

CRIME AND PUNISHMENT IN PAKISTAN'S JOURNALISM WORLD



By ADNAN REHMAT and IQBAL KHATTAK

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100% IMPUNITY FOR KILLERS 0% JUSTICE FOR PAKISTAN'S 33 MURDERED JOURNALISTS

IMPUNITY OF CRIMES AGAINST JOURNALISTS PAKISTAN REPORT 2019

Tracking and examining the failure of the legal system in prosecuting and punishing killers of 7 journalists murdered during 2018-19 and 33 journalists murdered in Pakistan during 2013-19

International Day to End Impunity for Crimes Against Journalists - 2019

By ADNAN REHMAT and IQBAL KHATTAK

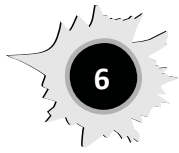
PAKISTAN'S IMPUNITY SCORECARD for 2013-19

Journalists murdered during 2013-19 period: **33**
Police First Investigation Reports [FIRs] registered: **32** (96%)
Police challan [charge-sheet] filed in courts: **20** (60%)
Cases declared fit for trial by court: **20** (60%)
Prosecution and trial completed in cases: **6** (18%)
Killers convicted: **1** (3%)
Killers convicted AND punished: **0** (0%)
JUSTICE for murdered journalists: **0** (0%)



TABLE OF CONTENTS

EXECUTIVE SUMMARY – Key Findings and Recommendations	6
BACKGROUND – High levels of impunity of crimes against journalists	10
PART 1 – THREAT MATRIX OF JOURNALISTS IN PAKISTAN	13
TYPES OF MEDIA – The most dangerous media to work for in Pakistan	14
PLACES OF MURDER – The most dangerous regions to practice journalism in Pakistan	16
VICTIMS CLUB – Most journalists murdered in Pakistan are members of press clubs	18
VICTIMS UNIONS – Most journalists murdered are not members of unions of journalists	20
TYPES OF MEDIA VICTIMS – The deadliest jobs for journalists in Pakistan	22
THREAT ACTORS – The worst enemies of journalists in Pakistan	24
THREAT KNOWLEDGE – Pre-informing the media employer	26
THREAT KNOWLEDGE – Pre-informing the press club	28
THREAT KNOWLEDGE – Pre-informing the union of journalists	30
THREAT KNOWLEDGE – Pre-informing the state authorities	32
STATE KNOWLEDGE – Reporting threats to the government	34
PART 2 – TRACKING FAILURES OF PAKISTAN'S JUSTICE SYSTEM FOR JOURNALISTS	36
REPORTING THREATS – Preliminary contact with the state	38
REPORTING THREATS – Becoming party to the case	40
INVOKING THE LAW – Registration of FIR with the police	42
INVOKING THE JUSTICE SYSTEM – Reaching the judiciary	44
INVOKING THE JUSTICE SYSTEM – Case fit enough for trial	46
INVOKING THE JUSTICE SYSTEM – Completing the trial	48
COMBATING IMPUNITY – Conviction of Killers	50
PART 3 – EMERGING THREATS IN THE DIGITAL MEDIA AND ONLINE DOMAIN	53
Growing state targeting of dissent online and chilling free speech	54
Surviving an insidious law aimed at silencing journalists	57
Misusing the cybercrime law as a tool of censorship	60



EXECUTIVE SUMMARY

Key Findings and Recommendations

Pakistan has consistently been ranked for several years as one of the most dangerous countries on the planet to practice journalism by international media watchdogs like Reporters Without Borders (RSF), Committee to Protect Journalists (CPJ), International Press Institute (IPI) and International Federation of Journalists (IFJ) and national watchdogs like the Human Rights Commission of Pakistan (HRCP) and Freedom Network (FN). Over 130 journalists and media assistants have been killed in Pakistan since 2000 and 33 in the six years between 2013-19, including 7 in 2018-19 according to research and analysis by Freedom Network, an award-winning Pakistani media rights watchdog and civil liberties advocacy organization, which tracks attacks against journalists and other violations of freedom of expression.

