FM stations across the country were laid off.

Yet the crisis of the royal coup and the emergency that followed served to bring together journalists and media organisations to fight censorship and the closure of radio stations. Under bodies such as the Association of Community Radio Broadcasters Nepal (ACORAB, an umbrella organisation of community radio stations), the Broadcasting Association of Nepal (BAN), Kathmandu Valley FM Broadcasters' Forum and the Save Independent Radio Movement (SIRM), radio journalists mounted a campaign of opposition.

The radio revolution was also at the forefront of the movement for democracy that had started growing in strength. The public imagination was fired by innovative methods such as conducting requiems for radio, accompanied by death rites; making "narrow-casts" over loudspeakers; and reading out the news on the streets. The defiance and creative resistance offered by radio journalists inspired democracy-loving people across the country.

Radio continues to hold sway in large swathes of the country. According to a recent survey, in rural areas

² See Radio Station Information at http://www.nepalradio.org/p2_information.htm
Accessed September 16, 2010.

the preference for radio over television was 2:1.³ Today, the boom in the radio sector is manifest not only in the increased number of radio stations, but in the setting up of more broadcast towers with higher signal strength and coverage. There is fierce competition for advertising revenue. For a land-locked economy trapped in endemic poverty, struggling to revive after 12 years of insurgency and political instability, this competition has grim forebodings for independent media. Another concern is that more and more untrained personnel are entering the sector, signalling an urgent need to codify ethics and guidelines for professional journalism. The draft Radio Broadcasters' Code of Conduct and Operational Guidelines handbook developed in 2008 is a significant move toward self-regulation.⁴

International Solidarity

International agencies have had a crucial role to play in the peace process, such as the continuation of United Nations monitoring of cantonments housing former rebels. Aside from this official engagement, international solidarity has played an important part in highlighting human rights and press freedom violations.

After the royal coup, five international press freedom missions visited Nepal to express solidarity with Nepali journalists and to exert pressure on the authorities. In addition, interventions by IFJ-established regional networks such as the South Asia Media Solidarity Network (SAMSN) showed how cross-border solidarity among journalists could be a powerful source of pressure on national power-holders.

Journalists displaced by the conflict or at risk due to their writings sought refuge in India with the support of international and regional networks. The important role played by India in Nepali politics was recognised, and lobbying activities targeted India's security establishment in New Delhi. Likewise, endorsements were obtained from well-known South Asian identities. These included former Indian prime minister I.K. Gujral, senior media columnist and former Member of Parliament in India Kuldip Nayar, Human Rights Commission of Pakistan chairperson Asma Jahangir, and the editor of Pakistan's *Daily Times*, Najam Sethi, who wrote statements supporting restoration of democracy and press freedom in Nepal.

"International networking is a major asset of the FNJ, which we made full use of during the royal regime," says then FNJ general secretary Bishnu Nisthuri, who was imprisoned during the coup.

The first visible international intervention was an IFJ mission led by its then president, Christopher Warren, a week after the royal takeover. International Media Support (IMS) in Copenhagen provided support. As the situation deteriorated over the next few months, a coalition of about 12 organisations⁵ undertook another press freedom mission

to Nepal in July 2005. This was followed by similar missions in March and September 2006, January and April 2008, and February 2009. The goal of the missions was to support Nepali media in strengthening and defending freedom of expression and media rights. It required all organisations to speak with the same voice and pursue the same strategic objectives.⁶

At a time of extreme isolation, the first mission achieved the objective of boosting the morale of journalists in the country, and legitimising their demands for democracy and press freedom. Internationalising the Nepali movement for democracy was crucial, coming at a time when some western countries were still largely supportive of the king, seeing him as the sole bulwark against Maoist extremism.

The first three missions were reactions to serious threats. The January 2008 mission was a reassessment effort, seeking to come up with long-term recommendations for media development. The April 2008 mission sought to monitor and protect media rights during Nepal's Constituent Assembly elections. The February 2009 mission was a quick response to a serious upsurge in violence against the media.

As pointed out in a Mission assessment report, "The International Media Mission was unable to immediately convince the Government to ease controls on the media, but was effective at creating and building cumulative pressure on the regime, which served as a deterrent against greater controls."⁷

Impunity: Achieving Closure and Justice

The decade-long insurgency witnessed a host of human rights abuses – from torture and disappearances to extra-judicial killings. The Royal Nepal Army and the Maoist Peoples' Liberation Army were both responsible for human rights violations. Several journalists were killed, tortured and "disappeared" during and following this period. Even after the formal end to the war, and the signing of the Comprehensive Peace Agreement, the violence did not immediately end. Notable killings in the post-conflict period include the murder of Uma Singh in January 2009. The body of Bara-based Avenues TV journalist Birendra Sah was discovered in November 2007 after he was abducted by Maoists in October 2007. The perpetrators are yet to be brought to justice.

In the period during and after the conflict, a culture of impunity has prevailed for attacks on journalists and the media. Ending impunity is one of the important items on the agenda of human rights organisations and press freedom advocates. After steady lobbying, however, the FNJ has successfully pressured the Government to set up a

3 See Broadcast Audience Survey (2006-2007) at http://www.nepalradio.org/p3_audience_reports.htm Accessed September 16, 2010.

4 See Radio Broadcasters' Code of Conduct & Operational Guidelines 2008 at http://www.nepalradio.org/p2_coc.htm Accessed September 16, 2010.

5 Article IXI, Committee to Protect Journalists, International Federation of

Journalists, International Media Support, International Press Institute, Press Institute of India, Reporters sans Frontières, South Asia Free Media Association, UNESCO, World Association of Community Radio Broadcasters, World Association of Newspapers, World Press Freedom Committee.

6 Bhattarai, Binod, 2008. Mission: Press Freedom: An account of the International Press Freedom and Freedom of Expression to Nepal, International Media Support, Copenhagen.

7 Ibid.

BIG BROTHER'S LONG ARM

India's Directorate of Revenue Intelligence (DRI) seized a shipment of 1000 tonnes of newsprint imported from Canada and South Korea en route to its destination in Kathmandu on May 27, 2010. The 39 containers carrying the newsprint were found to be in need of "investigation". For more than one month, the shipment, bound for the Kantipur group of Kathmandu, which publishes the largest circulated dailies in Nepali and English, *Kantipur* and the *Kathmandu Post* was detained in Kolkata, even as the publishers were negotiating with the Indian Embassy in Kathmandu.

Under trade and transit arrangements, Nepal has the right to transport its imports and exports through Indian territory without impediment. Sealed containers are allowed to arrive directly at a dry port in Nepali territory, unless there is evidence of misuse of the facility. Although the authorities, both in the Indian Embassy in Kathmandu and in India's External Affairs Ministry denied any malafide, it was clear that the Kantipur group had drawn ire for reporting that was deemed adverse to India's national interests.

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

The Indian Embassy issued a belligerent note in response, saying that motives were being imputed to a routine customs examination and that "the distorted manner in which the issue has been publicised is hardly helpful in bringing about an early resolution to the customs

investigations." But it was precisely this publicity and pressure that led to the consignment of newsprint being released on June 27.

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

A storm of protest followed, with journalists' unions, media organisations and the Nepal Press Council all denouncing the Indian embassy for breaching diplomatic propriety and acting in gross disrespect of the freedom and autonomy of the Nepali media. The FNJ termed the embassy statement as "unfit and improper" and vowed to undertake a "detailed study" of the entire incident. Also joining issue with the Indian mission were the Television Broadcasters' Nepal, the Nepal Media Society, the Broadcasting Association of Nepal and the Association of Community Radio Broadcasters.

The Indian mission responded by pointing out that the organisations would carry more credibility if they were also attentive to the unethical practices that supposedly flourished within the media.

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

fund for conflict victims. Another step forward has been a government promise to set up a mechanism in the districts to check impunity. This campaign, in the districts, has been carried out collaboratively with the National Human Rights Commission.

Current FNJ president Dharmendra Jha feels the lack of physical safety brings with it a lack of respect for the work of journalists, and occasionally costs them their lives. "A culture of pursuing legal strategies must be introduced ... cases must be filed and taken to their logical conclusion," he says. "We must lobby with our lawyer friends to ensure speedy trials and bring perpetrators to book. Unless the shoddy legal system is revamped and made to work in cases of human rights abuses, impunity will not end."

There is thus far not a single case that can be held as an example of the seriousness of the authorities to implement change. In the case of J.P. Joshi, editor of the Dhangadhi edition of the pro-Maoist *Janadisha* who disappeared on October 8, 2008, and whose remains were found on November 28, a commission of inquiry was set up. However, an application under the Right to Information law by FNJ central committee member Ramji Dahal revealed that the commission had spent NPR 3 million on its sittings, but no report has yet been made public.

Similarly, in the case of the abduction and murder of Birendra Sah in 2007, the absence of prosecution of the suspected perpetrators was compounded by what was widely perceived as rewards for those responsible. The CPN

(Maoist) admitted that Maoist cadres had killed Sah. The party claimed that the individualistic and anarchist nature of lower-rung party cadres had caused the incident. Yet, the Office of the High Commissioner for Human Rights (OHCHR) said in a statement in November 2009 that despite its repeated calls and concerns, the Maoists had reportedly appointed Lal Bahadur Chaudhary and Kundan Phaujdar, two among four suspects accused of killing Sah, to secretariat positions in the party's Bara district committee.

Jana Andolan II and Current Challenges

The Jana Andolan II movement of April 2006 succeeded in overturning royal absolutism and re-establishing Parliament. The popular ideals of peace, democracy, federalism, inclusiveness and ethnic representation were also reflected in all movements for change. The FNJ was also swept up by the new fervour for representation, amending its constitution to provide assured representation for Dalits, ethnic minorities and women. This trend has, however, come in for some public questioning, as some critics feel that a professional organisation should not succumb to promoting ethnic identities over professional identities. On the one hand, if there is no quota system for print, radio or online journalists, divisions and quotas along ethnic lines may not be desirable. On the other hand, votaries of the proportional representation system feel that the FNJ should mirror society in terms of ethnic composition, also accommodating vulnerable and voiceless communities.

Nepal's Constituent Assembly elections in April 2008 returned the former rebels as the single largest party in the assembly, giving them a chance to lead the coalition government. Although Nepal was declared a republic amid much hope, contentious issues such as ethnic federalism, integration of former combatants and civilian supremacy over the armed forces caused instability, with the CPN (Maoist) party quitting the Government in May 2009.

The current coalition government led by the Communist Party of Nepal (Unified Marxist-Leninist, or UML) is fraught with contradictions and internal dissension. Even as the business of drafting a new constitution is underway, demands of ethnic federal units continue to rock the polity. Amid economic crisis, basic democratic freedoms are threatened by acute shortages, growing lawlessness and unrest in the *terai*. In the current phase of political transition, the media continues to be torn between different political forces. Particular vulnerabilities include gender and ethnic identification. Journalists working in more remote districts and the *terai*, where the movement of the *madheshis*, or people of plains, has caused unrest, face their own risks. With professional distance difficult to achieve in the present context, the media's role in contributing to the discourse on state-building and the establishment of peace has been patchy, as has been its voice in pressing for accountability and an end to impunity.

