

May 3, 2008: International Press Freedom Day

Murder and Mayhem: The Worst Year Ever for Pakistani Media

**15 journalists *killed*, 357 *arrested or abducted*,
123 *assaulted or injured*, 154 *threatened or harassed*,
18 *attacks on media property*, 88 *cases of gag orders***

Annual State of Pakistan Media Report 2007-08

Analysis covering period May 3, 2007 to May 3, 2008

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Chapter 1

Reporting Under Threat of Violence: Media Get the Short Shift

For the media in Pakistan, the year between May 3, 2007 and May 3, 2008 was the worst ever in the country's 61-year history. It was the year of living dangerously for hundreds of journalists who bore the physical brunt of mainly a brutal state crackdown by the government led by Prime Minister Shaukat Aziz and a military-backed dispensation presided over by President General Pervez Musharraf. The impact of the crackdown against the media in these 12 months is a damning indictment of the state policy of crass intimidation of the media and a disturbing regime of tolerating violence against it by others even when the state is not involved in the intimidation. The statistics speak for themselves – 15 journalists were murdered in the line of duty, 357 were arrested, 123 sustained injuries in physical assaults, 154 were harassed while there were 18 cases of attacks and ransacking of media properties and 88 cases of various gag orders issued by the government (See Table, *The Figures Speak: Statistics of Abuses against Media in Pakistan*, below). Several of the vicious attacks by state functionaries, including law enforcement personnel, were televised live.

While it was a year in which a record number of journalists got killed, assaulted, injured or arrested, the burgeoning Pakistani media's spirited defiance of intimidation and draconian curbs enacted through a contentious law in the aftermath of the imposition of a controversial state of emergency on November 3, 2007 by General Musharraf in his capacity as the army chief, brought cheer in an otherwise bleak period for it. Thousands of journalists across Pakistan led protest rallies in the face of violence, rejecting a blanket ban on live coverage, forced closure of dozens of local independent TV channels and FM radio stations, several of them 24/7 current affairs media, attempts to ban popular news programs and forcing several popular journalists from reporting news or conducting current affairs shows discussing a protracted judicial crisis triggered by the controversial sacking of the country's top judge and about 60 other senior judges as well as a wave of suicide bombings and attacks on government.

This was the year of Big Media Stories for Pakistan: the shock assassination of former prime minister Benazir Bhutto; imposition of a quasi martial law by General Pervez Musharraf (the second by him, this time against his own government); announcement, postponement and holding of parliamentary elections; the stunning results of the elections; Musharraf's vicious attack on the judiciary in which he sacked 60 judges, including the chief justice twice; return from several years in exile of Pakistan's most popular politicians – Bhutto and Nawaz Sharif; the astonishing daylong cycle of violence in Karachi on May 12, 2007 by the authorities that was televised live; the unending stream of lawyers and the sacked top judge leading a movement to defy state

intimidation, and; Musharraf reluctantly retiring from the army after leading it for a decade.

And yet the crackdown on it made the media itself one of the biggest stories of the year. This was the year in which, physical violence touched the life of around 700 journalists while the fear of it haunted many hundreds of others. The statistics reveal a macabre story: at least 14 journalists were killed – the highest number ever for a year in Pakistan. In virtually all cases the identity of the killers of these journalists remained unknown. Sindh proved to be the deadliest province for journalists to work in with seven killed there (Nisar Hussain Solangi, Rab Nawaz Chandio, Azhar Abbas Haidri, Arif Khan, Murid Shaikh, Zubair Ahmed Mujahid and Kamil Mashhadi). Three were killed in federal capital city Islamabad (Javed Khan, Muhammad Maqsood Ahmed and Khalil Malik), two were killed in Balochistan province (Dr Abdus Samad alias Chishti Mujahid and Khadim Hussain) while one journalist each lost his life in Punjab (Abdur Rehman), North West Frontier Province (Siraj Uddin) and the Federally Administered Tribal Areas, or Federally Administered Tribal Areas, or FATA (Noor Hakim). Eleven of these journalists worked for print media and three for television. The killers in only two cases have been identified. See Chapter 5, *Chronicles of Shame*, of this report, for details.

In the period under review, there were at least 40 instances in which a total of 357 journalists were either arrested (by police) or abducted (by intelligence agencies or other unknown elements). Of these 260 were arrested or abducted in Sindh, 45 in Balochistan, 38 in Punjab, seven in Islamabad and three in North West Frontier Province, or NWFP. There were at least 53 instances where a total of 123 journalists were attacked or assaulted, mostly by police and other law enforcement agencies – all of them sustaining injuries requiring medical attention. Of these 58 journalists were injured in Islamabad, 30 in Sindh, 13 in Punjab, 11 in NWFP, six in Balochistan, five in FATA and two in the Northern Areas.