While the risky environment for journalists in Pakistan and the nature of attacks against them is well documented, there is often little information available about whether the victims and families of these journalists murdered for their work have received any justice. And if not – indeed none of the 33 killed during 2013-19 have, according to this report – why is the legal system in Pakistan failing these journalists, why is the level of impunity enjoyed by their killers so high and who is to blame for failing to act on threats reported by the journalists before they were murdered? This research and analysis report produced by Freedom Network is the second in a series of annual reports in Pakistan that seeks precise answers to these questions.

The answers and findings that this report showcases are startling, even shocking, and are derived analytically from an extensive exercise to collect data and information, based on a detailed Impunity Index developed by Freedom Network, from the families of the journalists killed, as well as from their colleagues where they worked and their local press clubs and unions of journalists, making this the largest and most extensive exercise of its kind undertaken in Pakistan on the subject. The data and information collected was for the period 2013-19. Why this period? There are two reasons – first is that Pakistan endorsed the UN Plan of Action on the Safety Journalists and Issue of Impunity, of which Pakistan was one of five pilot countries for its early implementation, in 2013, one year after it was launched so it made good sense to track Pakistan's commitment to combat impunity of crimes against journalists from this commitment onwards. The second is that a five-plus year period also



serves as a reasonable timeframe to evaluate the due process of law and justice – from the registration of a murder case with the police to its complete investigation, its presentation before a court of law and a possible full prosecution, trial and conclusion.

While data was in the 2018 report generated for the period 2013-18, updated data was gathered for the one period between the International Day against Impunity, November 2, 2018 and November 2, 2019. Thus, this report includes separate analysis for the period 2018-19, as well as accumulated analysis for the period 2013-2019.

The key questions of this research on impunity of crimes against journalists in Pakistan, like in the previous annual report, included the following:

CRIME: Threats and Threat Response

- Which actors threaten journalists in Pakistan?
- Which regions are the most dangerous to practice journalism?
- Are the threats tracked and reported by journalists?
- Are the media employers, press clubs, unions of journalists and state authorities informed of threats journalists face before they are murdered?

PUNISHMENT: Investigation and Trial

- Who in Pakistan takes responsibility of reporting murders of journalists to the police?
- How efficient is the police in completing investigations of the murders?
- How many cases of murdered journalists land in courts and declared fit for trial?
- In how many cases is the prosecution completed and the trial concludes?
- How many killers of journalists have been convicted and punished?

KEY FINDINGS

The key findings of this research on impunity of crimes against journalists in Pakistan based on the above questions – for the accumulative period 2013-19 – include the following:

1. **Most dangerous medium and province:** Newspaper journalists (23 killed) are three times most vulnerable than TV journalists (9 killed). Khyber Pakhtunkhwa (KP) is the most dangerous province in Pakistan to practice journalism (11 killed) followed by Punjab (9 killed). Print journalists are at most risk of being murdered if they are based in KP (8 killed) and Punjab (7 killed) and TV journalists if they are based in Sindh (4 killed) and Punjab (3 killed).
2. **Worst enemies of journalists:** Most murderers of journalists remain faceless and unidentified. The threat sources are identified/suspected by the victims and their families in only one in every two cases of journalists murdered and worryingly include state actors, political parties and religious groups.