Despite enactment of significant legislation such as the Working Journalists' Act and the Right to Information Act, both in 2007, implementation remains tardy. While the Interim Constitution guarantees freedom of expression, extant laws have yet to be brought in line. Likewise, although lobbying resulted in the fixing of minimum wages through a committee, journalists and media workers have yet to see uniform implementation. During the royal regime and fight for democracy, owners, proprietors, editors, journalists and other media staff came together as one, with the sole aim of restoring democracy. After the peace process began, contradictions began to sharpen, with wage and labour issues revealing the schisms between managements and workers. Job security, service benefits, insurance and other issues continue to simmer, and are yet to receive the serious attention they deserve, with the general cry being that the constitution first needs to be written before these issues are dealt with. The challenge of rebuilding the economy after the insurgency has also hit the media, where low wages and insecure working conditions are the norm.

Remarking on the need to evolve new strategies in the post-*jana andolan II* period, FNJ vice-president Govind Acharya says, "We are strong on street protests. With a day's notice, we can gather thousands of journalists on the streets, which has the effect of pressurising the government in power. However, the situation very soon goes back to square one, pointing to the need for strategies for long-term changes."

Shiva Gaunle concurs: "The evolution of journalists' bodies such as the FNJ must be on the lines of a professional body, with members adhering to the best values of journalism."

An issue that has not received adequate attention in the clamour following the peace process is the transformation of state-owned media into public service media. Print media such as the *Gorkhapatra* and *Rising Nepal*, electronic media such as Radio Nepal and Nepal TV, as well the news agency Rashtriya Samachar Samiti (National News Agency), are pro-democracy and more liberal now. But that is more an outcome of the present political climate, rather than institutional checks and balances.

The criminalisation of politics and the politicisation of crime are growing, posing a serious challenge to press freedom. The increasing influence of commercial interests and competition over advertisement revenue, a phenomenon that has emerged after the peace process, has an adverse impact on press freedom. An insidious form of self-censorship is creeping into the previously fearless journalist community. Yet, the infectious optimism and democratic fervour will in all likelihood sustain the media community in Nepal in the coming year, until the Constitution is written.



International press freedom missions to Pakistan have in recent times sought to establish the foundation for solidarity actions between local and global unions (photo courtesy: PFUJ)

PAKISTAN

Journalism Under Stress

As a country that has spent more than half its life under military dictators, Pakistan exemplifies the dangers that journalists face when a strong press exists while other democratic institutions are weak. This is all the more so given that the media, or more particularly the community of journalists, has been at the forefront of the struggle for democracy and accountability since the nation's birth. Journalists in Pakistan wryly remark that the media and the military are the only institutions in the country that have never been pushed back, though journalists are much more vulnerable in the absence of other checks and balances on dictatorial regimes.

"Almost the whole of Pakistan is a conflict zone," says Mazhar Abbas, veteran journalist and former secretary general of the Pakistan Federal Union of Journalists (PFUJ). Media houses are not doing enough to ensure the security of their staff, he says. "Security of service is completely absent, insurance cover and safety training are not provided, and essential safety equipment such as flak jackets and helmets are simply not available, even to journalists working in declared conflict areas like the Federally Administered Tribal Areas (FATA), Balochistan and the North-West Frontier Province", he points out.

Under martial law, criticism or even writing about the role of the military was taboo and subject to severe

restrictions. Criticism of the role of the United States in Pakistan was also an area of discomfort for the Government, especially in the military operations after September 2001, which intensified from mid-2007. However, after General Pervez Musharraf stepped down and a democratic government was put in place in early 2008, the media scene has changed. The army is less of a player in the day to day affairs of the state and the U.S. less of a holy cow, its actions coming under severe criticism in the media. While public perceptions about the U.S. role in the world had improved in almost all 28 countries surveyed in a BBC opinion poll in April 2010, only in Turkey and Pakistan had the perception declined.

Threats to journalists now emanate more from militant groups than from the Government or military. "The Taliban are shadows, not persons," says the Lahore bureau chief of Samaa TV, Habib Akram. "Emails are sent from fake addresses and phone calls made from unknown numbers. Journalists do not really take these threats seriously, when the whole society is under multi-faceted threats."

While there is no set trend of embedded journalism in Pakistan's war zones, there is a practice of media teams being taken into areas newly taken over by the army, for example the Swat Valley. But given the lack of access, it is almost impossible to cover all sides of the story. Senior



Women journalists have steadily increased their presence within the unions in Pakistan, but that has been an outcome of serious struggle (photo courtesy: PFUJ)

journalist Fahd Hussain notices a distinct shift in the media's attempts to strike a balance. "Until a year ago, there was ambiguity in the media, which was divided between anti-Taliban and those sympathetic to the Taliban," he says. "But after March-April of 2009, following the major military operation in Swat, there has been a sea-change in the media response. Suddenly, when the Taliban came closer to home, and entered Buner, just 60km from Islamabad, it jolted the media. Likewise, the video of the woman being flogged in public did a lot to change people's perceptions of the 'holy warriors'."

When people came pouring out of Swat into relief camps in 2009, it provided, for the first time, opportunities for direct interaction with residents of the area. Many journalists from the Swat Valley were also displaced and struggling to maintain livelihoods. For the first time, mainstream media was forced to pay attention to the travails of the ordinary citizens of Swat. This first-hand experience changed perceptions in the media about militancy.

The Peshawar bureau chief of the *Daily Times* and representative of Reporters Without Borders, Iqbal Khattak, says that after September 11, 2001, local television was not equipped to handle the world's attention as it turned towards Pakistan and its tribal areas. "Journalists rushed in without adequate training," he says. "Many journalists paid with their lives, and continue to die in the line of duty." Technological advances, such as using zoom lenses to cover events from a safe distance, as well as simple safety training conducted in the most vulnerable places, would save many precious lives, Khattak says. Journalists are most at risk in the tribal areas. Here they face not only the impact of militancy and warlords, but also insecurity in terms of wages and working conditions. In times of crisis, such as during the 2009 military operation in Swat, the Khyber Union of Journalists, an affiliate of the PFUJ, actively reaches out to beleaguered journalists, providing them support so that they

can continue to conduct their work to inform the public.

From February 2008 to May 2010, besides those media workers who were killed in crossfire or in the line of duty, as many as nine journalists were murdered in targeted killings according to the PFUJ: Ghulam Rasool Birhamani, *Daily Sindhu*, in Wahi Pandhi, Sindh Province, May 2010; Ashiq Ali Mangi, Mehran TV, in Khairpur, February 2010; Janullah Hashimzada, an Afghan freelancer based in Peshawar, in Jamrud, Khyber Agency, August 2009; Musa Khan Khel, Geo TV and *The News*, in Swat, February 2009; Aamar Wakil, *Awami Inqilab*, Kohat, January 2009; Abdul Razzak Johra, Royal TV, in Punjab, November 2008; Mohammed Ibrahim, Express TV and *Daily Express*, in Khar, Bajaur Tribal area, May 2008; Khadim Hussain Sheikh, *Khabrein*, Balochistan, April 2008; and Chishti Mujahid, *Akbar-e-Jehan*, in Quetta, Balochistan, February 2008.

Brutal attacks on journalists have been matched by attacks on their family members, including the November 2006 torture and murder of 16-year-old Taimur Khan, brother of Dilawar Khan Wazir, the BBC correspondent in South Waziristan. In December 2005, Hayatullah Khan, a North Waziristan correspondent for the Urdu daily *Ausaf* and the *Nation* and a photographer for the European Press Photo Agency, was kidnapped after reporting on an explosion that killed senior Al Qaeda member Maza Rabia. Hayatullah was found murdered in June 2006. His younger brother and wife were also subsequently murdered.

According to Khattak, from 2002 to May 2010, 32 journalists have been killed in the line of duty. No proper investigations have been conducted. Only the Hayatullah murder was the subject of a judicial inquiry, ordered under pressure from the PFUJ. While the report has not been made public formally, an unofficially publicised recommendation of the inquiry was that if a proper investigation was conducted in the tribal areas, there would be sufficient evidence to locate the killer. However, the Peshawar High Court has no jurisdiction in the tribal areas. Likewise, in the case of Musa Khan Khel's murder, no sitting has taken place of the inquiry committee. Only in the case of American Daniel Pearl, the South Asia bureau chief of the *Wall Street Journal*, abducted and killed in February 2002, has there been a speedy investigation and prosecution, with Ahmed Omar Saeed Sheikh convicted in July 2002. President Musharraf reportedly personally oversaw that investigation, which was fast-tracked under US pressure.

The immense pressure on families of targeted journalists to silence them or prevent them from pursuing cases is one reason the PFUJ insists on provision of protection to families of murdered journalists, as well as compensation. The failure of authorities to bring culprits to justice is a symptom of

FLOGGING THE MEDIA

Right from regime of the first military ruler Ayub Khan (1959-68), and especially in the Zia era, journalists took the first blows. Quite literally. In 1977, General Zia in an attempt to clamp down on the media shut down a host of broadly progressive newspapers critical of the martial law regime, beginning with the Urdu dailies *Musawaat* and *Hurmat*. The Daily Times and weekly *Al Fatah* and *Meyar* were also shut down. Hundreds were rendered jobless. The journalist community, organised by the PFUJ and APNEC, mounted a spirited resistance. Hunger-strikes, rallies, sit-ins and courting arrest were a regular feature. It was during this movement that four journalists were sentenced to 21 lashes – an unprecedented form of punishment for political detainees. While the sentence was not carried out on Masoodullah Khan due to his disability, the other three faced the flogging with courage. Khawar Naeem Hashmi was one of the three who were flogged. Nazir Zaidi, from the *Daily News*, would not be cowed down by the sentence of flogging. As each lash rained down on his skinny body, he would shout defiant anti-Zia slogans. It was during the Zia era that public hangings were conducted outside the jail – a practice never followed before or since. Likewise, the lashes were administered to the detained journalists by other prisoners, to break any potential alliances amongst

the detainees.

Iqbal Jaffri, at the time a 22-year-old reporter at the Daily Sun in Karachi, was one of those subjected to lashes. Now with the daily *Nawa-e-Waqt*, a grizzled Jaffri (see photo) says, “When the movement began,



(photo courtesy: Laxmi Murthy)

they thought white-collared protesters like us would be dissuaded by arrests and the squalid conditions of the jails. But when that did not happen, lashes were used to send a stern message to those who continued to resist. But it had the opposite effect: the movement picked up steam.” After intense pressure by the PFUJ, many of the newspapers were re-started. It was the courage and outspokenness embodied by the media fraternity that helped coalesce and embolden the political and civil movement against the dictatorial regime. The leadership of the media community of movements in defence of democracy has since continued, as has been evident during the military regime of General Musharraf.

the absence of rule of law and good governance. Unless mechanisms to enhance accountability in all institutions are improved, there is little likelihood that those who attempt to silence journalists will pay for their crimes. This, then, will remain a rallying cry for journalists’ bodies, a challenge to press for accountability during times of democracy, where the “enemy” is not so clearly identifiable as during times of martial law.

