

# GROWING SOUNDS OF SILENCE

2015: The Year of Censorship in Pakistan



Freedom Network Annual Report on the State of Media,  
Freedom of Expression & Civil Liberties in Pakistan

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## JOURNALISTS

### Silence becomes a defense tool for media practitioners

**HAROON RASHID** *on the unusual response mechanism being adopted by journalists in Pakistan stemming from an environment of insecurity*

I humbly asked a seasoned photographer of an established and one of the best English newspapers to write a small piece on what kind of restrictions and challenges camerapersons faced in the field in the year 2015. The prompt reply was “Why can’t you write it.” I said: “I’m not a photographer.” His further reply was that he can’t write because “it will not be possible for me to speak truth.” Another senior journalist and anchor speaking at a public meeting in Islamabad in late 2015 on combating impunity against journalists in Pakistan started by saying; “Let me start by saying I will not be stating the truth.”

This is the state of fear that is stopping journalists, once considered one of the most outspoken communities in the country, from speaking out openly. Has self-censorship now become a norm in Pakistan or is it yet the beginning of a more treacherous trend?

According to Reporters without Borders (RSF) report for 2015 on press freedoms, Pakistan is not among the top most dangerous countries for journalists for the year. The murder of nine journalists in India in 2015 now confirms India’s position as Asia’s deadliest country for media practitioners, ahead of both Pakistan and Afghanistan. For now. The preceding year – 2014 – was the deadliest in Pakistan’s history with 14 journalists and media workers murdered for their work.

So if fewer journalists and media workers were killed in Pakistan in 2015 – half compared to 2014 – in the line of duty, does that mean there is a radical improvement in environment for media practitioners in Pakistan? The apparent ‘improvement’ in ranking may not entirely be because of the Pakistan government suddenly woke up in 2015 to prioritize security for journalists in the country. One reason could be the self-silencing of the most vocal of journalists’ voices – censorship. It seems journalists and media houses have decided to play safe by staying away from controversial issues afflicting Pakistani society.

The phenomena of self-censorship in Pakistan is not too old. Speaking in 2010, political and media theorist Noam Chomsky had remarked that Pakistan’s media was less censored than in neighboring India.

## Safety through censorship

So what encouraged greater self-suppression in Pakistan in 2015? Some blame unofficial government controls, the monopolistic media ownership structure, weak legal system and the lack of security for journalists for this ‘safety mechanism.’ Presence of an array of violent militant groups adds further pressure on journalists to conform or [pay a high price.

To an extent, the dangers faced by journalists in Pakistan are the same as those faced by every other citizen: an increasingly poor law and order situation where no one can be guaranteed fool-proof protection against a myriad of threats. This is demonstrated by the fact that so many of journalists’ killings in 2014 and 2015 took place in Balochistan, a province where the writ of law is weak after years of a bloody tussle between separatists and security services.

‘Has self-censorship now become a norm in Pakistan or is it yet the beginning of a more treacherous trend?’

The question is how can this be rectified? Some experts suggest that a safer environment for journalists and freedom from both external censorship and self-censorship can be effected from a three-pronged endeavor.

Firstly, legal measures and reforms would be required to create an environment

conducive to free journalism. This would include ending impunity for crimes against journalists, bringing all those responsible for attacking the media to justice and reforms to strengthen hands of newsmen. If journalists continue to be targeted and no one is held responsible, it would only encourage more attacks. Towards the end of 2015, several weeks after a request to the Khyber Pakhtunkhwa government was made by this author through their online Right to Information website to seek details of the status of murder of journalists in the province had not yielded any response. Quiet indicative of the dynamic of protection on the mind of the provincial government.

Secondly, there needs to be an urgent need to increase plurality of ownership by creating free market competition in the media industry. The costs of establishing new enterprises should be brought down to facilitate smaller groups. Alternative media is another option. People are venting their frustrations via social media because the urban, elitist ‘national-centric’ media is falling short of being the guardian of local public interest. A new cadre of media that is authentic and at the same time non-committal to official or private pressures is needed. This kind of media would ideally not be fixated on making money but focusing on public-interest journalism foremost.

Thirdly, emergency of a self-regulating, professional association of journalists is now inevitable to focus on professional improvement, especially on promoting safety of journalists through collective civic activism rather than factional platforming on the issues of press clubs and unions. Instead of only focusing on getting plots of land and other privileges for its members, associations and platforms representing journalists need to focus on arresting the professional decline in their ranks, which is exposing journalists to myriad risks, threats and dangers.

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## THREATS

### Murders, attacks, harassment and intimidation continue unabated

**IQBAL KHATTAK** *on how the state is abdicating its duty in combating impunity*

**IF** the year 2014 in Pakistan was characterized by the murderous attack on a school in Peshawar and the country's resolve to fight back militancy, extremism and terrorism through the National Action Plan, the year 2015 came to be defined by a growing trend to browbeat the media into relative silence on issues that required raising controversial questions.

There may have been statistically fewer murders of journalists, media assistants and activists in 2015 in Pakistan – seven – than in 2014 – fourteen – the climate in which they operated grew ominous with growing ease by state and non-state actors on how media did its traditional job of being the guardians of public interest.