3. **Deadly inaction:** In two-thirds of cases, the media organizations were pre-informed by journalists who worked for them of threats they were facing before being murdered. In two-thirds of cases, the press clubs were pre-informed by journalists who were their members of threats they were facing before being murdered. In one-third of cases, the unions of journalists were pre-informed by journalists who were their members of threats they were facing before being murdered. In two-third cases, the local state authorities were pre-informed by journalists of threats they were facing before being murdered. Despite this avalanche of early warning and threat reporting, none of these stakeholders managed to prevent their murders. These were all preventable deaths.
4. **Dead on whose behalf? Risk ownership:** The media organizations or the employers of journalists in Pakistan never become the first party to the case of their full-time, part-time or assignment-based workers who get murdered assuming risks for their journalism work on behalf of media. Not a single case of the 33 journalists murdered was filed with the police by their employers. Almost all cases were filed by the families of victims making these 'private cases' not 'official'.
5. **Incomplete investigation – police failures:** In 60% of the cases the police fail to complete the investigations into the murder of a journalist to generate a final challan – or a full investigation report – to submit before a court for trial. Of the 33 journalists murdered, the cases of only 20 reached the court. Two in five journalists murdered in Pakistan for their journalism work are this pre-guaranteed to NOT get justice because their case never goes to a court for trial because of the failure the police. The performance of police in investigation of murder of journalists and producing a final challan is the worst in KP province where only one in five cases reached this stage. In Punjab the police failed to produce a final challan in one-fourth of the cases and in Balochistan and Sindh in one in every five cases.
6. **Incomplete trial – court failures:** Barely a third of the cases of murdered journalists in Pakistan declared fit for trial in a court of law and completes prosecution in the court. The process of justice for two of every three journalists murdered in Pakistan whose case even reaches the court does not even conclude.
7. **Zero punishment – justice failures:** The level of impunity enjoyed by killers of journalists in Pakistan is near-complete. The killer of only one of the 33 journalists murdered in the period 2013-18 was convicted (3%). The only case of conviction of an accused killer was at the district court level in KP after which he filed an appeal for acquittal in the high court at which stage the family of the victim withdrew from the case due to a lack resources, essentially providing reprieve to the convicted, leaving the victim without real justice.

RECOMMENDATIONS to combat impunity of crimes against journalists

Based on the key findings and the causes behind them, the following measures are



recommended for urgent implementation to effectively combat impunity of crimes against journalists in Pakistan:

1. **Urgent enactment of special federal and provincial laws for safety of journalists** – since the threats and attacks against journalists are occurring across Pakistan and since law and order is a provincial subject, there need to be separate laws for separate territorial regions in the country. There is a better chance of success of implementation and local ownership if these laws are local – as in the case of provincial right to information laws. The laws, however, need to be drafted in consultation with key representative stakeholders, especially platforms that represent working journalists since they are the principal target of the attacks on journalism and freedom of expression. Draft model laws on which a lot of consultations have already taken place in recent years, including within Parliament, need to be adopted after consensus.
2. **Federal and provincial public prosecutors on safety of journalists** – dozens of serious attacks that injure and traumatize, and even kill, journalists take place in all territories of Pakistan every year. Treating these cases in the justice system as ordinary cases ensure they become victims of the relatively poor criminal justice system beset with delays, poor investigation and ineffective prosecution. Fully budgeted and adequately staffed separate offices of Special Prosecutor on Safety of Journalists should be established by the federal and provincial provinces governments mandated with proactive registration and prosecution of cases of attacks against journalists and other media assistants in their respective regional jurisdictions. They should also be mandated to investigate the cases of the over 130 journalists and media assistants killed since 2000 in their respective regional jurisdictions. This will only fast-track the process of justice for attacked journalists but also vastly improve the institutional capacity of Pakistan to combat impunity of crimes against journalists.
3. **Safety policies, protocols and audits** – the journalism organizations in Pakistan, including newspapers, TV channels, radio stations and internet-based media, need to urgently develop and enforce written in-house safety policies aimed at pre-empting and preventing risks and threats to their journalists and other staff. They also need to pool resources for prosecution of crimes against journalists. Media regulators must prod media organizations to conduct annual safety audits to ensure safety policies and protocols are in place and being enforced.
4. **Decriminalize dissent in PECA law** – the Prevention of Electronic Crimes Act, 2016, includes provisions that criminalizes dissent even though Article 19 guarantees freedom of expression. Section 11 (dealing with hate speech) and Section 20 (dealing with defamation) and Clause 37 (dealing with prerogative of Pakistan Telecommunications Authority to arbitrarily block websites) should be abolished. Vagueness around the phrases included in Section 9 (dealing with glorification of an offense) and Section 10 (dealing with cybercrimes) should also be removed to prevent journalists from being targeted for journalism.