Union’s Historic Struggle for Journalists’ Rights

The press was a vibrant contributor to anti-colonial movements in the subcontinent, and continued to play a vital role in the independent nations of India and Pakistan that emerged from the demise of the British *raj*. *Dawn*, or *Manshoor*, which was set up by Mohammed Ali Jinnah, *Nawa-i-Waqt* started by Hamid Nizami, and the publications of the Progressive Papers Limited (PPL) under the chairmanship of Mian Iftikharuddin, while strongly nationalist with a robust anti-colonial stance, upheld the highest standards of journalism. The press played an active and vigilant role in the affairs of the nation, particularly since other political and democratic institutions were as yet weak. In the absence of a strong political opposition, or institutionalised mechanisms of accountability, from early on governments in the newly-created nation could be high-handed and arbitrary in their exercise of power.

The PFUJ was the first organisation to condemn the repressive Security Act adopted by the Constituent Assembly of Pakistan. A PFUJ resolution in October 1953 highlighted

the Act’s draconian provisions: “It confers on the executive, power to detain without trial or otherwise victimise any person on a vague charge of prejudicing the external affairs of Pakistan, an undefined offence which even an alien government did not penalise under their most arbitrary laws ... The special provisions in the Act to control the national press ... gives the Government power to stifle free expression of opinion on external affairs and suppress the dissemination of correct information by forcing newspapers to disclose the source of their information on pain of being thrown into jail. The PFUJ is of the considered view that in a country where the executive is armed with such arbitrary powers there can be no free press and without a free press there can be no true democracy. This meeting therefore demands the repeal of this reprehensible law.”

The first major challenge to the PFUJ and all civil society organisations standing by democratic values came when Pakistan was barely into its second decade, with the army commander, General Ayub Khan, declaring martial law on October 8, 1958. The National Assembly was dissolved, the Constitution abrogated, political parties banned and press criticism prohibited. A week into this “bloodless revolution”, the editor of the weekly *Lailo Nahar*, Syed Sibte Hasan, *Imroze* editor Ahmad Nadeem Qasmi, and poet and chief editor of the *Pakistan Times*, Faiz Ahmed Faiz, (all published by the PPL) were detained under the Security Act. They were released about five months later after an intervention by the judiciary. But an “advisory” system was instituted to control and censor the free press. Ayub Khan went a step



Journalists in Peshawar mobilise to protest the murder of Musa Khan Khel, February 2009
(photo courtesy: Khuram Pervez)

further and proceeded to take over the PPL newspapers when they refused to support the regime. While in some cases the management was able to subdue the staff, the PFUJ moved a resolution protesting the takeover.

When the National Press Trust and National Publications Ltd were set up in 1963 with the aim of further tightening government control over the press, the PFUJ again launched a protest, warning of the disastrous impact on independent media. Particular newspapers too had their own methods of resistance. As Zamir Niazi, author of *The Press in Chains*, notes: "On September 4, 1963, *Dawn* published a press note without deleting a single line. It read: 'Press Information Department of Pakistan, Rawalpindi: Phone 62276; Karachi 2674; Dacca: 3050; Handout E.No.1221-K'. Then it carried the headline which was given at the top of the sheet. The item ended with the name of the steno-typist, time and date. It was a simple though unique and powerful form of protest which made a laughing stock of the new law. *Dawn* was just following the new Ordinance in its totality. One of the Ordinance's sections said that "press notes and handouts were to be printed and published verbatim and in full without deletion or correction of any kind". Following a spirited protest by the PFUJ, the 10-day old Press and Publications Ordinance 1963 was suspended and a new law, marginally less restrictive, was put in place. The struggle was by no means over.

Minhaj Barna, a veteran journalist who has chronicled the trade union movement in Pakistan, notes that 1968 was a significant year in the PFUJ's struggle for press freedom. "The entire period of 1968 and beginning of 1969 (ultimately ending in a new martial law regime headed by General Yahya Khan) was marked by a great upsurge of the people against the autocratic rule of General Ayub. Desperate and frustrated, the Ayub regime resorted to more and more repressive measures. The noose around the press was further tightened." After banning the daily *Ittefaq* in

1966, the Government closed the weekly *Purbani* in Dacca, East Pakistan (now Dhaka, capital of Bangladesh) and weekly *Chaatan*, Lahore. Journalists were detained without trial, and the allotment of official advertisements to some newspapers was withdrawn: *Nawa-i-Waqt*, Lahore, *Ibrat*, Hyderabad and *Pakistan Observer*, *Azad* and *Sangbad* published from Dacca. The PFUJ's Federal Executive Council (FEC) met in Karachi from December 15 to 17, 1968, and observed: "The FEC believes that this constituted the greatest peril the national press has ever faced and, therefore, affirms that restoration of press freedom has become ever more imperative than before."

What followed was a period of great upheaval in East Pakistan, ultimately leading to the Liberation War and the birth of Bangladesh in 1971. Yet, the

government-controlled media suppressed the truth from the people of Pakistan, maintaining a myth that "everything was under control". It was only on December 17, 1971, that readers were suddenly told that a ceasefire agreement had been reached, and the country was to be partitioned. The defeat of the Pakistani forces and the atrocities they had perpetrated on the people of Bangladesh slowly became public knowledge, contributing to a growing distrust of the press.

However, even after martial law was lifted, the challenges continued. By the 1970s, there were four major media representative organisations: the PFUJ set up in 1950; the All Pakistan Newspaper Employees' Confederation (APNEC) set up in 1976; the All Pakistan Newspaper Society (APNS), the organisation of newspaper owners set up in 1953; and the Council of Pakistan Newspaper Editors (CPNE), founded in 1957. "The APNS and CPNE generally compromised with the military regime, and it was left to the PFUJ to carry on the struggle," says media analyst Professor Tauseef Ahmed, who has documented the history of media associations in Pakistan.

Under the presidency of Zulfikar Ali Bhutto, sworn in following the separation of East Pakistan in December 1971, journalists continued to struggle against attempts to muzzle the media. Bhutto and his party failed to honour their commitments to repeal draconian laws, particularly the Press and Publication Ordinance, dismantling of the National Press Trust, and making the electronic media independent of government control. Veteran journalist and then PFUJ president Minhaj Barna recalls: "Only two months after coming to power, the Government, one of whose main slogans was 'democracy is our polity', banned two weeklies and one monthly of Lahore, namely the *Punjab Punch*, *Urdu Digest* and *Zindagi*, under a martial law order. (Bhutto at that time was both the President and the Chief Martial Law Administrator.) Under the orders, their editors were not only jailed but also barred from editing any paper for 10 years.

PRESS CLUBS: PLATFORM FOR THE MEDIA COMMUNITY

Pakistan's press clubs have played a remarkable role from the front in the history of journalism in the country, often complementing the militant role of unions. When most journalist unions, even today, are strapped for resources, the press clubs have provided space and a conducive atmosphere for unions and associations to meet, discuss and mobilise their members. The Karachi Press Club, established in 1958, was the first such institution in the country. While the purpose was to provide a social and cultural space, enhance professional competence, and promote welfare activities, there is no doubt that the KPC in particular, and press clubs in general have over time, evolved into political spaces. They played a particularly vital role during martial law, when meetings in public places were banned, and the clubs were venues for political meetings. Indeed, press clubs across the country, but most notably the ones in Karachi and Lahore also provided a relatively non-controversial front for political mobilisation of the media during times of severe repression. It was from the historic Karachi Press Club that Zulfikar Ali Bhutto launched a pro-democracy movement in 1967. Indeed, being active in the press club was a veritable stepping stone to activism in the union. A room was provided for the local union, and now the Karachi Union of Journalists has even built an office on the premises of the press club.

Moreover, with a relatively broad-based membership that includes poets, writers, literary figures, press attaches and members of the media industry in general, press clubs provided a lively mix of persons connected with the media. The press clubs also provided an opportunity for the media to forge links with progressive politicians and civil society organisations active in the movement for democracy. So identified is the KPC with democratic movements, that a host of demonstrations, protest rallies and sit-ins are staged just outside the heritage building, with journalists

They were not given a chance to be tried in an open court under the normal laws of the land. The PFUJ condemned the government action and urged the lifting of the ban on the journals and the release of their editors. The editors were released and the ban was declared void." As Rai Husnain Tahir, president of the Punjab Union of Journalists, relates: "In an innovative display of resistance, the *Zindagi* was brought out under a different name every week, in order to circumvent the ban."

In addition to direct means of clamping down on the dissenting press, the Bhutto era witnessed harassment through tight control of newsprint and advertisements, both essential for the survival of the press.

The return to martial law under Zia ul-Haq in 1977 saw also a return to crude methods of controlling the press and clamping down on democratic dissent. Editors and senior journalists were arrested and sentenced to rigorous



Karachi Press Club has in its heritage structure, been a vibrant node of media freedom activism (photo courtesy: Laxmi Murthy)

immediately covering the various pleas for justice. Indeed, the attack on the Peshawar Press Club in December 2009, the first-ever suicide attack on the media, despite earlier threats, was again a reminder of the power of these institutions in the public imagination.

In some instances, press clubs have been able to extend resources to their members that unions have not been able to do. The Peshawar Press Club, for example, launched a highly successful scheme of financing the purchase of motorcycles. It provided a part of the down-payment, and also stood guarantee for members who wished to purchase motorcycles. Virtually the entire membership of the club availed of this facility – a significant scheme in Pakistan, where journalists, police and lawyers are generally ineligible for bank finances. Another successful scheme was loans for the purchase of laptops. Press Clubs have also supported the travel of members to other cities for union meetings and seminars. These practical initiatives helped to deepen the involvement of individual journalists, and also strengthen solidarity within the media community.

imprisonment, and some were even flogged. The resistance offered by the PFUJ and other bodies such as APNEC was as memorable during this period as the repression. This struggle began at the end of November 1977 in Karachi, barely five months after Zia's takeover. The PFUJ's struggle was triggered by the Government's ban on publication of the daily *Musawaat* published from Karachi. When lobbying with the martial law authorities to lift the ban did not succeed, the PFUJ and APNEC launched a hunger strike in Karachi from December 1, 1977, which drew the participation of journalists and press workers from all over Pakistan. The ban was lifted as a result. Further bans resulted in stronger campaigns the following year. Such was the respect and following that the PFUJ commanded that Zia, following his failure to crush the union, set up a parallel and loyal union (the "Rashid Siddiqi group") in an attempt to co-opt and divide the journalist community.

From 1989 to October 12, 1999, Pakistan was under the rule of civilian governments headed by Benazir Bhutto and Nawaz Sharif, for two terms each. None of the four civilian governments in this period managed to serve a full term. Although this phase was not as worrisome for the press as the years of the three military governments, it was not free from executive excesses and highhandedness. In the words of Minhaj Barna, “during its second tenure the PPP Government banned the publication of several dailies of Karachi (*Awam, Qaumi Akhbar, Public, Aghaz* and *Evening Special*) under the Maintenance of Public Order Ordinance (MPO). Though the ban was lifted within days it proved two points. One, that despite their professions of commitment to democracy and press freedom, even the civilian governments in Pakistan have been intolerant of criticism and the possible exposure of their mis-governance. Two, that in addition to the hated Press and Publication Ordinance, there are several other undemocratic laws on the statute book such as the MPO which can be used by the governments against newspapers and journalists in pursuit of their arbitrary actions. Similarly, the manner in which the management of the Jang Group of newspapers was harassed from August 1998 onward and the editor of the *Friday Times*, Najam Sethi, was arrested on May 8, 1999, detained incommunicado and tortured by the Government of Nawaz Sharif was reminiscent of methods used by fascist regimes. The PFUJ and APNEC not only condemned these vindictive actions strongly but held countrywide protest rallies. The Government was ultimately forced to reverse its actions.”¹

When Musharraf unseated Prime Minister Sharif in a military coup in 1999, there was hardly any protest, since Sharif, from 1997, had proved corrupt, heavy-handed and intolerant of the independence of every institution, including the judiciary, bureaucracy, parliament and the press. Under Musharraf, the private media, especially FM radio and private television channels, grew in volume, increasing the sources of independent information. Indeed, Musharraf was fairly tolerant of a free media to begin with, but began conducting himself as a dictator after his problems started multiplying, notably after the “war on terror” was launched in 2001.