There were at least 154 cases where journalists were the targets of intimidation, including threats on the phone, delivered in writing by mail or other stark warnings such as placing live bullets on journalists' belongings. Of these cases, 66 were recorded in Islamabad, 44 in Sindh, 21 in Punjab, 12 in NWFP, six in FATA, three in Balochistan, and one each in Northern Areas and Pakistan-administered Azad Kashmir, or AJK. Attacks on and/or ransacking of media properties, such as offices of newspapers, TV channels or radio stations, or press clubs, media associations or union offices, numbered at least 18. Five of these cases were recorded in Sindh, four in AJK, three in Islamabad, two in NWFP and once each in Punjab, Balochistan, FATA and Northern Areas. Cases of gag orders, including verbal and written directives from government authorities such as Pakistan Media Regulatory Authority (PEMRA) and Federal Ministry of Information or provincial information ministries, numbered 88. Of these 47 targeted TV channels, FM stations or newspapers in Islamabad, 12 in Sindh, eight in Punjab, seven each in NWFP and AJK, five in FATA and two in Balochistan.

Overall, Islamabad emerged as the 'media threat capital' of Pakistan, the place most dangerous in the country to practice journalism with no less than 143 of the 368 cases of

various categories of intimidation of the media recorded here. In the city, during the period under review, three journalists were murdered, seven were arrested, 58 were injured and 66 were harassed or explicitly threatened while there were three cases of attacks on media properties and 47 instances of gag orders on media organizations. Sindh remained the second most dangerous place to practice journalism in Pakistan with a total of 93 cases of intimidation and Punjab third with 48 cases while 30 cases were recorded in NWFP, 23 in Balochistan, 16 in FATA, a dozen in AJK and three in Northern Areas.

During the period under review, on an average, every 26th day a journalist died in Pakistan, one was arrested or abducted every day, one was assaulted and injured every third day, one was explicitly threatened every third day, a media property was attacked every 20th day and a gag order issued every 5th day. Overall, a distinct case of intimidation against media, in several cases life threatening or involving bodily harm, occurred more than once a day. In short, on an average, there was not a single day when the media was not under attack in Pakistan in the period under review.

The Figures Speak: Statistics of Abuses against Media in Pakistan									
May 3, 2007-May 3, 2008									
Area of Incidents	Murder	Abducted/Arrested		Assaulted/Injured		Threats/Intimidation	Attack on media property	Gag Orders Bar /Censor	Total
		Incidents	Victims	Incidents	Victims				
Islamabad	3	7	8	18	58	66	3	47	143
Punjab	1	6	38	11	13	21	1	8	48
Sindh	7	10	259	14	30	44	5	12	93
NWFP	1	3	3	5	11	12	2	7	30
Balochistan	2	13	45	2	6	3	1	2	23
FATA	1	1	4	2	5	6	1	5	16
North Areas	0	0	0	1	2	1	1	0	3
AJK	0	0	0	0	0	1	4	7	12
Category-wise Total	15	40	357	53	123	154	18	88	368

Chapter 2

No News Is Bad News: The Story of a Crackdown and Spirited Defiance

When Musharraf staged what was a poorly disguised military coup, the second of his career as army chief, on November 3, 2007, the standard operating procedure was employed for the putsch: soldiers were mobilized, a media blackout was engineered, flights were disrupted, key political figures were arrested and, amid a flurry of rumors, the coup maker came on air on state-run Pakistan Television, as usual around midnight, dishing out the clichéd justification that the country was in danger and the constitution was not good enough to provide the required remedies. What distinguished this coup

from others from Pakistan past was that it was staged in the presence of a vibrant private broadcast media: dozens of TV channels and FM radio stations providing Pakistanis news in real time. At least until that moment. Musharraf made sure his team pulled the plug on all TV channels (including foreign ones) and radio stations before the state of emergency was formally announced on state-controlled terrestrial broadcaster PTV - whose control, in keeping with tradition, was also seized beforehand.

What was shocking about the coup was that it was not ostensibly against the government of the day (Musharraf's own) but against the judiciary and the media. Both were blamed for the deterioration of law and order and proliferation of terrorism. "Glorification of violence by the media," explained Musharraf, was a major factor in his decision to impose the emergency. Even before the emergency was officially announced, draconian curbs were imposed on the media. The measures to control and restrain the media included suspension of broadcasts of all national and international news channels, except the dour *PTV*, until further notice. Non-government satellite TV channels were prevented from uplinking to satellites and banned from carriage on domestic cable networks - the source through which most Pakistanis have access to independent TV news. At least 34 Pakistani channels were taken off air, including a dozen popular 24/7 current affairs channels such as *Geo TV*, *ARY TV*, *Aaj TV*, *DawnNews TV*, *KTN TV*, and *Khyber TV*, as well as international news channels such as *CNN* and *BBC*.

Cable television operators in Islamabad said that "strangers who refused to identify themselves" (a euphemism for the 'men in black') entered their offices at key distribution points just ahead of the emergency and ordered them to do as they were told or risk arrest and closure of business. These intelligence operatives took charge of dropping all news and current affairs channels from the airwaves, while interestingly retaining Indian entertainment channels and non-news international channels such as *National Geographic*, *Animal Planet* and *Discovery* to fill up the channel feedlines for public access.