Luckily no blogger was targeted in 2015 as it was in 2014 – one. No foreign journalist was expelled from Pakistan in 2015 compared to 2014 when three foreign journalists' visas were cancelled. Similarly, fewer journalists and media assistants were attacked or injured or harassed in 2015 – 10 – than they were in 2014 – 58. Similarly, fewer female journalists were among those attacked or injured or harassed journalists in 2015 – one – than they were in 2014 – six.

There was also a marked increase in journalists picked up from homes and offices recorded in 2015 – nine against three in 2014. Among these picked up journalists included high number of tribal journalists. One of them – Nasru Minallah from North Waziristan – had spent six days in captivity with the military in Bannu district. Tribal journalist Rasool Dawar was twice picked up – once by uniform soldiers from his Geo News channel's office in Peshawar cantonment – and had spent months outside Peshawar when 'pressure' on him continued to build. This pressure had forced another abducted journalist to leave the country in fears he might be chased again.

All the journalists picked up and freed hours or days later involved regular army and paramilitary forces – Sindh Rangers and Frontier Corps. They gave no reason why they picked up these journalists in middle of night or broad daylight. In some cases, however, the interrogators quizzed the journalists for their alleged links with militants and foreign trips.

The year 2015 was significant in terms of fighting impunity of crimes against media and its practitioners. Sindh Rangers announced arrest of Faisal 'Mota' - convicted in murder case of Geo News reporter Wali Khan Babar. The Sindh government also made public the arrest of mastermind of murder of media activist and human rights defender Sabeen Mahmud. Balochistan government also recorded some progress to fight back the impunity under former chief minister Dr Abdul Malik leadership releasing findings of judicial commission into killing of

journalists and also arresting alleged killers of journalists Irshad Mastoi and Abdur Rasool and media assistant Muhammad Younas.

Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh provinces witnessed attacks on journalists, media assistants and media activist in 2015. All the four provinces had witnessed similar situation journalists faced while North and South Waziristan continue to be ‘no-go’ areas for journalists unless embedded with the military or militants.

Pakistan returned to the notorious practice of ‘press advise’ in 2015 with regulatory authorities for both print and electronic – Pakistan Electronic Media Regulatory Authority (PEMRA) and Press Council of Pakistan (PCP) – regularly ‘advising’ the free press to avoid criticism of Saudi Arabia for its war with Yemen or Haj stampede. A TV interview with Afghan Taliban commander was pulled off seconds before going on-air.

‘There was a marked increase in journalists in Pakistan picked up from their homes and offices in 2015’

Dera Bugti-based journalist Manzoor Ahmed Bugti continues his ordeal since he went missing on November 7, 2014 from Quetta, provincial capital of Balochistan province. His family avoids taking up the missing journalist case as it was ‘told’ he would ‘soon return home.’ It didn’t happen in 2015. Maybe 2016 will be different in this case.

#### **Journalists killed in 2015 – Four (Work-related murders: two)**

- Jun 28: Reporter Zafarullah Jatak of Intekhab newspaper shot dead in Jafarabad, Balochistan
- Nov 3: Tribal journalist Zaman Mehsud short dead in Tank, Khyber Pakhtunkhwa
- Nov 22: Journalist Hafizur Rehman, editor of a weekly newspaper and correspondent of Neo TV channel, shot dead in Kohat, Khyber Pakhtunkhwa.
- Sep 9: Senior journalist Aftab Alam shot dead in Karachi, Sindh

#### **Media assistants killed in 2015 – Two**

- Jul 15: Bol TV Human Resources Manager Nauman Ali shot dead in Karachi, Sindh
- Sep 8: Geo News DSNG technician Arshad Ali killed in Karachi, Sindh

### **Media activist killed in 2015 – One**

- Apr 24: Media activist and human rights defender Sabeen Mahmud of T2F shot dead in Karachi, Sindh

### **Attacks on media and journalists in 2015 – Ten**

- Dunya TV reporter Munawar Alam survives attack in Karachi, Sindh
- Abtak channel receives ‘parcel of bullets’ at its Karachi office, Sindh
- Journalist Salah Din Orakzai survives attack on his office in Hangu, Khyber Pakhtunkhwa
- Private guards attack TV crew covering student protest in Karachi, Sindh
- Two cops and one employee injured in cracker attack on Din News TV channel office in Lahore, Punjab
- Express News TV channel guard injured in cracker attack on its bureau office in Sargodha, Punjab
- Three employees of Dunya News TV channel injured after grenade attack on its Faisalabad bureau, Punjab
- AFP photographer Asif Hussain shot and wounded while covering clashes between police and JTI activists in Karachi, Sindh
- Abdul Azam Shinwari of Pakistan Television shot and wounded in Peshawar, Khyber Pakhtunkhwa
- Dawn News DSNG van technician injured in attack on the channel’s vehicle in Karachi, Sindh