Alongside growing attacks and intimidation, media freedoms began to shrink, through draconian laws as well as extra-legal censorship. The declaration of a national state of emergency in November 2007 saw a clampdown on independent media, with only the state-owned PTV permitted to broadcast news without restraints. The subsequent battle for democracy led by lawyers and journalists succeeded in restoring basic political freedoms. These gains were consolidated through the ballot in 2008, when a Pakistan Peoples’ Party (PPP) government under Prime Minister Yousuf Raza Gillani was swept into power by the sympathy wave generated after the assassination of Benazir Bhutto in December 2007. But there are serious challenges, now greatly worsened by the cataclysmic floods

that swept through the country beginning July 2010: a crumbling economy, spiralling prices for essential goods, rising unemployment, militancy in the tribal areas, and Islamic extremism in the borders.

As such, the paradox of a larger media canvas with fewer colours is a reflection of the ideological battle in Pakistan between conservatives led by Islamist parties and the agenda of “enlightened moderation” pushed first by Musharraf and supported by sections of civil society. The PFUJ had a more radical agenda, refusing to allow the debate to be framed in these narrow terms.

Grassroots Movement, Diverse Protests

The PFUJ adopted its Constitution at the Pakistan Working Journalists’ Convention in Karachi in April 1950. This brought into existence a powerful voice for democracy in the country, which has remained united despite all adversities. The PFUJ has since been at the forefront of the struggle for journalists’ rights. In the absence of institutional mechanisms for democratic values to be operationalised at the grassroots, the federal union functions as an outreach mechanism. The PFUJ and its affiliate district, city and provincial unions have proved to be a platform for articulating grievances of the journalists’ community. During a crisis, unions are at their best. They perform well in adversity. When there is an overarching dictatorship, unions can be very effective, as Musharraf discovered, because they had a mandate as elected representatives and therefore carried weight. Under adverse conditions, outreach to regional networks and international networks is very effective.

“From mohalla committees in the neighbourhoods, the tehsil level to the districts, divisions and provincial level, the organisation has a visible presence in a country that is not famous for building institutions,” says Syed Talat Hussain, executive director of Aaj TV, one of Pakistan’s leading news and current affairs channels. The efficacy of the PFUJ’s organising strategy was apparent during the Musharraf era. Lawyers and journalists pouring out on to the streets, mobilised through local bar councils, press clubs and journalists’ unions, created the public mood in which business as usual ceased to be an option for the dictatorship. Journalists’ bodies have succeeded in bringing together a diverse lot, and linking marginalised journalists with those in the mainstream. In Toba Tek Singh, Sukkur and Quetta, local unions could be trusted to keep the pot boiling when the Karachi or Lahore press clubs were shut down. It is for this reason that the death of a journalist in the remotest areas of Kohat or Swat no longer goes unnoticed. It is with the articulation of a collective identity that the worth of individual journalists has come to be recognised.

The methods of resistance have been varied. PFUJ president Pervaiz Shaukat recalls the spontaneous protests following “Black Saturday”, when Musharraf declared the state of emergency on November 3, 2007. “Influential talk shows and news programs were shut down, but with our encouragement, Talat Hussain, Fahd Hussain and

¹ <http://pfuj.pk/history-of-pfuj/>, accessed on September 18, 2010.

others conducted their shows on the street, in front of the rally," he says. "These shows, pulsing with the voice of resistance, were beamed live into people's homes, whipping up the democratic spirit." From protest rallies, sit-ins and demonstrations on the streets, wearing black arm-bands or gags, the PFUJ has also employed tactics like walking out of the National Assembly and boycotting parliamentary proceedings. So seriously are these measures taken that the Speaker, on occasion, has directed Opposition leaders to talk to the union leaders to reach a compromise. "Even though we accept government funds for some activities, we registered our opposition to martial law by not inviting political leaders compliant with the Zia ul-Haq and the Musharraf regime to 'oath-taking' events in the press club, which is otherwise a convention," says Sarmad Basheer, president of the Lahore Press Club, one of the most visible and vocal forums of the media community.

That press freedom and security of service go hand in hand has been one of the rallying cries of the PFUJ since its inception. Lobbying for Wage Awards and their implementation has gone alongside protests against censorship and co-option of the media. Under pressure from the PFUJ, the Government withheld advertisements worth about PKR 980 million (about USD 11 million) from newspapers that were not implementing the Wage Board award and paying rightful wages. This is an option that Indian counterparts have also urged on occasion, though circumstances in India are a little different and a similar measure may not have the required efficacy.

Women in the Unions

The 1970s and 1980s, Pakistan witnessed a highly politicised journalists' movement, with a few women playing prominent roles. For example, during the 1978 movement against General Zia's regime, Lala Rukh was jailed with her one-year-old son. Others such as Shin Farukh, Mehnaaz Rehman and Farida Hafiz stand out as dynamic women journalist activists. A few went on to take up leadership roles in journalists' bodies and media houses. Among these were Fauzia Shahid, who became secretary general of the PFUJ, Umaira Athar, who went on to be vice-president of the Karachi Press Club, and editor of *The Herald*, Razia Bhatti. The election of Aneela Shaheen, of Dunya TV, as general secretary of the Khyber Union of Journalists in 2010 has been a morale booster for women, particularly as the Khyber union operates in one of the most dangerous places for journalists. These individuals are however exceptions. The norm is a very low representation of women in the unions, both as members and as office bearers.

According to Mazhar Abbas, the presence of women journalists in the union has steadily increased (a survey by the PFUJ in 2006 counted about 300 full-time women journalists across Pakistan). Previously, according to Abbas, most women in the union came from political backgrounds, with left-wing views. Today, with television being the avenue for increased numbers of women entering journalism,

there is a tendency for the glamour and instant recognition that TV offers, to attract young professionals, with less political orientation. There are very few women bureau chiefs or reporters, while most anchors, talk-show hosts and producers are women. But when it comes to the union, they are not considered "regular" journalists, and hence not given membership. Thus the visible boom in women in the media is not reflected in union membership.

Concurring that unions in Pakistan have not kept pace with the changing media environment, Syed Talat Hussain, director of news at Aaj TV, says that unions are still in agitational mode and have not undertaken the thorough examination of their own policies required by the new circumstances. Even when it comes to land allocations whereby the Government provides support for facilities for journalists, television journalists are left out. He added that women journalists in general avoid controversial bodies. Those who focus on their career do not see a need to join unions as they are not seen as integral to professional growth. Moreover, unions, still male-dominated, require doing "unpleasant" activities such as protests, engaging with recalcitrant employers and street demonstrations, and women, who are burdened with domestic chores as well, are hesitant to spend time in these activities. The reluctance is solidified when it is perceived that unions do not take up concerns of special relevance to women, be it sexual harassment in the workplace, or the special facilities they may require, such as transportation home after late night shifts and separate wash-rooms.

The absence of gender equity in the unions' executive bodies has been a matter of concern to some office bearers. During his tenure, Mazhar Abbas tried, unsuccessfully, to bring about an amendment to the PFUJ Constitution that would ensure at least four or five women members of the Executive. Discussions about the efficacy of quotas and affirmative action to increase the participation of women have been inconclusive, with those opposing quotas so far holding sway.

Electronic Media: Frontline 24 x 7

The general secretary of the Rawalpindi Islamabad Union of Journalists (RIUJ), Jamil Mirza, says the immediacy of the electronic media means the threats they face could manifest themselves instantaneously. "The cameramen are always at the frontline, bearing the brunt," he says. "Rehman Malik, Minister of Interior, has six times committed to providing bullet-proof jackets for journalists, but nothing has come of it."

After September 11, 2001, the Pakistan-Afghanistan region has been at the forefront of global attention. Consequently, news production has become a high-profile activity, especially in the electronic media. There has also been an increase in those reporting for international publications. For the English media, it has meant some improvement in salaries and working conditions, but for those in the Urdu media, especially stringers and correspondents in the remote areas, the international

focus has had no immediate benefits. Instead, attempts to control the electronic media reached new heights under Musharraf.

On May 16, 2005, the National Assembly passed the Pakistan Electronic Media Regulatory Authority Amendment Bill (2004). The authority created under the law, PEMRA, can under Clause 27 impose a ban on channels in the name of national interest, security, the defence of the ideology of Pakistan and prevention of vulgarity. These notions are entirely subjective. PEMRA has made violation of the law a cognisable and compoundable offence, with sentences of up to three years and heavy fines of up to PKR 10 million (about USD 168,000). PEMRA, which was further amended in 2007, was used to indiscriminately ban television channels and confiscate equipment. Media bodies raised their voices against this draconian legislation throughout the Musharraf regime. Following the restoration of democracy in 2008, the law was drastically toned down, though the union has maintained its stance that the authority created under it should be disbanded, and a self-regulatory body comprising all media stakeholders instituted in its place. As part of this move, the PFUJ drafted a 26-point Code of Conduct in August 2008, in an attempt to codify the basic tenets of journalism in the public interest. The draft is under discussion and debate. Likewise, a media complaints commission has been under discussion for several years, as a possible mechanism for self-regulation.

Labour laws are not applied in the electronic media sector. Even if salaries are reasonable, payments are made only every two or three months. Most channels have launched 24 x 7 news channels without feasibility assessments, resulting in many folding very quickly. According to Mazhar Abbas, about 400 to 500 journalists have lost their jobs over the past two to three years. With no laws governing employment in the electronic media, there is no recourse to the courts. While there are isolated cases of individual owners yielding to union demands, workers generally have little bargaining power in relation to proprietors.

Indeed, taking on board the rapidly changing media landscape is crucial for the unions. The work culture has been transformed, as has ownership and workplace equations. Privatisation and the opening up of the air waves, both for the electronic media and the internet, have brought new challenges. For the unions, treading the delicate balance between advocating for full press freedom and respecting people's religious beliefs and customs has been difficult and even controversial, such as the support it rendered to the ban on the social networking site Facebook in April 2010 following allegedly derogatory references to Islam.

Press Freedom and Job Security

Journalists in Pakistan are among the lowest paid professionals in the country. Barring a few, mainly in the electronic media, the rest work for a pittance while risking life and limb. The PFUJ and APNEC have consistently

advocated for fair wages and security of service for journalists and all media workers.

