

FULL RISKS, ZERO JUSTICE

JOURNALISTS RISK LIVES AND LIVELIHOODS IN PAKISTAN

Special Report on Impunity for Crimes against Journalists in Pakistan – 2017

Crimes against journalists are a thriving business in Pakistan without any real danger of punishment. A zero conviction rate in murder and attempt-to-murder cases of journalists is Pakistan's highlight in the fight against deep-rooted impunity of crimes against journalists between November 2016 and October 2017. November 2 is observed globally as the International Day to End Impunity for Crimes against Journalists.

According to a research by Pakistani media watchdog Freedom Network, in collaboration with the Pakistan Federal Union of Journalists (PFUJ) measuring the government and other stakeholders' resolve to work for an enabling environment where journalists perform professional works with no fears of reprisals from any side, the journalists attacked in this period did not receive justice, allowing impunity to continue fostering.

The Federal Government of Pakistan declared that, "an attack on a journalist is an attack on the State and Democracy." On October 8, 2013, then Federal Minister for Information and Broadcasting Senator Pervaiz Rashid had endorsed and approved the 'Islamabad Declaration' of the Pakistan Coalition on Media Safety (PCOMS) – a national level platform of all media stakeholders working on a single-point agenda of journalists' safety – and the [UN Plan of Action on the Safety of Journalists and Issue of Impunity](#), committing his government to fighting impunity of crimes against media. Yet that commitment has failed to translate into action or reality.

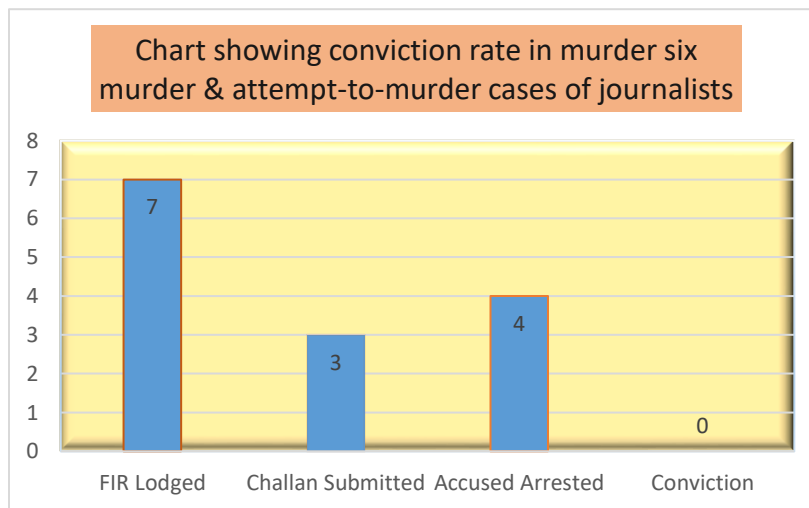


Figure 1 Chart showing details of efforts to fight impunity of crimes against journalists in Pakistan.

"With a zero conviction rate, Pakistan has not moved to work for an enabling environment for professional journalists to work," Afzal Butt, the PFUJ president, reacts to the depressing situation. "Perpetrators of crimes against journalists will get encouraged by poor prosecution to continue attacks against journalists."

The research report, the first attempt to empirically document the extent of impunity enjoyed by attackers, pre-selected five murder and one attempt-to-murder cases of journalists falling

in the given period was examined in detail. Two cases of murders of journalists from Punjab, one each from Khyber Pakhtunkhwa, Sindh and Balochistan and one case of attempt-to-murder, from Punjab, took place during the period under review – 3 November 2016 to 30 October 2017 for this report. The murder case of Haroon Khan from Swabi district of Khyber Pakhtunkhwa province was not included given the fact

that it happened just recently. The research attempted to investigate the various stages of the process of seeking justice in Pakistan after a journalist is attacked – (1) **Filing** of an FIR [first information report] with the police – who filed it and when; (2) **Investigation** of the case by the police; (3) **Prosecution** of the case – indictment and court proceedings; and (4) **Conviction** – whether the culprits were found guilty and punished.

Filing an FIR: Stumbling at the first stage of justice

Even though the attacks and murders took place for their journalism work, in none of the six cases reviewed did their media organization or the State take the first step towards justice – filing an FIR with the police. In all the six cases it was the deceased’s families, colleagues or victims themselves who had to knock at the door of justice by lodging FIRs. *Figure 1* shows 100 percent registration of cases with respective police stations. However, the study also refers to the fact that in none of these cases the organizations, for which these murdered journalists had worked and on whose behalf the professional risks were taken, have not been filers nor the state itself moved to register cases.