### **Pakistani journalists forced to leave country – One**

- Name withheld for safety reason

### **Journalists detained/abducted/kidnapped/harassed – Nine**

- Umar Daraz Wazir detained by military in Bannu, Khyber Pakhtunkhwa
- Sudhir Afridi picked up by Frontier Corps in Landikotal, Khyber Agency, Tribal Areas
- Rasool Dawar first abducted by people in military uniform in Peshawar and then by police in Peshawar to hand over to military authorities again, Khyber Pakhtunkhwa
- Aaj TV channel bureau chief Farzana Ali harassed by police in Peshawar, Khyber Pakhtunkhwa
- Tribal journalist Nasru Minallah detained at military checkpoint in Frontier Region Bannu and freed six days later
- Rahat Shinwari picked up by paramilitary Frontier Corps in Landikotal, Khyber tribal district
- Senior journalist Afzal Mughal taken away at midnight by security forces and released hours later in Quetta, Balochistan
- Reporter Zafar Karimi picked up from home by Rangers in freed 40 hours later in Karachi, Sindh
- Faheem Siddiqui of Geo News abducted by people in police uniform and set free hours later in Karachi, Sindh

### **Court pressure on media houses/journalists – Three**

- Jan 5: Supreme Court indicts then ARY News anchor Mubashar Lucman and CEO Salman Iqbal in contempt of court case
- Mar 17: Peshawar High Court summons senior Mingora-based journalist Ghulam Farooq to disclose source of one of his reports
- Jul 8: Islamabad High Court asks Dawn newspaper management to remove reporter covering the court proceedings for being ‘biased’

### **Verbal and written threats to media and journalists – Four**

- Feb 8: Muttahida Qaumi Movement leader Altaf Hussain issues veiled threat to media practitioners amidst controversy over Baldia factory fire coverage in Karachi, Sindh
- Feb 14: ‘Shura Fidayan Islam’ or ‘Council of Suicide Bombers of Islam’ issues a threat to four journalist members of Quetta Press Club for ‘preaching Christianity’
- Apr 24: TTP issues warning to media for ‘becoming’ party to conflict with the state of Pakistan
- Aug 24: TTP says Shura approval is awaited to ‘target-kill several journalists’

### **Forward movement in combating impunity against media – Four**

- Mar 11: Rangers arrest Faisal Mota, alleged killer of Geo TV reporter of Wali Khan Babar
- May 20: Sindh government says mastermind of murder of Sabeen Mahmud arrested
- Aug 25: Balochistan government releases findings of Judicial Commission into murder of journalists in the province
- Sep 1: Balochistan government says killers of reporters Irshad Mastoi and Abdur Rasool and media assistants Muhammad Younas arrested.

### **Censorship and gag orders – Nine**

- May 13: Press Council of Pakistan asks newspapers to avoid criticism of friendly countries
- May 29: Federal Information Minister Pervaiz Rasheed says media ‘covered up’ coverage of suicide attack in Lahore
- May 1: PEMRA [Pakistan Electronic Media Regulatory Authority] serves notices on 24 channels over telecast of MQM leader Altaf Hussain speech
- May 28: Ministry of Information asks PEMRA to stop Bol channel from going on-air
- Jun 1: Pakistan-administered Kashmir government bans Geo News TV channel over ‘map controversy’
- Aug 31: Lahore High Court bans live coverage of MQM leader Altaf Hussain’s speeches
- Sep 30: PEMRA warns channels against criticizing Saudi Arabia for Haj stampede leaving thousands of pilgrims, including Pakistanis, killed
- Nov 2: PEMRA serves notices on two channels for violation of code of ethics and National Action Plan guidelines
- Nov 22: An interview of Afghan Taliban leader was pulled out minutes before it could be aired on a private TV channel

**Digital freedoms violations – Three**

Oct 27: Federal Investigation Agency arrests political activist Qazi Jalal for anti-judge tweet

Nov 30: BlackBerry threatens to quit Pakistan after Pakistan Telecom Authority seeks access to data of its customers

Dec 9: Twitter accounts of Geo TV journalists Hamid Mir and Rana Jawad hacked

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## PRINT MEDIA

### All the news fit to print but.....

**KAMAL SIDDIQUI** *on the travails of being an editor in a time of grave risks to media sector in Pakistan*

**POSSIBLY** one of the biggest challenges we now face as journalists in Pakistan is the issue of self-censorship. For me, as editor of The Express Tribune, the challenge is even greater. That is because we are also printing partners with the International New York Times. Ours is the only paper in Pakistan that has such an international affiliation. With this come complications of another kind.

For our staff, many of whom are extremely talented and full of idealism like all good journalists should be, self-censorship remains a hotly debated issue. It was increasingly a critical issue in 2015 in the Pakistani print media world. Within the confines of our newsroom there are many who feel that we should not indulge in this practice at all. Others are unclear as to what should be removed and what be allowed to stay in the paper.

For me as an editor, it is more of a question as to where to draw the line. While as journalists we continue to fight against all sorts of censorship, there are some on-ground realities that we have to take into account. Such has been the debate on self-censorship that some of our more right minded colleagues even decided to leave the paper when we took some editorial decisions on reporting, following an attack on our staffers for which a militant organization later took responsibility.