On October 8, 2001, the Seventh Wage Board laid down legally-binding wage scales and workplace conditions for journalists, which were to be applied from October 2000. Almost nine years later, these provisions are yet to be implemented. With the Eighth Wage Board award now overdue, 85 per cent of newspapers in Pakistan are yet to implement the Seventh Wage Board. Most journalists and media employees are now working on illegal contracts or without official notices of appointment. Many are paid daily wages. The stalemate at the policy, legal and implementation level points to the need to seriously review strategies and perhaps adopt a different approach. With the private media sector experiencing a boom under Musharraf, it is now witnessing the impact of a cut-back. Several hundred journalists are known to have lost their jobs.

To resist any forms of censorship, either from the state or from militant groups, media owners need the support of working journalists. During protests, working journalists come out on to the street, fully aware that the closing down of newspapers or dumbing down of news puts their jobs at peril. At times of crisis, most recently during the struggle under Musharraf, media owners reached out to journalists and put up a joint front. But once the protests are over, the solidarity soon falls apart, and contradictions come to the fore. "A serious question raised by the PFUJ general body is: 'What have we gained from campaigns for press freedom? Press freedom is for owners, not working journalists' they say," Mazhar Abbas remarks. It is a difficult situation for the union to convince its general body to take a stand against repression by the Government, when the owners recognise the PFUJ only when it comes to their own narrow interests. So apparent is this dichotomy, that newspapers do not give coverage to PFUJ rallies and actions on wage and working conditions.

With the trend of regular employment slowly vanishing in all sectors, including journalism, the contract system is badly affecting both job security and union growth, as those on short-term contracts hesitate to join unions. Indeed, journalists today sense that their principal conflict is not with the Government but with media houses when it comes to safeguarding the autonomy of their craft. Even when particular governments such the current one under Gilani are responsive to demands made by journalists' unions, owners are not willing to budge. Whether it is providing insurance cover or sitting on joint ethics committees, owners are unprepared to deal with working journalists on an equal footing.

Thus, while Pakistan has witnessed visible solidarity and alliances of media workers, journalists' bodies, newspaper owners and editors, this solidarity has been transitory, and only while fighting censorship or dictatorial regimes. Lessons learned from joint issue-based campaigns for freedom of information therefore might perhaps provide some insights into how to strengthen links between campaigns for press freedom and those for journalists' working conditions.

SRI LANKA

Post War Challenges and a Polarised Media

Sri Lanka's 26-year-old civil war ended in May 2009, with government forces formally declaring final victory over the secessionist insurgency of the Liberation Tigers of Tamil Eelam (LTTE). In the days that followed, expectations ran high about the range of political reforms that could be introduced, to promote long deferred processes of reconciliation, peace building and transparency in governance. The media, which had been repressed, abused and attacked throughout this period, were hopeful that the new era of peace would usher in greater freedom of expression and increased space for dissent.

However, that optimism did not survive the bitterly divisive presidential election campaign in January 2010 and the general elections to Sri Lanka's parliament that followed in April. The ensuing period has rendered several more body blows to those early expectations, with renewed attacks on media personnel and organisations, and fresh efforts to assert government control. Most notable of these were the attempts to revive the Press Council and the establishment of the Media Development Authority purportedly to help guide local media institutions to improve media ethics.¹

Plans are also being made to set up a Broadcasting Authority to "monitor the activities of television and radio stations, issue media guidelines and regulate the licensing process in the sector".² The Government has already announced regulations for granting licences to new private television broadcasting stations, internet service providers and telephone networks. These are a scaled-down version of the controversial regulations it sought to introduce in late 2009, which placed restrictions on news telecasts as well as other material disseminated over the internet.

Another blow to the hopes of political reforms and media freedom was the parliamentary vote on September 8, 2010, approving the controversial 18th Amendment to the Constitution. Taken up as an Emergency Bill amid widespread protest by media organisations, civil society groups, trade unions and opposition political parties, the amendment, while removing the two-term limit on any individual holding the powerful executive presidency, also brings all the autonomous public institutions envisaged by the 17th amendment under the direct control of the President. This gives the President sweeping powers to appoint the commissions that will oversee elections, public



Poddala Jayantha, victim of a life threatening assault in 2009, leads a demonstration against the murder of journalist Sampa Lakmal de Silva in Colombo, July 2006 (photo courtesy: Buddhika Weerasingha)

services, police, human rights, public accountability and the judicial services. The President will also have virtually untrammelled power to appoint the top law officials and the head of the national audit agency. He will also, through his power to appoint the secretary-general to parliament, have the implicit power to dictate the conduct of the legislature.

The provisions are widely perceived as eroding democracy and seriously undermining good governance. The manner in which the amendment was rushed through parliament as an Emergency Bill is also viewed as violating the basic freedoms of the people. However, particularly significant to the independent media is the power vested with the three-member Elections Commission to issue guidelines to both state and private-owned media during elections.

The Elections Commission under the 17th amendment had powers to issue guidelines to state media, but the 18th, in extending this power to privately owned media – in conjunction with the power of appointing the commission that the President now enjoys – could be writing the obituary for any form of dissent, indeed, any form of opposition voice during election time. The issue becomes pertinent in the context of the existing culture of abuse of state media by incumbent governments and the long-felt need for reforms to convert state-controlled media to public service media.

An Asia-wide conference held in Colombo on public service media, hosted by the International Federation of Journalists (IFJ) with its Sri Lankan partners in 2003, had underlined the urgent actions needed to reform state-controlled media in line with a number of principles. These included removing all forms of direct political control over public service media and creating a framework for its administration, in line with international standards, through ethical, accountable and financially transparent structures. That was at a time when Sri Lanka was going through a

1 See *Media Development Authority: Another name for media control in Sri Lanka?* at <http://www.groundviews.org/2010/07/28/media-development-authority-another-name-for-media-control-in-sri-lanka/>

2 See *Sri Lanka to set up Broadcasting Authority* at <http://blogs.rnw.nl/medianetwork/sri-lanka-to-set-up-launch-broadcasting-authority>

formally declared internal ceasefire and hopes were high that negotiations would lead to an enduring political solution.

Denial of Space for Critical Reportage

The developments since the end of the war have taken place in the backdrop of a deeply polarised political environment where there was and continues to be an active denial of space for exploring critical stories about the war, post-war developments in the North and East, including the plight of internally displaced persons (IDPs), and the reconciliation process.

In an unrelentingly hostile environment, media professionals in all parts of the country adopted self-censorship and other strategies for securing themselves from bodily harm. Those who refused to follow these rules of self-preservation invariably came under threat. Violence, intimidation and murder of journalists were common all through the years of war and the environment turned markedly worse in its last phase.

The Tamil language media in particular was under persistent pressure during this period. Offices of the *Uthayan* daily published from Jaffna and its associate newspaper, *Sudar Oli* in Colombo, were frequently targeted. With the Government driving in the message that the media had a clear-cut binary choice – not supporting its war policy would be the moral equivalent of supporting terrorism – journalists were cowed into silence, opting either for self-censorship or for a strident endorsement of the war effort.

Independent coverage of war was completely banned. The Government allowed media personnel from just two state controlled television stations and one private pro-war station to cover the war, as “embedded reporters”. The Government and the LTTE propaganda arms distributed news and visuals on the war regularly. Independent verification of war casualties was not possible.

More than a year after the end of the war, independent media was still not given access to areas where the decisive last battles were fought. Jaffna, the capital city of the Northern Province, faced the brunt of censorship through the war years. To date, no foreign media person has been allowed to visit the city independently.

Silence on IDPs

The repressive environment and the culture of self-censorship have made the coverage of humanitarian issues a major challenge. One of the casualties was fair and objective reporting on the situation of the nearly 300,000 IDPs corralled into detention camps in the North. What passed off as coverage often stemmed from carefully choreographed tours to the infamous Manik Farm, when journalists, mostly from the state media, accompanied government officials and foreign dignitaries as part of the entourage.



Candlelight vigil for murdered journalist Lasantha Wickrematunga, Colombo, January 2009
(photo courtesy: Robert Shaw)

In general, the attention devoted to the IDP issue varied along a continuum, with the Tamil press being the most concerned, the English press a little less and the Sinhala press least of all. Among the Tamil press, the twin newspapers *Uthayan* and *Sudar Oli*, belonging to the New Uthayan group and published respectively from Jaffna and Colombo, are known to have done the most diligent reporting on the IDPs situation, often using sources within the camps as correspondents, under the protection of anonymity.

The *Sunday Times*, in two remarkable reports published in its edition of September 6, 2009, highlighted that the IDP camps had become a fertile ground for human trafficking and for racketeering by public servants who had few scruples about exploiting human misery for monetary gain. Yet the journalists who were involved in the ground-breaking report concede that the public impact was minimal, partly because the Sinhala language press remained indifferent.³ Tellingly, two special correspondents for the newspaper, based in Vavuniya and Mannar, chose not to be credited despite having contributed significantly to the reporting.

The citizen journalism website Groundviews (www.groundviews.org) did some of the most telling early reporting on the conditions within the IDP camps, alerting national and international opinion to the growing conditions of squalor and distress following heavy rains in August and then October 2009. The website’s reporting was accompanied by a poignant commentary on the level of concern of the mainstream media in the situation in the camps.⁴

³ The two reports, titled “Scandalous Plunder of a Battered People” and “The High Price of Freedom”, were investigated and written by the *Sunday Times* Insight Team. They are available at: http://www.sundaytimes.lk/090906/News/nws_02.html and http://www.sundaytimes.lk/090906/News/nws_24.html

⁴ The August report titled “The Shame of Menik Farms” is available at <http://www.groundviews.org/2009/08/23/the-shame-of-menik-farm/> and the October report at: <http://www.groundviews.org/2009/10/13/breaking-news-flooding-and-unrest-again-at-menik-farm/>.

Reporting on the IDPs issue was clearly an area of silence for much of the mainstream media. Following the opening of the camps in November and the return of several of the displaced to their home villages, the indifference of the mainstream media persisted. As the silence grew, Groundviews did another report, tracking certain of the individuals who had been released from the IDP camps as they went back to their villages to begin the arduous process of reconstructing their lives. Again deprecating the mainstream media for its silence on issues of concern to these victims of war, the citizen journalism website reported:

“With many families not having their able men and women who have been either killed during the war (or before), or been forcibly taken and detained, return for these IDPs is not as pleasant as one would want to see, or usually believe. We also witnessed many families reduced to women, very young children and old people. Without any basic facilities (proper shelter, hospitals, transport, schools, drinking water, electricity and access to any form of livelihood activities) and basic right to freedom of movement, one has to wonder what it means to these IDPs to come back home.”⁵

By November 2009, the Government was claiming that most IDPs had been released from confinement and allowed to return home. The road from Colombo to Jaffna was also opened for civilian traffic. Though a number of security checkpoints remained in place, the requirement of a prior permit was withdrawn for prospective travellers between Jaffna and Colombo. However, life in the Northern Province remains far from normal.

Challenges of Peace and Reconciliation

On January 26, 2010, eight months after the war with the LTTE was declared over, Sri Lanka went for nationwide elections to the powerful executive presidency. The result was a lopsided win for the incumbent, Mahinda Rajapaksa, over his principal rival, Sarath Fonseka, who had been army commander through the final phases of the war. Until his bitter falling out with the President and his immediate circle, he had been widely credited for being a co-architect of military victory.