Law to Outlaw Dissent

Hours later, the government notified the media of curbs imposed on them through two decrees amending the PEMRA (Second Amendment) Ordinance, 2007, and the Press, Newspapers, News Agencies and Books Registration Ordinance, prohibiting printing or broadcasting of "anything which defames or brings into ridicule the head of state, or members of the armed forces, or executive, legislative or judicial organs of the state" (see Chapter 3, *Crime and Punishment: Treating Journalists as Guilty Until Proven Innocent*, for details). Non-compliance with the new restrictions could be punishable by the suspension of a newspaper publication for up to 30 days, and, in the case of television stations, by imprisonment of up to three years, a fine of Rs.10 million, or both. The amendments also prohibited the media from publishing or broadcasting "any material that is likely to jeopardise or be prejudicial to the ideology of Pakistan or the sovereignty, integrity or security of Pakistan, or any material that is likely to incite violence or hatred or create inter-faith disorder or be prejudicial to maintenance of law and order." The amendment to the PEMRA (Second Amendment) Ordinance banned television

discussions on “sub judice matters or anything which is known to be false or baseless or is mala fide or for which there exist sufficient reasons to believe that the same may be false, baseless or mala fide.” The amendments restricted the publication or broadcast of photographs or video of suicide bombers, terrorists (except if required by the law-enforcement agencies for the purpose of investigation), bodies of victims of terrorist activities, statements and pronouncements of militants and extremist elements and any other thing which may, in any way, promote, aid or abet terrorist activities or terrorism, or their graphic and printed representation based on sectarianism and ethnicity or racialism. Private Pakistani radio and television stations were also banned from signing broadcast agreements with foreign news media without PEMRA's permission, while cable operators and distributors can be sentenced to up to a year in prison for breaking the new rules.

Within minutes of the emergency, PEMRA raided two private radio stations, *FM99* in Islamabad and *FM103* in Karachi, confiscating their broadcast equipment. Both these stations are known for their ‘nose for news’ and emphasis on journalism. Several staff members of *FM99*, according to Station Director Najib Ahmed, who is also the president of the Association of Independent Radio, were roughed up and the station was ransacked. Soon after, the police raided the Islamabad office of *Aaj TV*, seeking to confiscate broadcasting equipment. According to Talat Hussain, the channel’s director of news and current affairs, the police wanted to impound a van that is used to broadcast live coverage. The office refused to hand over the equipment as the police team did not have the necessary legal documents. Three days later, the police stormed the Aaj offices again, interrupting the satellite signal it was using to transmit internationally. Police also seized the van. It did not take long for media organizations, including the All Pakistan Newspaper Society (APNS), the Council of Pakistan Newspaper Editors (CPNE), the Pakistan Broadcasters Association (PBA) and the Pakistan Association of Independent Radio, to condemn the repression. Huma Ali, president of the Pakistan Federal Union of Journalists, described the government's actions as “the worst kind of repression against the media in Pakistan in 30 years.”

The print media faced equal scrutiny and intimidation. The Press Information Department (PID), at the Ministry of Information and Broadcasting in Islamabad, created a special bureau with instructions to monitor at least 21 national dailies and 13 leading regional newspapers to see that they respect the censorship rules introduced in the new print media ordinance. The newspapers under surveillance include *The News*, *Dawn*, *The Nation*, *Daily Times*, *Jang*, *Nawa-e-Waqt* and *Khabrain*. The provincial governments were also instructed to monitor compliance with new reporting restrictions. Officials said the PID started sending a report at 4 pm every day to the head of the ministry’s Home Publicity Department to report violations of new media restrictions.

In the following three weeks, things got much worse, at least as far as legal and technical restrictions on the media and physical violence against journalists was concerned. Reacting to the stringent curbs on the media sector, journalists across the country adopted an overt mode of resistance and triggered an unprecedented series of protest demonstrations across the country. In several cases, these protests elicited a violent response from the security agencies. In one instance, on November 20, a record 190

journalists were arrested in a single evening, several of them badly beaten up by the police, in Karachi, as they protested the arrest of 12 of their colleagues earlier in the day. At least 20 of the detained journalists were women. While most of them were released the next day (with several journalists taken to hospitals for medical care), the numbers are seen as an international record of sorts – a dubious distinction for Musharraf's media policies that are incongruous with the stated policies of the past five years. In the three weeks following the state of emergency, more than 350 journalists were arrested, seen as another record.

Code of Coercion

While Pakistan's working journalists braved batons on the streets, media owners faced their own intimidation horrors. On November 17, the Dubai authorities summarily gave *Geo TV* network and *ARY TV* network less than two hours to halt their broadcast after reportedly persistent pressure from the Pakistan government. They were two of the leading Pakistani television channels that had refused to sign on the dotted line of an unpublicized 14-page code of conduct (even those signing were not given a copy; the representatives of channels were asked to come to the PEMRA office to read it there and sign) as some other channels had. Both channels, which were registered in Dubai after being denied terrestrial licenses in Pakistan, had already been unavailable to Pakistanis through cable TV distribution networks since the emergency was imposed, although they continued to broadcast via satellite and the Internet. This marked a new chapter in the browbeating of the Pakistani media by Musharraf: he peddled his influence outside Pakistan to get his way against the media of his own country. This unprecedented development did not go unnoticed by international rights groups. "Musharraf isn't content with muzzling critical media coverage of his repression within Pakistan – now he is pressuring Dubai to abet his crackdown on independent reporting," said Brad Adams, Asia director at Human Rights Watch. "The US should publicly call on its close ally in Dubai to lift the bans. Dubai's government should refuse to be an accomplice to Musharraf's assault on free speech in Pakistan. By making itself a party to Musharraf's repression of the Pakistani media, Dubai is damaging its own international reputation. This move sets an appalling precedent and raises serious questions about Dubai's viability as a regional hub for the international media."