I am also a working journalist and I wish I could also take the high moral ground or start a campaign on the social media in which I could point out how publications self-censor, but that would be looking at things from a very one-sided view. At the end of the day, my journalism is more than just this.

#### **Time to lift the lid on censorship**

To put things in context, one must understand that we are not the only ones that indulge in self-censorship. Much of the mainstream media in Pakistan, more Urdu but also English, does the same and to varying degrees. That is something that we need to recognize.

But we have been targeted more than most. Following the 2014 attacks on a DSNG van of our sister organization, Express News, we arranged a town hall meeting for staff so they could express their fears and vent their frustration. In this meeting, one copy editor asked when we expected such threats to end. The answer, unfortunately, was: not in the foreseeable future.

We have to recognize that Pakistan is one the most dangerous countries in the world for working journalists. This is a real issue. People are injured or killed as a consequence of what you write. In all this, the government remains a silent spectator. Barely two cases amongst the hundreds in which journalists have been targeted were taken somewhat seriously by the government. The rest remain forgotten.

What I know for a fact is that we have suffered a series of attacks on our media organization, the Express Group. In the 2014, three staffers died. We have to be careful what we put out in our paper keeping in mind the on-ground situation. We have heard chilling stories about how our paper's name gets mentioned for spreading propaganda. What most people don't know is that we do not share editorial content with the INYT. We are 100% Pakistani. But most of our detractors don't let facts get in the way.

**‘Much of the mainstream media in Pakistan, more Urdu but also English, indulges in self-censorship as a protective measure against various risks’**

As launch editor of the paper in 2010, my goal was to give Pakistan a vibrant and interesting daily which would highlight issues that other papers did not consider important enough. This included issues that related to women, religious minorities, disadvantaged groups, as well as stories on militancy and terrorism.

### **No story worth the life of a journalist**

Over the years we have done some outstanding work but this has come at a cost. We have been condemned online, our staffers have been targeted and our offices attacked. To give an example, in 2015 our correspondent in Federally Administered Tribal Areas (FATA) was picked up once by militants and another time detained by law enforcement authorities because of the stories we published. We have received bomb threats while an anchor on a prominent show that appeared on Express TV was shot in a busy Lahore street.

While we continue to do investigative stories and bold reporting, my biggest challenge remains the safety of our staff. Many disagree. In the words of one magazine columnist, who advised me after a circular I sent to staff was taken out of context and misreported, that I owed it to my readers to publish the truth – the whole truth. I wish it were that simple.

Ironically, the same columnist asked us to remove a story that appeared on our website that reported on a video in which his wife featured. The video was critical of the clergy and the language used was quite objectionable. We obliged. I knew the risk she was facing.

In 2015, we had to remove some articles that appeared in our partner paper – the International New York Times, because they related to the Charlie Hebdo incident and quite graphically commented on issues of religion. Not only was this content offensive, it was also very dangerous to print. As per our agreement with the INYT, we removed these pieces and gave a notice to the effect that this was our decision. Does this impinge on freedom of expression? I think not.

I know self-censorship is a slippery slope. But we also cannot put the lives of our staff at unnecessary risk. At the same time I dream of the day that many of the other issues on which the media has become more cautious are once again debated in public. We wait to see that happen. Till then we face the challenges that come each day. And we make the best effort to do brave and responsible journalism at the same time.

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## CIVIL SOCIETY

### General disquiet gives way to growing quiet in the public sphere

**AFIA SALAM** *on the hostile impact of a growing climate of fear and intimidation in Pakistan*

**WHAT** makes a journalist safe? Flak jackets and helmets? Reinforced vehicles accompanied by guards? Or would a constant watching over the shoulder about the threats emanating from their words and deeds that are sent out into the public space across Pakistan as part of their professional requirements?

Is being 'unsafe' an occupational hazard? Just like in the case of a soldier, policeman or others in combative professions? With Pakistan occupying one of the more unenviable top positions in

the index listing countries unsafe for journalists for several years now, the next question arises; what will make them safe? Censorship? Is that to be the only resort to safety?

**'The shrinking of the space for civil society in Pakistan is just another form of censorship'**

All those who subscribe to the values of freedom of expression as a fundamental plus constitutional right balk at the very word, and rightly so.

However, we also know that even if the censorship is not imposed externally, journalists become conditioned to impose it on themselves. They do it as individuals, as well as members of media houses who set limits on how far the envelope can be pushed, which is only as far as the push back does not come from the regulator or the 'threatening elements.' That is where the buck stops!

This state spills over into the domain of their allies in the civil society who in Pakistan have been in the forefront of the rights-based movements. On issues where the media exercises 'caution' (read: censorship) due to fear or favor, there are bravehearts within the civil society in Pakistan who keep issues alive at considerable risk to themselves.

#### **Storytellers becoming stories**

It is quite another matter that when those activists themselves become the story – as has sadly been a growing trend in Pakistan, as also witnessed in 2015 – the issues get highlighted, only as a side story. So while discussion on the blasphemy law becomes a no go area for the mainstream media, people honoring Governor Punjab Salman Taseer, who was murdered for

his opinions, at a public square in Lahore come under attack, and that story gets covered! This is what happened in 2015.