A few days after the results of the election, Fonseka was taken into custody under controversial circumstances and for unspecified offences. He has since faced two courts martial for being involved in politics while in uniform and for corruption in weapons procurement. Fonseka has denied both charges, but the first court martial, held in August 2010 while court was in vacation and *sans* the presence of the defence lawyers, found him guilty of being involved in politics while in uniform and ruled he be stripped of his ranking, his medals and his pension. It was a bitter end to the career of a man who was the first officer to be given a four-star military ranking after the victory against the LTTE in 2009.

Though the election verdict was decisive, there were significant local variations in voting behaviour. Fonseka won decisively in most districts in the Northern and Eastern provinces, which had seen the worst of the conflict since the mid-1990s. He also had a substantial edge in Colombo. The apparent polarisation of the vote and subsequent events, which indicate deepening antagonisms rather than the hoped for spirit of reconciliation, has been cause for concern. A prominent media commentator recently worried that a new spirit of contention may be creeping into the mainstream politics of the island-nation’s dominant Sinhala majority.⁶

From a media perspective, the voter turnout in the North is also cause for concern. Though Fonseka won decisively in the North, only 26 per cent of registered voters cast their ballots in the district of Jaffna. The figure in the other northern district of Wannai was a little better – but at 40 per cent, well below the national average of 74.5 per cent. Since the supposed release of the IDPs, the numbers of registered voters left in the Jaffna and Wannai camps on election day were relatively low: 15,602 and 29,940 respectively. But the polling percentages here were again modest: 65.04 per cent and 51.42 per cent.

The low voter participation in these districts raises questions about how well the Sri Lankan media managed to articulate the interests and the political aspirations of the Tamil population, who had taken the worst hit from the civil war. It raises worries that their voices were not heard through the election campaign or the polling and that their legitimate interests may not attract the attention that is their due.

The election period also saw widespread abuse of state media and renewed suppression of the independent media. Several journalists and other staff of the state-run broadcaster were removed from their posts or served notices of severe disciplinary action soon after the presidential election. Their alleged offence was to insist through the election campaign that the norms of fairness stipulated by the Election Commissioner be followed by state media. Several websites that had been supportive of Fonseka’s candidacy were blocked and remained unavailable to web-users within Sri Lanka. And the editor of a weekly newspaper, *Lanka*, was arrested and his office premises sealed, before both actions were reversed under judicial orders.

Prageeth Eknaligoda, a journalist with one of the news websites that was strongly supportive of Fonseka’s candidacy, went missing while on his way home from work on the night of January 24. He remains untraced to this date.

Presenting the annual report of the Office of the High Commissioner for Human Rights to the United Nations Human Rights Council on March 6, 2010, High Commissioner Navaneetham Pillay described the situation in Sri Lanka in the following terms: “In Sri Lanka the

5 “180 days after the end of war, the return of the IDPs: an eye-witness account”, available at: <http://www.groundviews.org/2009/11/18/180-days-after-end-of-war-the-much-anticipated-return-of-idps-an-eyewitness-account/#more-2026>

6 See the well known political scientist, Dayan Jayatilake’s, comment, “Sarath Fonseka Affair: Political Cannibalism Must Cease in Sri Lanka!”, February 15, 2010, available at: <http://www.groundviews.org/2010/02/15/sarath-fonseka-affair-political-cannibalism-must-cease-in-sri-lanka/>.

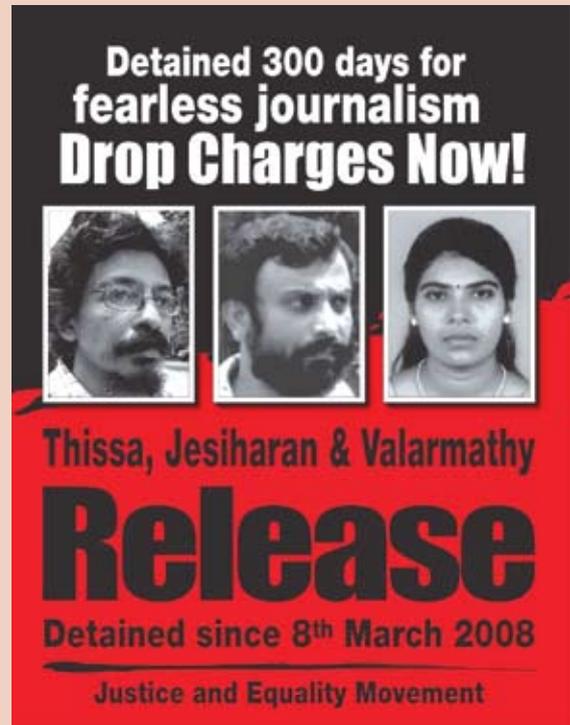
TISSAINAYAGAM'S CONVICTION

On August 31, 2009, the High Court in Colombo convicted J.S. Tissainayagam, a print and online journalist and widely-read columnist with the *Sunday Times*, on charges of terrorism and sentenced him to 20 years' rigorous imprisonment. An indictment against Tissainayagam, his publisher V. Jasikaran and the latter's companion V. Valarmathy had been filed before the court on August 25, 2008, formally laying charges under the Prevention of Terrorism Act (PTA). This followed more than five months in detention, since the three were picked up in early March and held without charge well beyond the time allowed even under the "Emergency Regulations" in force in Sri Lanka. Tissainayagam's case was heard separately from the other two, for reasons yet unclear.

Aside from two articles that he wrote in 2006, the prosecution case against Tissainayagam rested on a confession that he was purported to have voluntarily signed. However, the judge disregarded the possibility that the confession may have been made under duress, solely on the testimony of the two policemen who recorded it. The defence contention that the articles were unlikely to create disaffection or hostility between communities was dispensed with by the court, on the grounds that the impact the words were likely to have on an "ordinary man" had to be taken into account. Testimony from many public figures and legal experts to say that the articles were within the limits of free speech as guaranteed by the Constitution was dismissed.

Tissainayagam was granted bail pending appeal in January 2010. Following a public assurance by Sri Lanka's Foreign Minister on May 3 – World Press Freedom Day – that he would be granted a presidential pardon, he flew out of Sri Lanka late in June. The terms of his release though, have not been publicised.

On October 13, 2009, at the parallel hearing of their case under the PTA, Jasikaran and Valarmathy were told that they could be discharged, conditional upon them withdrawing a petition filed before the Supreme Court which claimed that their fundamental rights had been grievously violated.



Poster designed by Free Media Movement to mark 300 days since the detention on terrorism charges of Tissainayagam, Jasikaran and Valarmathy

opportunity for peace and reconciliation continues to be marred by the treatment of journalists, human rights defenders and other critics of the Government. I am convinced that Sri Lanka should undertake a full reckoning of the grave violations committed by all sides during the war, and that the international community can be helpful in this regard."

In this context, it is interesting to note that the Government, during its bid for election for the Human Rights Council in 2006, made a commitment to invite the Special Rapporteur (SR) on Freedom of Expression to investigate press freedom violations in the country. In August 2009 a request was made by the office of the SR to visit Sri Lanka. So far, the Government has not responded to this request.

Hostilities Engulf Media Freedom Campaign

After the dark years of the late 1980s, which witnessed pitched battles in the North and East between the LTTE and Indian troops who had arrived as peace-keepers – and a brutal clampdown on an insurgency launched by the Janata Vimukti Peramuna (JVP), a left-wing political formation

with pronounced Sinhala nationalist tendencies in the south – the war's final phase was the most tragic period for Sri Lanka's journalists. In April 2005, D. Sivaram "Taraki", a well-known commentator and analyst, one-time leader of a Tamil political group, was abducted from a busy part of Colombo. His body with gunshot wounds was discovered the next morning. Targeted attacks on journalists and media institutions, particularly those aligned with the Tamil political cause, became a recurrent feature of the months that followed.

In a long history of tension between the media community and the authorities, January 2009 was a turning point. The Government was in triumphal mood, having secured major battlefield gains. Space for dissent soon ceased to exist. The murder of Lasantha Wickrematunge, editor of the *Sunday Leader* and one of Sri Lanka's best-known campaigning journalists, was the most heinous of the crimes against the media that month. January 2009 also saw the fire-bombing of the Sirasa TV studios in Colombo and a brutal knife attack on Upali Tennakoon, editor of a Sinhala daily generally compliant to government *diktat*.

Sudar Oli editor N. Vithyatharan was snatched from a family funeral in a kidnap-style arrest on February 27, 2009, and acknowledged to be under arrest only after five hours. A few days after, the Defence Secretary met with an Australian news crew and warned the reporter that to ask about Vithyatharan was to be seen as an accomplice in terrorism. “You will have blood on your hands” if you ask about Vithyatharan, as he is known to be a “terrorist”, he said. The recording of the meeting was telecast over the CBC News channel on March 11. The Government, claimed the Defence Secretary, had evidence that the man under arrest had played a role in an aerial attack on Colombo on February 20. Vithyatharan was discharged unconditionally after two months. The police agencies that investigated the charges against him admitted in court there was no evidence linking him with any wrongdoing.

Adding to the journalists’ sense of vulnerability was the case of J.S. Tissainayagam, arrested in March 2008 and sentenced in August 2009 to 20 years’ prison under the Prevention of Terrorism Act. He was accused in connection with two articles written nearly three years before his arrest and published in a now-defunct magazine, *North-Eastern Monthly*. His crime was documenting human rights abuses by the military and the humanitarian crisis that those displaced by the war were facing. After a vigorous international campaign, Tissainayagam was released on bail in January 2010, and given a presidential pardon on May 3. He has since left the country. Tissainayagam served as an example to other journalists of what could happen to them should they run afoul of the Government.

Ethnic tensions between the country’s minority Tamils and Sinhalese, coupled with the war that by United Nations estimates cost 100,000 lives, have left their mark on the media, which are divided along sectarian as well as political lines. But journalists say the intensity of the political battle between Rajapaksa and Fonseka drove the media to new heights of partisanship, and consequently exposed some journalists to new dangers.

The intensity of the attacks saw media freedom campaigning taking a nose-dive in 2009. The safe house and media centre maintained by the collective of media rights groups spearheaded by the Free Media Movement (FMM) in Colombo had to be shut down. Press statements on violations of freedom of expression were issued rarely. Anti-media proclamations by politicians remained unchallenged while state-controlled media continued to level charges against media freedom organisations and media activists.

With the marked weakening of local media freedom activity, international advocacy became the major force in defending media freedom in Sri Lanka throughout 2009. In May 2009, the IFJ published its annual South Asia report, *Under Fire, South Asia Press Freedom Report 2008 – 2009*, which dealt with Sri Lanka at length. In November the same year, the International Press Freedom Mission undertook a fourth mission to Sri Lanka, led by the IFJ, with a mission report published in January 2010 setting out recommendations for the media and the Government.

In the United Nations Human Rights Council sessions in March, June and September 2009, several governments and non-government organisations continued to raise concerns about the deteriorating media freedom situation in Sri Lanka. The European Union (EU) laid renewed emphasis on media freedom and the restoration of accountability for human rights abuses as a pre-condition for the renewal of trade concessions granted Sri Lanka under the EU’s enhanced generalised system of preferences (GSP+) facility.