BACKGROUND

High levels of impunity of crimes against journalists

Pakistan expanding media landscape

The media landscape in Pakistan has expanded exponentially in recent years after the broadcast sector was opened up for private ownership in 2002. This resulted in the number of independent TV channels increasing from zero to nearly 100 in 2019, including about half current-affairs 24/7 news channels in multiple languages, and independent radio stations from zero to over 170 now, according to the Pakistan Electronic Media Regulatory Authority (PEMRA). The media industry has grown to a size of about 250,000 people associated with it, including more than 20,000 journalists, according to the Pakistan Federal Union of Journalists (PFUJ). The internet space has also grown in this interim, reaching to more than 70 million users in 2019, including more than 45 million social media practitioners.

Threatened journalists and other information practitioners

The expanding information footprint in Pakistan, however, has been affected deeply by the country's experience of terrorism, extremism and violence in this period, as well as the transition from military to democratic rule and the struggle for the consolidation of political reforms and gains. The coverage of these developments has ended up making Pakistan one of the most dangerous places on the planet to practice journalism. Over 130 journalists and media workers have been killed and over 2,000 assaulted, injured, kidnapped, arrested and intimidated since 2000, according to Freedom Network. In recent years, dozens of online information practitioners, rights defenders and citizen journalists have also found themselves targeted by both state and non-state actors and a climate of coercive censorship has also been discernibly grown. Recent pressure tools include the Prevention of Electronic Crimes Act (2016) that criminalizes dissent online, and proposals to merge all three media regulators for print, electronic and internet media into one and to establish special media tribunals to try 'errant' media.

Journalists murdered in the last six years (2013-19) and impunity of crimes against them

At least 33 journalists have been murdered for their journalism work in Pakistan in the period 2013-19, according to tracking and verification done by Freedom Network. In 2012 the United Nations launched the UN Plan of Action on the Safety Journalists and Issue of Impunity aimed at supporting a free and safe environment for journalists worldwide, especially in conflict region. In view of the high casualty rate of journalists, Pakistan was one of the pilot countries for its implementation. Pakistan endorsed the plan in 2013. However, six years after this endorsement, the state has failed to not only prevent the high levels of risks and threats faced by journalists that have ended by in the murders of 33 journalists in the country during 2013-19 but also failed in reducing the high levels of impunity enjoyed by their killers by finding, apprehending, prosecuting, convicting and punishing them. The killers of not a single of the 33 journalists murdered in this period for their journalism work have been punished.

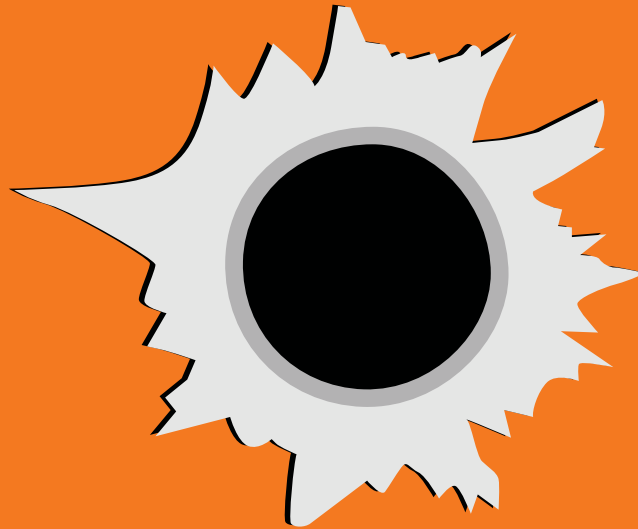
This research report examined data and information collected through a team of field researchers on the 33 journalists killed across Pakistan in the period 2013-19 based on an Impunity Index developed by Freedom Network centered on the Pakistani justice system as well as its regular tracking and analysis of attacks against journalists and media houses. Separate data and analysis is also included for the period 2018-19. This report was made possible with the assistance of International Media Support (IMS), a Europe-based international media development organization, that seeks to improve media professionalisms and quality of journalism worldwide. They, however, do not necessarily endorse the findings of the report, which are the sole responsibility of Freedom Network.