It is futile to vent out now that had this issue been discussed threadbare in a sane and civilized manner to everyone's satisfaction, he would not have been seen as a maverick and targeted because of his views and opinions.

The other 'B' world that the mainstream media in 2015 continued to shy away from was Balochistan. We saw what happened to renowned journalist Hamid Mir when he pushed the issue in 2014. He ended up with six bullets in his body, two of which he still lives with – perhaps the only journalist in the world today practicing journalism with bullets in his body. That sent a very clear message to anyone trying to even question the existing 'kosher' narrative, leave alone countering it.

This meant that the issue spilled on to a broader societal narrative. If we focus on just the issue of the Baloch missing persons and those campaigning to raise awareness about them, even a cursory glance on the media in 2015 indicated that it is conspicuous by its absence – imposed and self-censorship at work.

So the activists tried to go with their story to other places. They tried Lahore University of Management Sciences, but the event was cancelled at the last minute due to 'official' intervention. Talk about shrinking public spaces for Pakistan's beleaguered civil society in its battle against threatened censorship.

The issue got second hand amplification in the media in 2015 due to the attack on the freedom of expression, not because the issue itself deserved space in the media. But this was to have deeper, more tragic implications later. Did that self-censorship by 'acquiescing' to the 'request' for cancellation keep the organizers safe? It certainly did. No one would grudge them this safety.

But where this 'censorship' was set aside, in Karachi at the PeaceNiche venue T2F, it resulted in very tragic consequence to that bravest of bravehearts, Sabeen Mahmud, one of Pakistan's brightest civil society activists, lost to the assassin's bullet minutes after the completion of a seminar on the very issue that was cancelled at LUMS.

Would she have been spared had she not allowed the seminar to take place at that space? Who knows! We are told her killer, a business studies student at Karachi's prestigious IBA, who has confessed to her murder, says he did it because she supported Valentine's Day three years ago and was a 'westernized' woman! Not something that could have dawned on him on the day of the seminar, surely. Now Sabeen's mother lives with two bullets in her body that had ricocheted off her murdered daughter. Maybe she too wonders at times what kind of censorship would have kept her daughter safe!

## Big Brother gets unfriendly

Then again, it is not just the physical space that is becoming increasingly unsafe for journalists and civil society activists in Pakistan, if trends in 2015 were anything to go by. Threats lurk in the virtual world too. There is increasing evidence of surveillance and invasion of privacy which digital rights organizations have been tracking and making public.

The sword of the Pakistan Electronic Crimes Bill in its present form hangs on the heads of citizens in general and journalists and civil society activists in particular because since the formulation of the National Action Plan, everything at variance with the official narrative is deemed dangerous for the State. Even opposition to royalty coming from ‘friendly countries’ to hunt a threatened species like the houbara bustard draws the ire.

The looming shadow of Big Brother over civil society in 2015 was seen growing in Pakistan as it tried to mute criticism of one warring party in the conflagration in the Middle East as opposed to the other. Similarly, the ‘me patriot, you traitor’ lines are being clearly drawn in the sand on discussion on ‘sensitive national matters’ even other than the insurgency being fought through Zarb-e-Azb military operation against terrorists. The year 2016 does not look too good for civil society.

Probing questions raised by civil society about the nuclear power plants on the shores of the country’s most densely populated city, Karachi, or the life-changing, game-changing mega-project like the China Pakistan Economic Corridor are also being increasingly looked at with suspicion, and even downright resentment.

With recourse to the Right to Information law not available to all the citizens in Pakistan, one fears that space for investigative, analytical journalism, and informed civil society activism will shrink even further in 2016 and beyond. This shrinking of the space is just another form of censorship.

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## INTERNET

### Restrictions on digital freedoms cloud cyberspace

**NIGHAT DAD** *on the burgeoning trends of surveillance and privacy violations in Pakistan*

**THE** year 2015 saw an upsurge in the hardening of security policies by international governments, in the wake of terrorist attacks, including in Europe. Security agencies and police forces were given more powers, often broad in their reach and implementation, and greater calls for the banning of privacy-related software, or at least weakening of their capabilities, so that the “good guys” could eavesdrop on users when needed be.

We also came to learn of leaks and whistleblowing regarding the extent to which we are all under surveillance, dealings with the private sector to enable greater spying on the public, and the murky lengths to which agencies would go to protect themselves from prosecution and transparency, often retroactively. In light of all this, the importance and necessity for a discussion in regards to security versus civil liberties became more acute in 2015, and will likely continue well into 2016 and beyond.

Over the course of 2015 Pakistan also continued its disturbing move towards a beefy security state, exploiting recent tragedies – in particular the murders of 145 students and teachers at a school in Peshawar in December 2014 at

the hands of terrorists linked to the Taliban. The government of Pakistan in 2015 moved to push through legislation that ostensibly protects Pakistani citizens, but in reality weakens their freedom of expression, eliminates their right to privacy and works to destabilize the underpinnings of a democratic society.