Men in Black Behaving Badly

Although *Geo TV* complied with the orders of the Dubai authorities, it went on the offensive against the Pakistan government by announcing that it would shift its broadcast base to a freer country and continue broadcasting. After that, matters only got uglier. On November 15, Mir Shakilur Rehman, the owner of the Jang Group, which owns *Geo TV*, emailed his senior staff informing them that he had received a "threatening telephone call last night" from the Inter-Services Intelligence agency (ISI), adding that he had been taken to an ISI safe house in Islamabad where he was given a warning by an ISI operative who told him, "I would like to advise you to please follow the laws, especially the newly promulgated law." MSR, as Rehman is known to his staff, also forwarded an email from a person identifying himself as "Sabir," saying, "Pakistan army is the backbone of

Pakistan, don't try to damage it, if u do, u and your family who have looted billions would be hunted down like rats. It will just take a few people to smash your studios, offices, vans.” There was more: MSR told a joint meeting of the APNS, the CPNE and the PBA that he had been subjected to great pressure and threats since the beginning of 2007, including an attempt on his life, for which he had filed a criminal complaint in a city police station in Karachi. He said that he faced the pressures and challenges to the best of his ability, but found it necessary to inform the media community of the situation. He said one of the more serious threats he had received was an email, ostensibly from a Taliban outfit, threatening to blow up his printing presses and the staff of the Jang Group publications unless they stopped printing photographs of young women. *Geo TV*, part of Pakistan’s largest media group, sustained severe financial losses as a result of the prolonged ban on its transmission. The government withdrew public interest advertising from its main newspapers, *Jang* and *The News*, as punishment. The government is the largest advertiser in the country, and under well-established procedures agreed between journalist bodies and Pakistan’s Ministry of Information, advertising is supposed to be equitably distributed among publications on the basis of such criteria as newspaper circulation, language, geographic reach and target audience.

Meanwhile, the government initiated talks with individual TV channels, principally *Geo TV*, *Aaj TV* and *ARY TV* and started making unreasonable demands in return for allowing the channels to be not just back on satellite transmission from Dubai but also to be available to viewers through the cable distribution network. While no official from each of these three channels was willing to be quoted, they separately outlined the same set of criteria from the government to their respective TV channels: a ban on all kinds of live coverage; zero criticism of Musharraf, the army and the “PCO [provisional constitutional order] judiciary”; a ban on showing visuals of suicide bombers, the bodies of victims either at the site of an incident or at hospitals and clinics, and close-ups of attack sites including damaged vehicles; and, an end to certain shows, including *Geo TV*’s *Merey Mutabiq*, *Aaj Kamran Khan Kay Saath* and *Capital Talk*, *Aaj TV*’s *Live With Talat* and *Bolta Pakistan*, and *ARY TV*’s current affairs shows conducted by Kashif Abbasi. While the channels were willing to compromise on demands for zero or minimal criticism of Musharraf, military and the judiciary and minimizing visuals of terrorist incidents, they originally stuck to their demand of the right to live coverage and their signature current affairs shows. However, when the channels did not budge, the government demanded that *Geo TV* sack Dr Shahid Masood, Kamran Khan and Hamid Mir (as well as not allow *The News* senior staffer Ansar Abbasi from appearing on any of their programs), that *Aaj TV* fire Talat Hussain, Nusrat Javed and Mushtaq Minhas, and that *ARY TV* show the door to Kashif Abbasi and Asma Shirazi. When *Aaj TV* and *ARY TV* agreed to drop the shows of Talat Hussain, Nusrat Javed, Mushtaq Minhas, Kashif Abbasi and Asma Shirazi, at least for the time being, they were promptly rewarded by the restoration of their cable network access in Pakistan. *Geo TV*, however, refused to fire its top journalists or drop their massively popular programs. This meant that while some of the key news channels came back after about two weeks – complete with hourly bulletins and ‘breaking news’ – thanks to the unannounced code of conduct that began governing content of news, their news became little more than stylish versions of the drab PTV bulletins. To both comply with and simultaneously express defiance, *ARY TV* and *Aaj TV* began staging open-air

“live” versions of their banned shows in public outside press clubs in Islamabad. As an expression of solidarity with *ARY TV* and *Aaj TV*, *Geo TV* also started hosting similar “live” shows of *Capital Talk*. It is no surprise these road shows quickly became popular and well attended, and even Islamabad’s otherwise stereotypically indifferent residents becoming passionately involved.