Five out of six cases are still unresolved. One case was closed after Punjab Police reported “killing of an accused in an encounter” in the murder case of *ARY News* channel’s correspondent Abdul Razzak, who was killed by highwaymen in Kasur district of Punjab province on May 17, 2017.

In three out of six cases, police submitted charge-sheets [challans] with the trial courts suggesting the police completed investigations. The success rate is only 50 percent – indicating that perpetrators escape elude the authorities.

“In Pakistan, an FIR is treated as the first step in investigation of a crime. Any vagueness or factual inaccuracy in the FIR can take the investigation in a wrong direction. Such misdirection in the investigation report, i.e. *challan*, can result in either acquittal of the culprits or conviction of the innocent,” Muhammad Aftab Alam, a legal expert and Executive Director of Institute of Advocacy, Research and Development (IRADA), explains.

In six out of seven FIRs, the accused were unknown indicating a major stumbling block in pursuing a legal course that could end in punishment of culprits. Journalist Rana Tanveer, who survived assassination attempt on June 9, 2017 in Lahore, filed two FIRs – one for graffiti on his residence’s main gate (*see Figure 2*) and another for the attempt to assassinate him.



Figure 2 Graffiti on main gate of the home of journalist Rana Tanveer in Lahore

“When the accused is not nominated in FIR, or is ‘unknown,’ the investigation often leads to a dead end. Such cases rarely manage to complete the process of prosecution what to speak of conviction and punishment. This is mainly due to the treatment of FIR as ‘substantive evidence’ by the investigation department rather than treating it mere ‘information’ of the crime. As a result, in most of the cases the culprits either are not even apprehended or, if apprehended, get acquitted. Therefore, there is a need to thoroughly study the flaw in the law and practice relating to registration and investigation of crimes,” Aftab Alam recommends.

From the study of FIRs examined as part of the research only one journalist relates the wall writing and assassination attempt to his journalistic work while remaining FIRs state that the victim had no personal

enmity or feud. This is probably because the only journalist who affirms that the attack on him was due to his journalism work, survived. The murdered journalists could not offer this assurance.

Poor or no investigation: ‘frustrating’ police behavior

In the case of the murder of Muhammad Jan Sumalani, the police is pressing the family to nominate someone so that the investigation moves forward. “The investigation is leading nowhere. The police is asking the family to get someone nominated. How can we, if we don’t know? Why can’t the police investigate and find out?” Abdul Khaliq, a relative of Sumalani, said. While the police is making no headway in the investigation, a local tribal chieftain takes an obligation upon himself to find out Sumalani’s killers. “[Tribal chieftain] Sardar Sakhi Jan Sumalani is investigating the case and he will, hopefully, find out the killers,” Khaliq said in Quetta on October 13, 2017.

Having survived an assassination attempt, Rana Tanveer is “frustrated” at police behavior. His case is different from Sumalani as he does not live in as remote rural district as Sumalani who was based in Kalat in Balochistan. Tanveer lived in Lahore, the capital of Punjab, before leaving the country for safety reasons. “The *fatwa* graffiti painted on my door took place on May 30, 2017 and when I approached the police the same day, it did not register case until I was physically attacked 10 days later on June 9, 2017. Even then it took a full day of pleading for the FIR to be registered the next day. The FIR about the graffiti calling for my murder was registered on June 16. Had this FIR been registered spontaneously and investigated properly, I might not have faced the attack. The police actually discouraged me from lodging an FIR against the graffiti,” Tanveer says. “My case is still with police and they are not willing to trace out perpetrators.”

Left alone: No organizational support

The research also reveals that the families of journalists murdered received little or no support beyond the funeral ceremonies. Most organizations do not formally become a party to the case to support the case for justice. Most make do with just small financial contributions. Only in one of the six cases investigated did an organization even make a financial contribution offering Rs.50,000 while in another case the organization just paid medical bill for hospitalization as he was insured.



Figure 3 Journalist Rana Tanveer in hospital after surviving assassination attempt in Lahore.