**‘The authorities in Pakistan have long demanded total access to personal data and come down hard on those refusing to comply’**

#### **Clouds of uncertainty**

Some trends became clear. In the wake of the terrorism of December 16, 2014, the government formulated and implemented a Nation Action Plan to tackle terrorism. In January 2015, the Prevention of Electronic Crimes Bill (PECB) was drafted. Pakistan requires an effective and pragmatic cybercrimes law that tackles online crime, harassment and terrorism. The PECB, which by the end of 2015 was under review by the National Assembly before it can be turned into a law, is not that law.

The PECB came to be roundly criticized, both in Pakistan and internationally, for its criminalization of freedom of expression online, its user data retention guidelines, its lack of oversight and transparency. Digital Rights Foundation, Privacy International, The Electronic Frontier Foundation, Article 19, Bolo Bhi and many other national and international rights organizations have condemned the PECB, and have called for it to be dismissed.

Then in June 2015 the controversial commercial digital surveillance company Hacking Team, responsible for providing software and hardware to intelligence agencies for the purpose of eavesdropping and hacking, found itself subject to a leak, with over 400 GB of internal HT data shared by Wikileaks and many others. The leak allowed many organizations to read communications between HT and representatives of Pakistan's intelligence agencies, going back to 2011, in regards to packages that would allow particular mobile phone models to be “infected” for eavesdropping purposes.

The communications highlighted months of back and forth horse-trading, meetings with members of Pakistan's intelligence agencies (amongst others), as well as competitive rivalry with other organizations and companies within Pakistan. Though the internal data appears to indicate that HT was unsuccessful in selling its products and services to Pakistan, the leak shines a light onto the process by which intelligence agencies in Pakistan and elsewhere look to acquire hardware and software to better spy on its citizens, from the shadows.

Pakistan's security and intelligence agencies have long demanded total access to the personal data of citizens within Pakistan, and have come down hard on entities that refuse to hand over said data. This demand led Blackberry, the Canadian smartphone and enterprise service company to decide to leave the country at the end of 2015, for refusing the Pakistan Telecommunication Authority complete access to its encrypted Blackberry Enterprise Services. The PTA had made its demand in July of 2015, with November 30, 2015 being the deadline. Though the deadline was extended to the end of December, Blackberry said that it would “leave Pakistan entirely, rather than compromise the security of its users.” However, PTA reversed the decision for the time being, which allowed Blackberry to continue its operations into 2016 but the clouds of uncertainty still hang over horizon.

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## ACADEMIA

### Censorship between the lines on Pakistani campuses

**FAIZULLAH JAN** *on growing threats to the free market place of ideas in Pakistan*

**I**N April 2015 when one of Pakistan’s prestigious universities announced to hold a panel discussion on the saga of Balochistan’s missing persons, it did not sound out-of-sync. Universities owe their existence to promoting and hosting dialogues on issues that agitate or excite the society. They are the free market place of ideas, which the Greeks called *agora*, and now known as the *public sphere*.

However, when the Lahore University of Management Sciences (LUMS) was forced by ubiquitously ‘unknown security agencies’ to cancel the talk – and the university unexpectedly caved in – it did not sync at all with the values of a civilized society. Rather, it flew in the face of all logic.

The seminar, “Un-silencing Balochistan,” was to feature human rights activists Mama Qadeer and Mohammed Ali Talpur, Human Rights Commission of Pakistan Director I A Rehman, Secretary General of Voice of Baloch Missing Persons (VMPB) Farzana Majeed, Quaid-e-Azam University professor Aasim Sajjad and human rights activist Sajjad Changezi, among others. These activists and academicians have been highlighting cases of enforced disappearance of Baloch activists and common people, blamed by many on security establishment by rights groups.

The cancellation of the seminar was nothing but blatant academic censorship and the negation of political pluralisms. “The talks were aimed at understanding the Balochistan issue and discussing ways on how to resolve the longstanding problems of the Baloch people,” a LUMS faculty member told newsmen. He added: “It was supposed to be an academic discussion, which was muzzled for no good reason. This is violation of academic freedom and a curb on freedom of speech.”

**‘The academia in Pakistan will have to decide if they are the marketplaces of ideas or cradles of censorship’**

Clearly the growing trend of censorship in society in Pakistan in 2015 had arrived formally at the door of Academia also.

Curbs on academic debates amounts to denial of free access to information, which is a basic fundamental right of citizens. More perniciously, it emboldens other extremists and rogue

elements to silence dissenting voices for their own ‘reasons.’ This is exactly what happened the same month in Karachi when prominent civil rights advocate Sabeen Mahmud was shot dead. Sabeen, a peace activist and founder of T2F, a community space for open dialogue, just before her cold-blood murder defiantly hosted a talk with Mama Qadeer and others at T2F who had been denied by LUMS. Certainly, she was killed for her defiance. Arguably, her murder was the consequence of what happened at LUMS on April 9, 2015.