Citizen ‘Broadcasts’

This was not the only example of defiance of the government’s unpopular measures to restrict freedom of expression and access to information. A symbiotic relationship between the media and the citizens started evolving virtually as soon as the state of emergency was imposed. The mainstream news channels set up live streaming on their websites where 24/7 coverage ensured that many of the country’s estimated 20 million Internet users logged on. Increased amounts of web news became available in both English and Urdu, and even in Sindhi, to satiate the growing hunger for news. Interestingly, those in Pakistan with Internet – and therefore access to new sites – transformed from merely passive consumers of information to ‘citizen broadcasters’; they began passing it around through emails and blogs (dozens of blogs sprung up, providing specific information such as where the next protest by journalists or media groups and their supporters would be held) and used the information to network towards mobilizing resistance and arranging protests. This resulted in independent websites increasing their content. Because the government thinks in conventional ways, it had not seen mobile phones as a medium for news. However, Pakistan, at that point, had 70 million mobile phone users. Calls are cheap and texting even more so. Hence, between calling the media and friends on their mobile phones, people began managing to get at least important bits of information every day despite the TV channels being browbeaten and forced to filter their news and information content. After the government disrupted cable TV distribution, most current affairs channels sent SMS text messages to millions of mobile phone users, telling them to log onto their website to get live transmission and text news. According to sources in the telecom sector, daily mobile phone calls in the weeks after the imposition of the state of emergency increased sevenfold and text messaging tenfold, elevating the status of mobile telephony as a formal source of information.

The independent radio sector – about 160 FM stations were licensed by the end of 2007 of which around 70 were on air across Pakistan – however, was also severely hit as it is the most vulnerable. Only a handful of stations do regular news bulletins and current affairs programming. To make an example of them, two of the leading radio stations, *FM99* in Islamabad and *FM103* in Karachi, got the rough end of the stick: their transmitters and broadcast consoles were taken away (along with most other equipment), thereby silencing them. Transmitters are extremely difficult to come by in Pakistan – most are smuggled in and are expensive. Other stations took a cue from the crackdown and stopped doing news and information programming to avoid the confiscation of hard-to-come-by equipment. However, foreign radio stations such as *BBC* and *Voice of America* increased airtime for emergency-related coverage and that caused sales of radio sets to soar.

Chapter 3

Crime and Punishment: Treating Journalists as Guilty Until Proven Innocent

When General Musharraf instituted the Provisional Constitution Order that provided for an interim framework of governance as long as the state of emergency lasted, he amended the broadcast law, the PEMRA Ordinance, 2002. This provided for a mechanism for him to make the crackdown on the media “a “legal process.” He achieved this by incorporating a draconian list of new “crimes” that would be punishable severely. Simultaneously, PEMRA was tasked with drafting a tough new “voluntary” Code of Conduct that would supersede at least three other similar Codes – two of them being volunteered by the Pakistan Broadcasters Association (PBA), the representative of the private broadcast sector. PEMRA allowed only those channels back on the cable distribution network after November 3, 2007 that signed onto the Code. However, this Code was neither made public nor copies of it given to even channels that signed it under duress. Three of the largest Urdu language 24/7 current affairs TV channels, *Geo TV*, *Aaj TV* and *ARY TV* held out the longest in resisting the coercive Code while others signed up within days to keep their investments afloat – The February 18 parliamentary elections were the first in the presence of a pluralist and independent broadcast sector and therefore a major opportunity to get advertising money in exchange for soaring viewership. The last one of them, *Geo TV*, succumbed around mid-January 2008.

The defining characteristic of the mystery Code was that it was never made public. Officials of the three largest Urdu channels confirm that they were not even given copies of the officially enforced Code to study in private. “We were asked to come to the PEMRA office with one of our legal aides and study it right there and then and sign it, if agreeable,” said the senior official of one of the top three channels, requesting that he not be named. Most channels neither confirmed nor denied having signed what their working journalists saw as a Faustian bargain to conceal the fact that they had agreed to ban their most popular programs and take their most popular journalists off duty (see Chapter 2, *No News Is Bad News: The Story of a Crackdown and Spirited Defiance* for details).

Legislating Self Censorship

The PEMRA (Third Amendment) Ordinance, 2007, enacted on November 3, 2007 by President General Musharraf, notified at least seven new violations that were not part of the version of the law that existed before the state of emergency. For each of these newly notified violations (as well as any old violation of the preceding law), the punishments and penalties were enhanced to: Jail term up to three years; Fine up to Rs10 million (up from Rs1 million from before); Suspension of broadcast for indefinite period without advance notice (previously a notice was issued); Seizure of broadcast or distribution system without advance notice (previously a notice was issued); Sealing of licensee

office without advance notice (previously a notice was issued); and Offences made cognizable and compoundable (this was not the case before). The newly notified violations that would trigger these dramatically enhanced punishments included 1: *Terrorism-related coverage* (“[Media will not] broadcast video footage of suicide bombers, terrorists, bodies of victims of terrorism, statements and pronouncements of militants and extremist elements and any other act which may in any way promote and or abet terrorist activities or terrorism”); 2: *Liberal interpretation of political history* (“[Media will] ensure that no anchor person, moderator or host propagates any opinion or acts in any manner prejudicial to the ideology of Pakistan or sovereignty, integrity or security of Pakistan”); 3: *Passionate discourse and debate* (“[Media will] not broadcast any program inciting violence or hatred or any action prejudicial to maintenance of law and order”); 4: *Criticism of Musharraf, armed forces, parliament and judges* (“[Media will] not broadcast anything which defames or brings into ridicule the Head of State, or member of the armed forces, or executive, legislative or judicial organs of the state”); 5: *Discussion on court proceedings on Musharraf’s eligibility for re-election as president and challenging of PCO and judges’ sacking* (“[Media will] not broadcast any program or discussion on a matter which is sub-judice”); 6: *Free speech* (“[Media will] not broadcast anything which is known to be false or baseless or is malafide or for which there exist sufficient reasons to believe that the same may be false, baseless or malafide”); 7: *Live coverage* (“Notwithstanding anything contained in this Ordinance the live coverage of incidents of violence and conflict shall not be broadcast.... A licensee of permission holder shall ensure nothing is transmitted or broadcast in violations of the provisions of this Ordinance, rules and regulations and Code of Conduct [as drafted by PEMRA] and for this purpose shall install time delay equipments within its system to prevent any such violation”).