Freedom Network

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Islamabad



PART 1

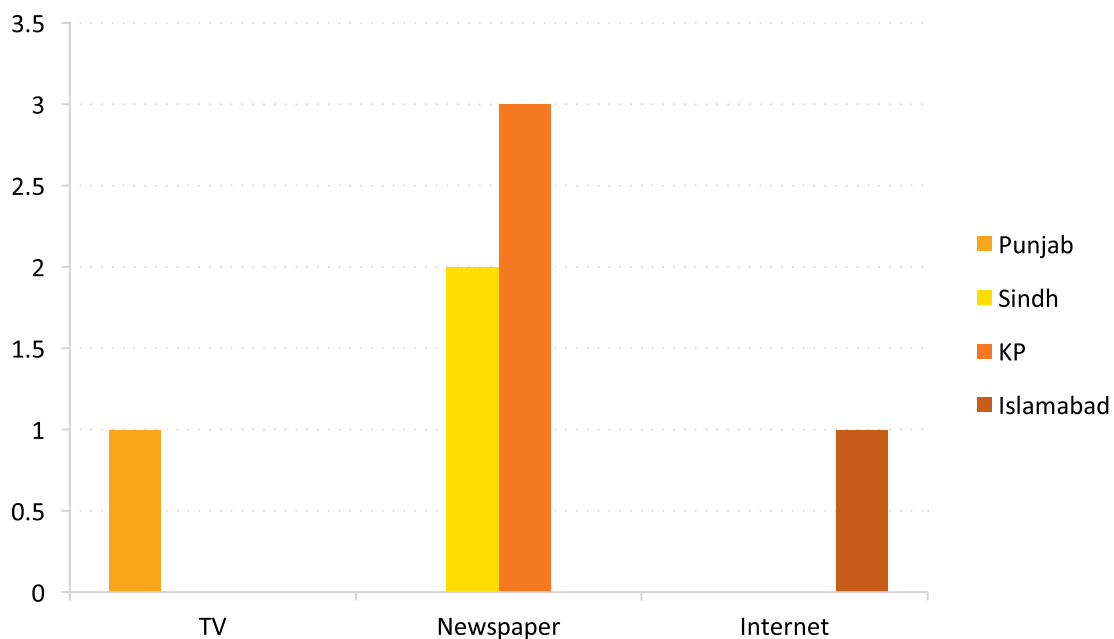
THREAT MATRIX OF JOURNALISTS IN PAKISTAN

- Which actors threaten journalists in Pakistan?
- Which regions are the most dangerous to practice journalism?
- Are the threats tracked and reported by journalists?
- Are media employers, press clubs, unions of journalists and state authorities aware of risks journalists face?

TYPES OF MEDIA

The most dangerous media to work for in Pakistan

1. Data – Types of media and fatalities



Analysis for 2018-19 (one year)

Of the 7 journalists murdered for their work in the one-year period between two consecutive International Day against Impunity November 2, 2018 and November 2, 2019 in Pakistan, 5 worked for print media – all newspapers – while 1 each worked for a TV channel and online media. No journalist from amongst the 7 murdered worked for either radio media.

Of the 5 murdered journalists working for print media, 3 were based in Khyber Pakhtunkhwa (KP) and 2 in Sindh. In this period, no journalists primarily working for print media were

murdered in Azad Jammu and Kashmir (AJK), Balochistan or Gilgit-Baltistan (GB). One journalist working for TV who was murdered was based in Punjab while another working for online media who was murdered was based in Islamabad.

Key findings for 2018-19 (one year)

- Newspaper journalists in Pakistan were the most vulnerable among those working for various media during 2018-19. They were 71% more at risk of murder than compared to journalists working for TV and internet-based media.
- TV and internet journalists in Pakistan were equally vulnerable during 2018-19 – 29% - in terms of overall number of journalists murdered.
- Print journalists during 2018-19 were at most risk of being murdered if they were based in KP or Sindh as 5 out of 7 journalists – 71% of print journalists murdered in 2018-19 were in these two provinces.
- TV and internet journalists were at most risk in 2018-19 of being murdered if they were based in Punjab or Islamabad as 2 out of 7 journalists – 29% working for these two mediums were murdered in these two provinces.