### **Right questions, wrong answers**

Universities are supposed to not only nurture the culture of a free debate and at times embarrass the government and its institutions by asking the right questions; they have also to conduct research on the different aspects of a situation like the Balochistan insurgency. “The intellectual,” argues distinguished scholar and intellectual Edward W Said, “is not a functionary or an employee completely given up to the policy goals of a government.....” Academic institutions have to stand up and fulfill its responsibility of speaking to the power. Academicians are required to go beyond their narrow professional career and speak about political issues. Academicians, therefore, have to be defiant and very much political to serve the society and challenge the power of the state and its ideological apparatuses.

To abandon the defense of uncompromising freedom of expression is, in the words of Edward Said, to betray the intellectual’s calling. Therefore, the academics have a moral and professional responsibility to speak to the power and, in the process, safeguard the freedom of the public sphere. LUMS, many argue, succumbed to the pressure with a whimper, which is uncharacteristic of a guardian of free speech and critical thinking. But the faculty of the Karachi University did not. Soon after the murder of Sabeen, they held a seminar on “Baloch missing persons and the role of the state” even though the university administration had warned it would not allow seminars on “sensitive topics.”

“We are taking Sabeen’s vision forward,” a defiant professor told the audience – who had dodged a blanket security and snuck into the Karachi university campus – in the presence of Mama Qadeer and his co-activists. If the LUMS show was a fiasco, Sabeen’s murder a sickening tragedy, the KU gathering was reassuring that not everybody can be silenced. When the students were welcoming Mama Qadeer and other activists with rose petals, they were in fact celebrating the retaking of the free market place of ideas. They were speaking to the power. They were challenging the forces of coercion and snatching back the turf that has become much coveted for both: those who want to silence us and those who try to unsilence everyone.

### **Academia-media symbiosis**

The trends of censorship and self-censorship at campuses of Pakistani academia solidifying in 2015 were rooted in 2014. The Peshawar University was pressured into preventing the launch of ‘I Am Malala’ the globally feted biography of teen education activist Malala Yousafzai at its campus. The same year the Higher Education Commission sent out a circular to universities

across the country advising against activities that would be detrimental to national and religious interests.

Academic institutions, especially universities, and the media have a symbiotic relationship. They rise and fall together. Universities incubate/promote critical thinking and produce knowledge; the media, because of its reach and accessibility, mainstream debate, knowledge and critical thinking. Therefore, the forces of 'control' always look askance at the two institutions. If open coercion is not possible, they resort to cooption in line with neoliberal politics. This cooption makes the two institutions as the tools of social control (of the masses) in the service of the state apparatuses. To stay relevant and fulfill its social responsibilities, the two institutions—universities and the mass media—have to promote and demonstrate a culture of defiance in the face of adverse state control. Pakistani campuses will have to decide if they are the marketplaces of ideas or grounds of censorship.

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## MEDIA REGULATION

### Codifying restrictions for electronic media

**MUHAMMAD AFTAB ALAM** *on the crumbling state of freedom of expression in Pakistan*

**THE** Pakistani government notified a new Code of Conduct (CoC) for the country's electronic media in Pakistan on August 19, 2015. This replaced the CoC, which was part of the Pakistan Electronic Media Regulatory Authority (PEMRA) Rules, 2009, as its Schedule A. Since the notification, questions have arisen whether a code should be a self-regulatory mechanism or a state-regulation.

Similarly, legitimacy and ownership of the CoC are also in question as it was developed and notified by the government, and PEMRA was asked to implement the same. Nevertheless, the Code poses serious threats to the already crumbling state of freedom of expression in the country. A careful reading of the Code opens up various concerns for free expression and journalistic freedoms.

For starters, the Code is more of a prohibition than facilitation for journalists in Pakistan as it creates new boundaries for the journalists' operations and their free mobility. These new boundaries include 'conflict zones' or areas "where law enforcement agencies or armed forces are employed for operation to maintain writ of the state." The Code requires the electronic media to "ensure that coverage of the activities in conflict zone are carried out in accordance with the guidelines issued by the concerned law enforcement agencies."

This makes the semi-autonomous Federally Administered Tribal Areas (FATA) and most parts of the Balochistan province out of bounds of the reporters of electronic media. This would also mean that only embedded reporting is possible from such 'conflict zones' and no

independent journalism is allowed. Moreover, the definition of the 'conflict zone' is so wide that any other settled areas can be declared a 'conflict zone' to keep media away from coverage of certain activities.

The Code provides a set of fundamental principles for airing programs. As part of these principles, the Code requires the electronic media to respect various new notions and ideologies in addition to already mentioned restrictions in Article 19 of the Constitution of

**'A new regulatory code requires electronic media in Pakistan to subject its mandate of being guardians of public interest to imperatives of security agencies'**

Pakistan and other state laws including PEMRA laws. For example, the CoC prohibits the licensees (PEMRA's licensees) from airing any content "which is against the Islamic values, ideology of Pakistan or founding fathers of the nation including Quaid-e-Azam [Muhammad Ali Jinnah] and Dr Allama Muhammad Iqbal."