Reversing Damage

By the end of the period under review, the incoming new popular coalition government of Pakistan Peoples Party of assassinated former prime minister Benazir Bhutto and Pakistan Muslim League-N of former prime minister Nawaz Sharif had announced to undo the November 3, 2007, restriction on the media and undoing of the PEMRA (Third Amendment) Ordinance, 2007. However, even if the November 3 changes to PEMRA Ordinance are removed and the harsher of restrictions on the media undone, it will still not address the major distortions in the nature of this law itself: (1) Astonishingly for a law that regulates the broadcast sector, it keeps the state media (Pakistan Television and Radio Pakistan) outside its regulatory purview and therefore is guilty of promoting two sets of rules for the country’s media; (2) It institutionalizes discrimination against legal independent media sector by not allowing terrestrial operations for TV channels thereby ensuring a captive audience for the state-owned Pakistan Television; (3) It does not have uniform applicability as its legal jurisdiction does not extend to the federally or provincially administered tribal or northern areas or AJK, which are outside its purview although bizarre random exceptions are at times made to favor the government; and (4) It is rooted in unfair regulation as it has no representation from the private TV and radio sectors whose fates it governs and its board is stuffed with public sector officials who only defend and enforce government interests, not public interests. Any attempt at

reforming this unrepresentative law would be incomplete without making it: A friend of the media, not master (by including a majority of non-official representatives on its board); A friend of the citizen, not an extension of the government (by including state media under its jurisdiction); and Changing its charter from coercion to facilitation (by limiting its jurisdiction to awarding of licenses, not regulation of media content); and Changing PEMRA from an enforcement agency to a development organization (by facilitating professionalisation of standards by providing resources for training and independent media research).

Chapter 4

The Medium Becomes the Message: The Impact of a Defiant, Burgeoning Media

While media pluralisms have steadily grown in Pakistan since the country decided to open up the airwaves for private ownership in 2002, the year under review will be regarded as a watershed period in the way the state's near-monopoly over information flows was nullified and the radical shift from a largely information-controlled country to a society where real-time information is available – and demanded! – became the norm and crystallized. This shift became more pronounced as each of four major events rocked Pakistan and were broadcast live into people's living rooms making politics a staple daily diet for millions of homes – the first of two sackings of the chief justice, the military operation against militants holed up in Red Mosque (Lal Masjid) in Islamabad, the imposition of the state of emergency by Musharraf and the assassination of Benazir Bhutto on her comeback trail.

The bruising crackdown on media as part of the “emergency” measures of General Musharraf and the media's spirited resistance as well as the subsequent parliamentary elections ensured that media became one of the major political stakeholders in the country rather than only a bit player on the margins. The February 2008 general elections were the country's first in the presence of private broadcast media. Leaders of both the largest parties in National Assembly – Asif Zardari of PPP and Nawaz Sharif of PML-N – in their first post-electoral victory press conferences specifically acknowledged that media played a key role in their being able to defeat the incredible odds stacked against them.

From Reporting To Getting Reported

The evolution of independent media in Pakistan and its impact itself became a major political story; one could get the impression at times that the media was now almost insisting that it had a right to influence events and that its ambit went beyond what is considered the conventional framework of informing and educating. Take the February elections; sure enough local language media resulted in local priorities and local coverage – with the result that the election results threw up four different political parties in all four

provinces in Pakistan: Benazir Bhutto's secularist Pakistan Peoples Party in Sindh province, Asfandiyar Wali's nationalist Awami National Party in North West Frontier Province, Nawaz Sharif's centrist Pakistan Muslim League-N in Punjab and Musharraf-backed conservative Pakistan Muslim League-Q in Balochistan although the last one is more an anomaly than a popular outcome.

'Local' Is the New 'National'

As local governments in Pakistan's 113 districts woo the local media to consolidate their political gains and keep a line of direct communications with their electorates, particularly private TV and radio, a uniform "national" policy will be difficult to articulate for the federal government. Thanks to this more "localized" media coverage, Pakistan looks set to be ruled collectively by parties with separate strengths in each province and who agree on a minimum agenda to fight terrorism, reduce inflation, get the army out of politics and strengthen civilian institutions like the judiciary. The media certainly managed to portray the Islamists in a negative light in the February elections for their perceived failure to offer policies that could resolve their problems and resulted in a rout of religious forces.

More Media Muscle?