In the case of murdered journalist Baksheesh Elahi, the organization’s financial contribution was too meager to even feed his orphaned children for three months. The poor families of most of these victims, the study shows, struggled to even engage a quality lawyer who are expensive to come by. In Elahi’s case, the two arrested accused promptly managed to get bail by affording good lawyers. “We are poor and can’t hire good lawyers to fight a good case and get justice,” Zulfiqar Abbasi, Elahi’s brother said.

Elahi’s case attracted some attention after the Member of National Assembly from Haripur, his home district, took up the issue in the Parliament. A joint-investigation team was formed to probe the journalist’s murder. Its findings did not help the bereaved family beyond the arrest of the accused. There has been no prosecution.

Rana Tanveer shared the story of support he did not receive from his organization after attempt on his life. “After being attacked, even before going to hospital I sent a text message on phone to my editor and executive editor. My executive editor replied but my editor did not even reply. My organization did

not even carry the news of my attack. On the third day of attack, after criticism on social media of my organization for ignoring, my executive editor visited me and made me talk to my employer. They ensured me of every possible cooperation during this trying period. I was given full salary for initial 20 days but next month I was given 1/4 of my salary. I asked from administration about it but received no reply. After having no salary on Eidul Azha, I requested for provision of my Provident Fund but still no reply. Eid passed in waiting for the reply. Then I sent my resignation and demanded my Provident Fund which so far I have not been given," he sent his story via email.

Baksheesh has left five children and a widow to mourn his death and his poor brother is only source of sustenance for them. His source of income is so meager that he may not feed and provide quality education for his brother's children in the long run. Sumalani's orphaned children are also being taken care of by relatives. "These children are at the mercy of others. There is no source to feed and educate them properly. Their lives are ruined."

No stories about storytellers: no media follow-up

The media is not reporting investigations and trials of these murder cases of journalists, the study finds. "The media, although not in all cases, do report about the attacks that kill journalists. However, there are no follow-ups and this means no pressure is built on authorities to do their job and provide justice to the families of journalists," Iqbal Khattak, Executive Director of Freedom Network, who also monitors attacks on journalists and media regularly, says about media coverage of these cases.

"This phenomenon is global, and Pakistan is no exception. But no case study is available to confirm that media has even investigated a journalist's murder or even followed the trial of murdered journalists. Even the media organization for whom these journalists gave their lives, forget them after their death," Khattak says, adding that this situation puts poor families of these journalists in more vulnerable position as perpetrators of crimes appear powerful and even influence outcomes of the cases.

Representative platforms of working journalists such as unions and press clubs, while doing their best in agitating for the attacked and threatening journalists rarely conduct investigations into the circumstances leading to attacks and pursuing cases in courts. Recently, however, the Rawalpindi-Islamabad Union of Journalists (RIUJ) undertook a good practice by setting up a team of senior journalists to probe the attack on senior journalist Matiullah Jan in the periphery of Islamabad on September 24, 2017. Its findings may offer useful clues to why the attack took place and who was behind it. It is only when the media reports attacks on its practitioners that the government responds meaningfully.

Pakistan's international obligations: reporting to UN

Every member country of the United Nations is required to report on its "progress" on investigating murder cases of journalists to UNESCO every year. Pakistan has not reported even once in the three years that this requirement was made. Paradoxically, this comes in face of repeated words of solidarity from the government that it will protect journalists.

Recommendations

The report makes the following recommendations to fill the gaps identified in the process of justice for journalists killed or attacked:

- 1- Federal and provincial laws on safety of journalists should be immediately enacted after consultation with representatives of working journalists and other key stakeholders.

- 2- A special prosecutor should be immediately appointed at the federal and provincial levels to assist in registration of FIR, investigation and prosecution against the perpetrators.
- 3- The federal and provincial governments should investigate all cases of the over 100 journalists killed in the country since 2000 and official reports be released about the status of these cases.
- 4- The federal and provincial governments should, in consultation with the representatives of working journalists and other key stakeholders, draft lists of journalists killed, injured or kidnapped to provide justice to them and their families.
- 5- The federal government should make a public commitment and follow-up on it to report to UNESCO about the progress on combating impunity against journalists.
- 6- The federal and provincial governments should set up Special Funds to support the families of journalists killed or seriously injured in the line of duty.
- 7- All media licensed under the laws government electronic and print media should be mandated to draft, announce and implement their Safety Policy for their staff. The policy should separately include SOPs on safety measures for staffers and a Special Fund to support all their staff who are threatened or attacked.