Overall analysis between 2013-19 (six years)

Of the 33 journalists murdered for their work in the six-year period between 2013-19 in Pakistan, at least 23 worked for print media (69.6%) – all newspapers – while 9 worked for TV channels (27.2%) and one for internet media (3%). No journalist from amongst the 33 murdered in this period worked for radio media.

Of the 23 murdered journalists working for print media, 8 were based in KP (34.7%), 7 in Punjab (30.4%), 5 in Balochistan (21.7%) and 3 in Sindh (13%). In this period, no journalists primarily working for print media were murdered in AJK, GB or Islamabad.

Of the 9 murdered journalists working for TV channels, 4 were based in Sindh (44.4%), 3 in Punjab (33.3%) and 2 in KP (22.2%) including 1 in erstwhile Tribal Areas now merged into KP.

Key findings for the period 2013-19 (six years)

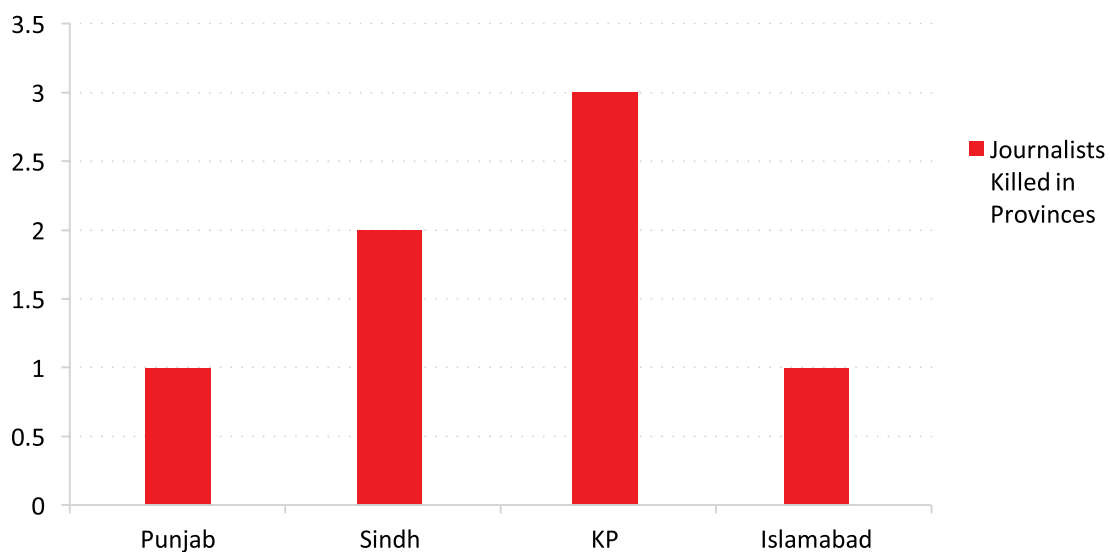
- Print media journalists in Pakistan are the most vulnerable among those working for various media. They are 69.6% more at risk of murder than compared to journalists working for TV (27.2%) or internet media (3%) or radio (0%).

PLACES OF MURDER

The most dangerous regions to practice journalism in Pakistan

2. Data – Province-wise fatalities

Journalists Killed in Provinces



Analysis for 2018-19 (one year)

Of the 7 journalists murdered for their work in the one-year period between two consecutive International Day against Impunity November 2, 2018 and November 2, 2019 in Pakistan, 3 (42.8%) were target-killed in KP, 2 in Sindh (28.5%) and 1 each in Punjab (14%) and Islamabad (14%).

Key findings for 2018-19 (one year)

- KP was the most dangerous region in Pakistan to practice journalism in 2018-19 with 3 journalists murdered followed closely by Punjab with 2 journalists killed.

Analysis for the period 2013-19 (six years)

Of the 33 journalists murdered for their work in the six-year period between 2013-19 in Pakistan, eight (30%) were target-killed in Punjab and seven (26%) in KP. At least five each were murdered in Sindh and Balochistan (20% each) and one in erstwhile FATA region (4%).