The media has also emerged strongly against Musharraf – they have survived brute, crude attempts at browbeating in the wake of the controversial state of emergency and have lived to tell the tale, a sense of newfound confidence that they are likely to repeat in their treatment of the new government. This can mean more political tensions. Or it can, to some, on the flip side, be good for Pakistan that media becomes a demonstrated (as opposed to a theoretical) institution of effective accountability. The private sector media's newfound self-confidence and assertiveness will surely be tested in the coming year as by the very nature of its function, it has to keep the government and other state institutions under the accountability microscope. The litmus test is seen as the coverage of the issue of terrorism, which is expected to remain of a matter of concern to the new governments at the federal and provincial levels as much, if not more, as it was to the Musharraf government. This is particularly so because there is pressure from the United States and Europe on the incoming governments to continue the "war *on* terror" policies of Musharraf while even the incoming nationalist-secular coalition government in NWFP, which has replaced the Islamists, considers this a "war *of* terror" and likely to rethink strategies. This may mean varying degrees of continued restrictions on coverage of terrorism related issues.

Also, the restrictions notwithstanding, the media has emerged as one of the key stakeholders on the political scene and by the sheer experience of having survived draconian measures by a military ruler means that it is expected to be a much more aggressive player in the presence of the more vulnerable political governments. This may likely promote a tendency to "fell the giants". The coverage of the Red Mosque episode in the summer of 2007 is a case in point when the media, for most of the time, allowed itself to become a part of the story as opposed to merely reporting it. Some channels had

both the leaders of the government and the militants holed up in the mosque negotiating with each other on live TV!

From Elitist to Public?

The expanding media space and pluralisms have clearly affected political landscape in Pakistan. When the Musharraf regime unplugged the TV channels and radio stations in November 2007 to disrupt real time news and information flow, people in their millions turned to the Internet where these channels continued broadcasting. Also, the 70 million cell phone users meant that people who either could not afford satellite dishes or Internet connections, contacted their friends and acquaintances who could, and therefore, largely, still managed to keep abreast of what was going on through uninterrupted TV broadcasts.

Live coverage of the lawyers' movement to protest sacking of the top judge of the country and the landmark operation against Taliban and Al Qaeda-backed militants at the Red Mosque meant that politics in Pakistan from there onwards would be very personal and very public as opposed to elitist, as in the past. No wonder Musharraf had to crack down hard on the media to stop the emergence of another major player on the national political scene that could challenge his authority when even the elected parliament or the judiciary could not. Not that the crackdown helped a great deal, in the end, according to some. Over the coming months and years, what the media in Pakistan needs to guard against is letting quantity stump quality, as explained here:

Media Power: Promises and Pitfalls

Strengths

- Increased media space – 40 private Pakistan-owned TV channels, 170 FM stations; Enhanced citizen interest – viewership, listenership increasing as well as interaction; Heightened political engagement – citizens participating on issues (elections, judges, terrorism, economy, etc);
- Greater awareness of central issues (role of military, politics of coalitions, foreign & domestic policies); and
- Vibrant development sector and higher public profile for civil society sector

Weaknesses

- Media expansion is too rapid – professionalism, standardization, audience profiling is lacking;
- Media content – there are problems of relevance, quantity and quality;
- Over-focus on electoral politics and political wheeling dealing might lead to 'politics fatigue';
- Fiercer intra-media competition may lead to sensationalism as a 'ratings' solution (e.g., the footage of a police guard being run over by a suicide vehicle in Lahore caught on tape and played repeatedly on several TV channels)

Opportunities

- Media pluralism – TV (national, regional and foreign), radio (potential of 650 FM stations, according to PEMRA), print (3 million newspaper circulation – only 15 million readers in a country of 165 million);
- Internet (20 million users and growing, falling prices, faster speeds);
- Mobiles phones (80 million users at start of 2008 and growing);
- Media going local – TV, radio in local languages and therefore focusing on local issues: this can help evolve local consensus and local solutions

Threats

- Non-institutionalization of public-interest information (as culture of secrecy within government offices continues);
- No institutionalization (so people end up with talk shows as a substitute for information-based programming, case studies and human interest stories that humanize issues);
- Issues may remain abstract / philosophical and not citizen-centric and accessible in a country with barely 50% literacy;
- Non-citizen stakeholders, not citizen groups keep largely dictating news agenda.

Chapter 5

Chronicles of Shame: Chronology of Violations against Media between May 3, 2007 and May 3, 2008

JOURNALISTS KILLED

Noor Hakim, vice president *Tribal Union of Journalists* (Khar, FATA)

June 3, 2007: Hakim was killed in a bomb explosion activated through a remote control in Malasyed, 20 km from Khar in Bajaur Agency of FATA, while he was traveling in his vehicle. Four other friends in the vehicle also died. The motive for Hakim's murder is not known and his killers have not been identified.

Nisar Hussain Solangi, reporter for Sindhi daily *Khabroon* (Kangri, Sindh)

June 18, 2007: Solangi was killed in indiscriminate firing by a group of five people riding on three motorcycles in Kangri town, according to eyewitnesses. The motive for Solangi's murder is not known and his killers have not been identified.