### **Clearly vague**

Now what exactly are 'Islamic values' and what is the ideology of founding fathers of the nation are debatable issues. There can be more than one perspectives on these vague terms, which can be interpreted subjectively. Therefore, such vagueness can put constitutional guarantee of free expression under subjective interpretation of the media regulator. Not to forget that restrictions given in the constitutional provision (Article 19) are also vague and subjective.

The 'fundamental principles' of CoC further state that the licensees shall ensure that no content is aired which: "Incites or condones dislodgement of democratic set up against the command of the constitution of Pakistan; Includes anything against the integrity, security and defense of Pakistan; Contains aspersions against the judiciary or armed forces of Pakistan; and Is defamatory as defined in the law for the time being."

These so-called fundamental principles seem to further add into already given – in the constitution and other laws – restrictions on free expression and promote censorship. Similarly, provisions of clause 4 of the CoC apparently require 'objectivity, accuracy and fairness' in news and current affairs programs. Nevertheless, these provisions can be used by PEMRA as a pretext to impose ban on political debates and critical analysis of judicial proceedings and judgments in cases of public interest. These provisions, pertinent to mention, are in addition to the Contempt of Court law and the Defamation law for the time being enforced in the country.

### **Dictating restrictions**

The situation becomes critical in the backdrop of PEMRA's recent orders and actions against television channels. These incidents, among various others, include ban on airing programs against 'friendly states' – for example Saudi Arabia in the case of Mina stampede in the 2015 Haj, coverage of Yemen issue and airing footage of Altaf Hussain. It is pertinent to mention here that most of these orders were issued before the notification of this CoC. Quite expectedly, since the notification of the Code, PEMRA has issued several warnings to and also took actions in 2015 against several television channels for alleged violations of the CoC.

The CoC, from its very nature, is a legal instrument. It is now part of the PEMRA law and, according to Section 30 of the PEMRA Ordinance, violation of PEMRA Ordinance, Rules or Regulation by a licensee can result in revocation or suspension of license. Furthermore, under Section 33 of the PEMRA Ordinance, if a licensee violates or abets to violate any provision of the PEMRA law, a fine up to Rs10 million can be imposed. In case of repetition of the offence, the licensee can also be put behind bars for three years.

The PEMRA is a big regulator in terms of its authority and powers. It is evident that even before the notification of the CoC, the PEMRA has been taking actions against the licensees. In most of the cases, PEMRA acted under the directions of the federal government. For example, action against Geo TV was taken upon the orders of the Federal Ministry of Defense. This is important to understand that PEMRA is under obligation to comply with the directions of the federal government. Independence and autonomy of the PEMRA is a distant dream.

In this background, the CoC with all its vagueness and open-ended provisions can be damaging to the free expression and media freedom in the country. It already demonstrated that it is starting to promote a culture of self-censorship within the electronic media and is likely to engender it in 2016 and beyond. A spate of warnings to a number of television channels in 2015 on alleged coverage of militant and proscribed organizations as well as 'hurling false allegations' is indicative of the emerging trend of enforced censorship. In 2016 and beyond the PEMRA-led enforcement of a vague CoC under the subjective direction of the federal government poses serious restrictions to the constitutional guarantee of freedom of expression. Only a voluntary and self-regulatory code can ensure protection of freedom of expression and hold the media accountable in Pakistan.

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## FREEDOM NETWORK – [www.fnpk.org](http://www.fnpk.org) – A Brief Institutional Profile

Freedom Network is a Pakistan-based media and development sector watchdog registered with the Securities and Exchange Commission of Pakistan (SECP) in 2013. The organization's core value is to protect freedom of expression, including freedom of the press and Internet, and access to information and promote an informed society that sees media as a key partner in a democratic and pluralist Pakistan. It has the following mandate:

- 1. To serve as a watchdog on the right to freedom of expression, including freedom of the press and Internet and of civil society**
  - a. Through 24/7 monitoring of the rights to freedom of expression, including freedom of the press and online
  - b. Through monitoring and documenting violations of freedom of expression, including freedom of the press and Internet
  - c. Through researching the causes, symptoms and case studies of the violations of freedom of expression in all forms of media
  - d. Through monitoring violation of the right to expression of non-media sections of society such as human rights groups, development practitioners, and the performing arts industry.
  
- 2. To promote an ethical and professional media**
  - a. By promoting, supporting and conducting advocacy, research, analysis and training initiatives for media
  - b. By promoting, supporting and conducting initiatives to help civil society strengthen its stakeholding in a pluralistic, independent, open and professional media with emphasis on professional ethics and journalism best practices
  - c. By strengthening the interface between media and civil society by improving professional development communications within and for development sector organizations as well as for their supporters and donors
  - d. By promoting a culture of safety and security for journalists and media houses through advocacy, research and training on issues of safety and impunity against journalists
  
- 3. To serve as an advocate for freedom of expression and access to information as fundamental rights**
  - a. Through a broad range of advocacy, research and analysis initiatives
  - b. By promoting and building synergies between and among media and civil society stakeholders
  - c. By promoting citizens' participation on issues relating to freedom of expression and access to information
  - d. By conducting assessment missions, studies, research, translations of resources in multiple languages on its own and for other organizations for wider national and international audiences