By the end of 2009, thanks to the political space created by the presidential election campaign, local organisations concerned with media freedom gathered some strength and submitted an agenda for reform to all presidential candidates. In opposing re-establishment of a government-controlled Press Council, Sri Lanka’s media community again achieved a moment of united purpose and action. This new spirit was underlined on the 10-year anniversary of the “Colombo Declaration for Media Freedom and Social Responsibility”, observed in 2009.

Journalist Flee for Safety

There has however been little respite in the steady downward plunge in media morale. Many well-known journalists and media freedom activists have fled the country fearing for their lives, often opting for the easiest available way out, without having time to fully consider longer-term consequences or their ability to sustain themselves and their families outside the country. According to the newly formed group, Media Freedom Sri Lanka (MFSL), at least 34 media personnel left the country in 2009. Of these, 24 have applied for political asylum in western countries. A further 13 media personnel fled the country in the first half of 2010. Several more have said they expect to leave if the repression continues.

Poddala Jayantha was one among several who left in 2009. On the evening of June 1, 2009, he was taken captive for a couple of hours and brutally assaulted. He suffered serious fractures to one leg which will likely leave him with a permanent disability.

Sunanda Deshapriya, a former convener of the FMM, now lives in exile in Geneva. He too fled Sri Lanka in 2009 in fear for his life after being denounced as a traitor on government websites and excoriated on call-in radio shows.

Lanka-e-News editor Sendaruwan Senadeera left the country shortly after the disappearance of Prageeth Eknaligoda in January 2010. He now lives in exile in London. In the five years he ran the website, he was often questioned by police but never detained for a long period and never charged with any crime. “When there was a legal process, I wasn’t worried. I had done nothing wrong,” Senadeera said before he left the country. “But when they grabbed Prageeth Eknaligoda, I knew the world had changed and that period was over in Sri Lanka. I knew the laws didn’t apply anymore. I have three options: abandon the website, fight the Government, or get ‘disappeared. I don’t feel defeated, but I do feel fed up.”



FMM activists carry coffin of Lasantha Wickrematunga (photo courtesy: FMM)

Some journalists have left permanently; others are waiting for the heat to die down so they can return home. In March 2010, Attorney-General Mohan Peiris urged exiled journalists to return as they were needed to rebuild the country. He said it was not useful to have journalists staying away from the country and “attacking” the Government. “They must come back and work with us and help set up the structures so that we can work together and we can respect each other.” Peiris also assured exiled journalists of protection if they returned to Sri Lanka.

However, Journalists for Democracy in Sri Lanka (JDS), while welcoming Peiris’s assurance, urged him to take immediate steps to prove he was serious about media freedom. As an initial step to provide assurance to exiled journalists who wished to return, JDS called on Peiris to prove his good intentions by disclosing the whereabouts of Eknaligoda and to expedite investigations into the many unsolved crimes against media workers under the Mahinda Rajapaksa regime, and bring those responsible to book. “Unless the Government takes steps to allay the fears of journalists working in Sri Lanka and ends the culture of impunity, the Attorney-General’s words will be another empty promise and the return of exiled journalists who love their country still a distant dream,” JDS said in a statement.

Strategies of Unity and Struggle

The media community’s endeavour to defend media rights and the principles of press freedom began in 1992 with the establishment of the FMM by a group of editors, journalists and writers. Its inaugural public meeting in Colombo attracted wide publicity and generated hope among many longing for a way out of the vicious cycle of ethnic and sectarian violence. This encouraged the FMM to organise countrywide public meetings on the “people’s right to know the truth”. A cardinal principle of FMM activism was

that the media were not claiming special privileges, only speaking for the public’s right to know.

The 1990s became of a period of lost opportunities and betrayed expectations for the civil rights and media freedom movements. In 1994, a new Government was elected with the promise to revitalise democratic politics and find a negotiated solution to the conflict. Freedom of expression was one of the main issues on which the new Government focused. It appointed four committees which submitted extensive recommendations on media law reform and other matters of consequence to the free speech right. Though none of the recommendations was implemented as the Government renewed the war effort, the committees’ reports remain relevant.

In its advocacy and campaigns, the FMM has since focused on three major reforms in media law: a freedom of information act, the conversion of state-controlled media to public service media, and the decriminalisation of defamation. In 2003, then Prime Minister Ranil Wickremasinghe introduced legislation decriminalising defamation and secured its passage through parliament.

Extended cooperation between the local press community and international colleagues led to the establishment of the Sri Lanka Press Institute (SLPI), which in turn hosts a Press Complaints Commission (PCCSL) and a college of journalism. SLPI’s origins go back to 1998 when the FMM, the Editors’ Guild and the Newspaper Society of Sri Lanka signed what came to be called the Colombo Declaration on Media Freedom, after a three-day conference. The declaration set out a media law reform agenda for the Government and proposed a draft code of ethics and self-regulatory mechanism for the print media. The Sri Lanka Working Journalists’ Association (SLWJA) joined the charter in 2007. SLPI and the PCCSL were registered in 2003 and won significant financial support from donors in the Nordic countries.

By 2002, partnerships with international organisations, including the IFJ, had acquired a concrete shape. In early 2000, the IFJ and the FMM conducted a two-day conference on the challenges facing journalists in Sri Lanka. Journalists who had remained divided by communal loyalties came together to discuss two urgent priorities: unity to secure journalists’ rights and promoting good journalism attentive to people’s right to know. This set the base for the IFJ and Sri Lankan partner organisations to develop comprehensive long-term strategies.

In August 2003, media organisations representing several language and ethnic groups met for a two-day conference in an effort to work together for a more accountable and

impartial media. The conference was held at a crucial time, since peace talks were scheduled. All participating organisations accepted the IFJ's code of conduct as a national benchmark and agreed to promote it among members and affiliates.

One of the programs that brought journalists' organisations together initially dealt with conflict-sensitive reporting, implemented by the IFJ in 2004. It followed from deliberations conducted under media-in-conflict programs that the perspective needed to be widened to include journalism that served the public interest, or public service journalism.

Sri Lanka's journalists' organisations then engaged in consultations with local civil society groups and in 2004 the Centre for Policy Alternatives (CPA), a research and advocacy body based in Colombo, brought together all the ideas that emerged into a draft law on public service media. The draft was presented to the Wickremasinghe Government, but the initiative failed to make headway when the Government lost mid-term elections called in 2004.

In October 2005, the FMM, SLWJA and the Federation of Media Employees' Trade Unions (FMETU) joined two other journalists' organisations – the Sri Lanka Tamil Media Alliance (SLTMA) and the Sri Lanka Muslim Media Forum (SLMMF) – and 22 other provincial journalists' associations in the central town of Tholangamuwa. There, they debated and adopted a Media Charter for a Democratic and Pluralist Media Culture and Social and Professional Rights for Media and Journalism in Sri Lanka. Sri Lanka's five media organisations at the national level (hereafter the SL5) cemented their unity on the basis of this charter and agreed on implementing a joint program of activities and campaigns.

The public service journalism program conducted by the SL5 in 2004-2006 became a turning point in promoting good journalism and creating a countrywide network of media practitioners. For the first time, a media awards ceremony celebrating the values of public service journalism and recognising notable examples was held in 2006. This awards program continued for the next two years and acknowledged reporting on social diversity and tolerance. In 2008, a human rights prize was conducted in conjunction with the public service journalism awards. There were numerous award categories recognising the linguistic and regional diversity of Sri Lanka, so that journalists from all parts of the island felt a sense of participation and achievement.

In the coming years, the unity of the SL5 was the bulwark for defending freedom of expression in Sri Lanka.

Little Relief After War's End

Creating a critical mass among the media community was a key strategic aim of the SL5 through its years of activism during the worst of the war. Training programs and workshops on various aspects of journalism assisted to build this critical mass. Media law reform, ethical journalism and journalists' rights were the three pillars of this process.

But this program of actively involving civil society in a continuing – and often adversarial – engagement with the authorities, was severely damaged when the environment for civil dialogue effectively disintegrated with the resumption of active military operations in 2005.

In assessing this phase of activism and struggle, a variety of perspectives have emerged from a retrospective study undertaken to prepare this report, based on a range of interviews with its most prominent participants.

A former editor in Tamil, living in Jaffna, thinks that the SL5 strategy of unity and struggle had key contributions to make when the last phase of the war began in 2005. But the overpowering pall of fear that enveloped the media prevented working journalists from putting into practice the principles of fair and balanced reporting to which they had committed in the 2005 Media Charter.

A journalism trainer, who had worked as a news editor in the broadcast media, argues that the SL5 approach was successful in embedding an understanding among journalists and media workers that there are many sides to any conflict and that their key challenge is to report all sides. In this respect, the SL5 program, undertaken with international support, helped to change media discussions of the war. Change often takes time to become manifest, the trainer says. In this instance, the potentialities for change inherent in the SL5 work were thwarted by the Government's active program of suppression.

Another media activist and trainer based in Colombo thinks that the planned and systematic manner in which media suppression was executed testified to the potent threat that the new awareness among journalists posed to the war camp. "The programs implemented by the SL5 changed the media discourse in the country. The ethical quality of any report is now often the subject matter of discussion among journalists. SL5 efforts to bring in a change in reporting on conflict, human rights, gender and minorities issues, made a permanent mark on media culture in Sri Lanka".

A former SLWJA office-holder thinks that the media literature that was produced under the SL5 activities will remain an important resource even in the changed circumstances. The phase of active media suppression that followed the resumption of war in 2005 may have seen a temporary eclipse in how widely the literature was read and discussed. But its accessibility will ensure that it can be sourced when journalists need to face the challenges of the new phase in the country's history.

Assessing Shortcomings and Failures

To say that the SL5 failed to cope with the heightened media suppression that began in 2005 does not yet amount to a complete explanation. It is also necessary to consider why the response to the new climate of intimidation proved inadequate and failed to dispel the pall of fear. Two factors need special mention: the absence of a wider sense of solidarity between journalists and the media industry, and the authorities' ability to portray international

MAWBIMA: TARGETED FOR SEEKING TO REPORT FOR ALL

In November 2006, Munusamy Parameshwari, a 23-year-old freelance Tamil journalist working for the Sinhala weekly *Mawbima*, was arrested by the Terrorist Investigations Department (TID) of the Sri Lankan police. She was detained for four months and released only after widespread condemnation by local and international media freedom organisations. She had earlier been the victim of a persistent campaign of vilification by government ministers and state media.

Parameshwari's arrest was in retaliation for the reporting she had done on the abduction rackets run by underground gangs enjoying political patronage – one among many human rights violations that began to cast a long shadow over civilian life in the last phase of the war. There was also a clear message in the arrest for the publisher of the newspaper, Tiran Alles, who was a close political associate of President Mahinda Rajapakse but declined – despite reported demands from the President – to restrain his newly launched newspaper's independent editorial line. Indeed, *Mawbima* adopted a news and editorial policy that was attentive to human rights issues and has been assessed to be among the most credible in bridging the deep ethnic schisms in the island nation. It had in a brief period of time, propelled itself to the second position among Sinhala-language dailies in terms of circulation.