Javed Khan, photographer of Urdu daily *Markaz* (Islamabad)

July 4, 2007: On the first day of an operation against the Red Mosque (Lal Masjid) in Islamabad, Khan, who also worked for UK-based *DM Digital TV*, died due to a bullet wound he sustained as he filmed the operation. It is not clear whether the bullet was fired

by the law enforcement agencies personnel or the alleged militants holed up in the mosque.

Muhammad Maqsood Ahmed, 34, reporter for Urdu magazine *Al-Qalam* (Islamabad) *July 7, 2007*: On the third day of the operation against the Red Mosque (Lal Masjid) in Islamabad, Ahmed, who also contributed articles to Urdu newspapers *Jinnah* and *Islam*, died due to a bullet wound he sustained as he took down notes. It is not clear whether the bullet was fired by the law enforcement agencies personnel or the alleged militants holed up in the mosque.

Rab Nawaz Chandio, reporter for Sindhi daily *Halchal* (Hyderabad, Sindh) *September 4, 2007*: Chandio sustained serious gun wounds when some men in Khursheed Colony of Hyderabad as he was going to his office opened fire on him. He was dead by the time he was brought to Liaquat Medical University Hospital. The motive for Chandio's murder is not known and his killers have not been identified.

Azhar Abbas Haidri, 27, reporter for English daily *The Post* (Karachi, Sindh) *October 17, 2007*: Haidri was discovered dead with several bullets in his body near the precincts of the Qila Kot Police Station in Karachi on Eid day. The motive for Haidri's murder is not known and his killers have not been identified.

Muhammad Arif Khan, cameraman for *ARY OneWorld TV* (Karachi, Sindh) *October 19, 2007*: Khan was among the 140 people killed in an alleged suicide attack on the welcome procession of former prime minister Benazir Bhutto in Karachi in the small hours of October 19. Bhutto had arrived in Pakistan after eight years in self-exile the evening before. The implementers or planners of Pakistan's worst act of terrorism have not been identified.

Mureed Shaikh, reporter for Urdu daily *Khabrain* (Karachi, Sindh) *October 19, 2007*: Shaikh was among the 140 people killed in an alleged suicide attack on the welcome procession of former prime minister Benazir Bhutto in Karachi in the small hours of October 19. The implementers or planners of Pakistan's worst act of terrorism have not been identified.

Abdur Rehman, correspondent for Urdu daily *Khabrain* (Sheikhupura, Punjab) *November 4, 2007*: Rehman was gunned down by two persons with whom he had a business dispute. He was sitting in his pharmacy when they opened fire on him and killed him on the spot. Rehman's alleged killers have been identified and a trial is underway.

Zubair Ahmed Mujahid, reporter for Urdu daily *Jang* (Mirpurkhas, Sindh) *November 25, 2007*: Mujahid was shot dead from a moving car as he drove a motorcycle along with his photographer colleague Wahid Pahalwani. The motive for Mujahid's murder is not known and his killers have not been identified.

Kamil Mashhadi, 45, reporter for *ARY TV* (Karachi, Sindh)

December 31, 2007: Mashhadi was shot dead by two men who rang his bell and called him out. He died immediately while the men fled. The motive for Mashhadi's murder is suspected to be a family dispute although his killers have not been identified.

Dr Abdus Samad, 55, columnist for Urdu weekly *Akhbar-e-Jahan* (Quetta, Balochistan) *February 10, 2008*: Samad, better known by his alias of Dr Chishti Mujahid, who worked both as a columnist and photographer for *Akhbar-e-Jahan*, was killed by a gunman in Quetta. Mirak Baloch, who claimed to be a spokesman for the Balochistan Liberation Army, an outlawed militant group, called at the offices of several Quetta-based newspapers via a satellite phone and claimed responsibility for the murder alleging that Samad was "a partial journalist and wrote several articles against the Baloch struggle and late [provincial governor and chief minister] Nawab Akbar Bugti for which he was punished."

Siraj Uddin, 40, correspondent for English daily *The Nation* (Mingora, NWFP) *March 02, 2008*: Siraj was one of 40 people killed in a suicide attack at the funeral of a slain police officer in Mingora. No one claimed responsibility for the attack and its planners have remained unidentified.

Khadim Hussain, reporter for *Channel 5 TV* (Hub, Balochistan) *April 15, 2008*: Hussain, who also reported for Urdu daily *Khabrain*, was gunned down by two riders on a motorcycle as he traveled in his car. The motive for Hussain's murder is not known and his killers have not been identified.

Khalil Malik, 62, *freelance columnist*, (Islamabad) *April 30, 2008*: Malik, a journalist who worked for the country's leading newspapers and TV channels in his career and last operating as a freelance columnist and running a private media consultancy, was reportedly gunned down by his estranged wife Saira Khan, herself a journalist working for TV One. After allegedly killing Malik, Saira also reportedly committed suicide. The motive for the murder is reported to be a dispute over divorce modalities. Saira's reported suicide is not included in the statistics or case studies in this report.

Author's Note: Details of individual journalists (other than those murdered) who faced various kinds of intimidation are too numerous to include in this report. However, comprehensive information about each category and case of intimidation, including daily, monthly and annual reports, is available on www.intermedia.org.pk.

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