In February 2007, the director in charge of editorial matters in *Mawbima* and its associated English-language newspaper was threatened with death if the paper published adverse articles about the President or his politically active brothers. The President is also believed to have pressured several advertisers to pull out their advertisements from Standard Newspapers, the company that owned the newspaper titles. The publishing house's finance director was arrested in February 2007 by the TID on accusations that the company had given money to Tamil separatists. He remained in detention reportedly in intolerably humiliating conditions for 71 days.

Alles was also called to the TID office two to three times a week to record statements. Sometimes he was questioned without respite. On March 5, 2007, his business office was raided by TID officers who seized all financial documents and correspondence. A day later, the Government suspended the mobile phone distributorship for North and East that a company belonging to Alles' business group had been holding. Two days later, the Government froze the accounts of the newspaper and all related companies.

The last issues of *Mawbima* and *Sunday Standard* were published on March 24, 2007. They had both published for less than a year. Alles himself continued to be called in for interrogation and his harassment continued until he was arrested in May 2007. No charges were brought and he was released on judicial orders within two weeks.

solidarity actions as an unfair targeting of Sri Lanka's effort to combat terrorism.

Since its foundation, SLPI has emerged as a significant platform for advocacy on media freedom and improving professional standards. However, Sri Lanka's principal media organisations – all stakeholders in SLPI – frequently differed on the norms that should govern its functioning. Illustratively, the SLPI and the Editors' Guild failed to respond in a convincing manner to the victimisation of the *Mawbima* reporter Munusamy Parameshwari in 2007, and to take a firm stand against the harassment of the newspaper company and its owners that followed, culminating in the closure of two newspapers.

When the printing press of the *Sunday Leader* suffered an arson attack in November 2007, SLPI again did not respond in a manner supportive of the fundamentals of press freedom. Partisan and political loyalties reportedly came in the way of a concerted response that would have pressured the Sri Lankan authorities to identify those responsible and bring them to account.

In May 2008, Keith Noyahr, a widely-read defence columnist with the English-language weekly *The Nation*, was abducted and badly assaulted. The SLPI perhaps managed to save him from more serious physical harm by

promptly intervening with the police and security agencies in Colombo and alerting its global support network. The following month, Namal Perera, a Sinhala language journalist and deputy head of SLPI's advocacy section, was attacked as he drove through a Colombo neighbourhood with a friend. Both men suffered serious injuries in what was an abduction attempt that was abandoned when a crowd of people gathered at the site.

SLPI responded to these two attacks with a sense of purpose that was missing earlier. Meeting with members of an International Press Freedom Mission to Sri Lanka in October that year, one of Sri Lanka's most senior newspaper editors was candid about what he saw as the main reason for this patchy and erratic response to attacks on the press. Though attacks had been common in earlier years, he said, they tended principally to involve members of Sri Lanka's ethnic minorities. As such, these were seen as collateral damage of the ongoing civil conflict rather than as targeted assaults on press freedom. When Noyahr and Perera were attacked though, the reality became clear: that press freedom was a cause that was worth fighting for, irrespective of the ethnic identity of the victim or the political perspective of the institution concerned.

CONCLUSIONS AND RECOMMENDATIONS

Journalists have, through their unions and associations, played a leading role in the struggles for democracy and freedom of expression in South Asia. The kind of collective actions and outcomes have varied in the countries that constitute this research project. In times of conflict and political turmoil, professional freedoms that underpin the ability of journalists to inform their communities are among the first rights curtailed, often with violence and other forms of harassment and intimidation. In countries where journalists are organised into representative unions, they are better placed to respond to crises and will often be at the vanguard of civil society action to push back against such restrictions.

These fundamentals aside, the common elements in the struggles of journalists in South Asia are numerous. To identify them is to lay the groundwork for successful collective strategies in future, both within these countries and in cross-border solidarity actions.

The first lesson is that journalists' need to be organised in representative bodies that can speak and act on behalf of the entire professional community. This involves democratic structures and practices that encourage the broadest participation with linkages being established across the country. It is no coincidence that success has been more obvious in countries with a united journalists' community.

Second, collective struggles are strengthened and have greater impact when they forge alliances with diverse civil society actors. This is an obvious inference, though there are only rare conjunctures – as in Nepal's movement against monarchical despotism in 2006 and Pakistan's successful campaign against its military autocracy in 2008 – when this manner of a broad alliance has worked well so far. In Sri Lanka, the journalists' community set an example of inter-ethnic cooperation that was able to lead and unite civil society in a public campaign for democracy and press freedom, before politically adverse circumstances intervened. The challenge for journalists' unions then is to create and maintain links with civil society that could energise and bolster their actions at any given time in the future.

The case for international networking is powerful, since this has proved in all instances to have a beneficial force-multiplier effect for local campaigns. A successful international dimension is established when a strong local union or association is in place and is able to sustain networks beyond domestic borders. Further, experience shows international networks are most effective when they are sufficiently well-informed of the local movement and can move beyond linguistic barriers, which have often been a pitfall in cooperation between journalists' bodies. Working with established representative bodies such as local unions ensures deep roots in the community and access to reliable information vital to ensure effective

campaigns. Ways have to be found to translate this deep connection with local communities into internationally comprehensible idioms.

The best partnerships are those with long established ties so that the international organisation is in a position to offer early, visible and ongoing support. The importance of regional and international networks arises from the crucial moral support they can afford – through solidarity actions – and through the pressure that a broader regional and international action can bring to a national or local issue.

The South Asia Media Solidarity Network (SAMSAN), established in 2002 when the IFJ Asia-Pacific brought together unions and press freedom organisations, is a regional network seeking to address a broad range of issues, with members sharing information, experience and skills across borders, allowing for more effective advocacy efforts and increased capacity-building of member unions and associations. In recent times, SAMSAN has sought to bring on board journalists' collectives in parts of India like Kashmir, Chhattisgarh and the north-east to establish a broad consensus on principles and campaign strategies in defence of press freedom.

The experience of SAMSAN and the IFJ Asia-Pacific generally is that regional and international networking is best served by quick and complete flows of information. The initial call by a local union for international support and solidarity should leave little room for ambiguity, since global organisations need to be confident they have assessed all relevant data before endorsing a position on any issue.

Sharing experiences in cases where efforts at lobbying and advocacy have been successful – or even when they have not – has contributed to greater effectiveness long-term. Some unions and journalists' associations in South Asia have had great success in, for example, protecting journalists at risk, influencing legislation with a bearing on media functioning, and establishing government mechanisms – such as funds – to assist victims of conflict. Since this often calls for funding commitments from donor agencies and broader civil society, unions are clearly served by a policy of transparency in these matters.

There is a message here for international donor organisations too, which often confine their support within national territorial boundaries. A complex region like South Asia, with its legacy of shared histories, will respond best if there is a built-in cross-border element in all action strategies. This is simply because all the regions regarded as problematic in South Asia – from Khyber Pakhtunkhwa in Pakistan to Nepal's *terai* and the north-east of India – are the way they are because the politics of centralisation and state-control prevent cross-border affinities from having fair play.

Media policy and law remains an area where unions have to remain actively engaged. Though in most countries the constraints arising from prior governmental

monopolies over the broadcast media have been rendered superfluous by the boom in private sector media, issues of regulation and ethical conduct remain of vital relevance. As the experience of India shows, a boom in private sector broadcasting does not ensure quality content or attention to the public interest. And as the Sri Lanka case has shown, the proliferation of alternative channels does not mitigate the dangers arising from the abuse of state-owned broadcast media. In Nepal, journalists' unions have made significant strides in securing the acknowledgment that the National Broadcasting Act 1992 must be revised to allow institutional autonomy to the broadcast media and to remove the Government's absolute power over broadcasting licences. Unions must take steps to ensure that initial success in obtaining acceptance in principle is followed by effective measures of implementation.

The broadcast sector has enormous potential in all countries covered by this report. But with the exception of Nepal – and to a limited degree, Bangladesh – the laws governing the community broadcast sector remain restrictive, targeted more towards containing public initiative and involvement rather than promoting these. Unions need to involve themselves in this sector in the widest possible way to secure the participation of all democratic civil society actors in community broadcasting.

At the same time, the power to terminate publishing and broadcasting through applicable laws on registration and licensing should be curtailed. All such decisions, if at all required, should be subject to adjudication in accordance with fair and transparent legal norms.

Ethics and guidelines for professional journalism must be codified by media organisations and unions. All unions in the countries covered in this report have made important breakthroughs in this respect. In all five countries, these efforts should retain a high priority and unions should institutionalise democratic values and build resistance to pressure from political parties and their affiliates, as well as vested business interests. There is, of course, the unspoken truth in these countries that underground groups and criminal gangs often have a voice in the media through the fear they foster. Experience shows that no better defence exists against these threats than unity in a professional cause and adherence to a declared code of conduct by journalists.

Killings, attacks and abductions of journalists and media workers have been common occurrences in all five countries and have had a chilling effect on freedom of expression. Invariably, each such instance provokes a closing of ranks among media professionals and an affirmation that no such case will go unpunished. But impunity is an imbedded culture in South Asia and a means has to be found by the media community to ensure that this ceases to be the case. Journalists' organisations must take steps to ensure that authorities act effectively and swiftly to investigate and prosecute abuses of media rights.

Lessons can be learned from outside the region too, as in the Philippines and Indonesia where strong local unions

and associations have built campaigns first at a local level, and internationally with IFJ support. Ending impunity is crucial. An exercise to map the impunity experience across South Asia to identify similarities and common actions and lessons for campaigns should be explored by unions in conjunction with the broader media and legal community.

All South Asia's media professionals need to participate in a debate over the transfer to public control of resources built up by state-controlled broadcasters. The conventional thinking that governments embody the public interest needs to be abandoned. It is essential to bring the debate about public service broadcasting centre stage and enable the transfer of these resources to autonomous trusts with governance structures free from political ties. Some unions have already made strides in this area and a way to share experiences and build a common campaign should be found.

This research work has noted that a comprehensive national training and education program for journalists and media workers is needed in all five countries, with the moral support and the investment of financial resources by media owners, managers and unions. This process should develop basic courses in ethics, professional skills, management and business planning. Training programs would need to ensure greater participation of excluded groups in all countries.

Unions should ensure that their structures provide strong links between the national capitals and the more remote areas of South Asian countries, where the challenges facing journalists are especially acute. This is vital so the challenges to the exercise of the free speech right in distant areas can gain traction and become issues of wide public concern with the support of unions in national capitals and the metropolitan centres. Better ways of connecting journalists and sharing communications are needed.

Unions should consider creating a representative structure of young journalists and media workers, to address the apparent disinterest of many younger professionals in supporting journalists' organisations with long histories in the defence of rights. This is a crucial investment in the future of media freedom in all these countries.

Unions, of course, must continue to live up to their conventional role in delivering improved pay and working conditions to all media workers. Current approaches to this basic issue, especially in Pakistan, Bangladesh and India, which have institutionalised processes of wage determination through statutory wage boards, need to be reassessed and a regional campaign developed to shift employers' attitudes toward the workers' rights.

Women's participation in the profession is increasing, and hearteningly so, also in media unions. Unions must continue to take steps to actively encourage women's participation at all levels.

Finally, unions should look to new media technologies for organising and keeping members informed and active. This would in some measure also address the feelings of isolation and forge solidarity across geographical barriers.



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

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