Key findings for the period 2013-19 (six years)

- Pakistani journalists are at most risk of being murdered if they are based in KP – 11 were murdered here in this period (33.3%), Punjab – 9 were murdered here (27.2%), Sindh – 7 were murdered here (21.2%), Balochistan – 5 were murdered here (15.1%) and Islamabad – one was murdered here (3%).
- Print media journalists are at most risk of being murdered if they are based in KP and Punjab – 7 journalists killed in each province.

VICTIMS CLUB

Most journalists murdered in Pakistan are members of press clubs

3. Data – Murdered journalists who were members of press clubs



Analysis for 2018-19 (one year)

Of the 7 journalists murdered for their work in the one-year period between two consecutive International Day against Impunity November 2, 2018 and November 2, 2019 in Pakistan, 5 (71.4%) were members of press clubs while 2 were not (28.5%).

Key findings for 2018-19 (one year)

- Whether they are members of press clubs or not, journalists across Pakistan are equally vulnerable to the risk of being murdered.

- KP and Islamabad are the most dangerous regions of Pakistan for journalists who are not members of any press club.

Analysis for the period 2013-19 (six years)

Of the 33 journalists murdered for their journalism work in the five-year period between 2013-19 in Pakistan, 24 – or 72.7% – were members of their local press clubs in all the regions where they were killed. Out of 33, a total of 9 (27.2%) were not members of any press club.

All 10 journalists (100%) target-killed in Punjab in this period were members of press clubs, as well as 7 of the 11 journalists (63.6%) murdered in KP, 4 of the 5 journalists (80%) murdered in Balochistan, all 7 of the 7 journalists murdered in Sindh (100%). The one journalist murdered in Islamabad was not member of a press club.

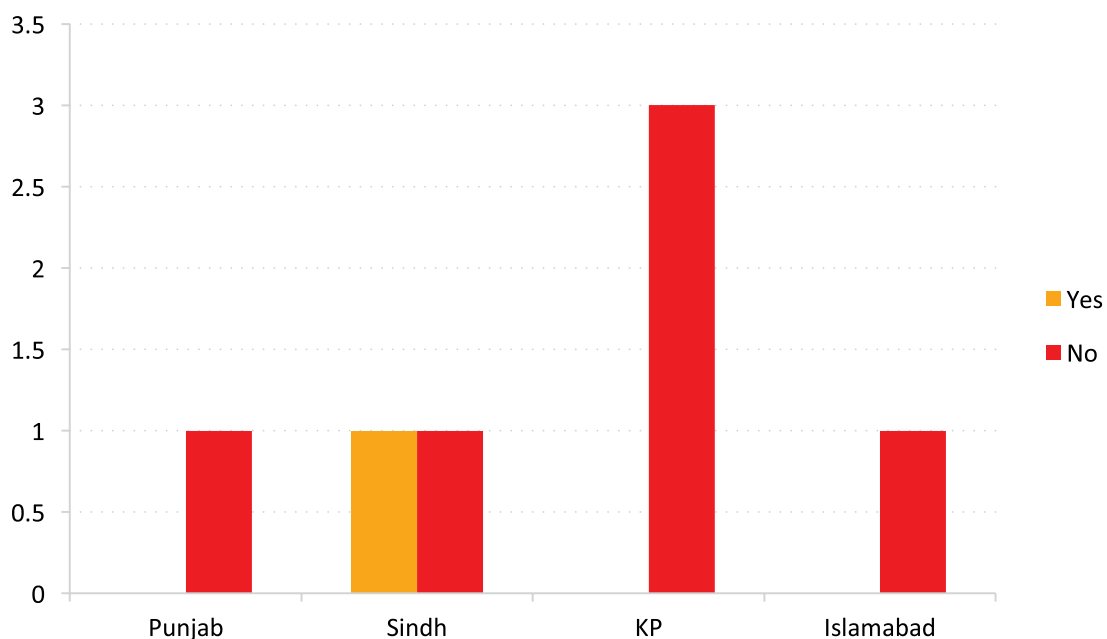
Key findings for the period 2013-19 (six years)

- Whether they are members of press clubs or not, journalists across Pakistan are equally vulnerable to the risk of being murdered.
- 24 of 33 journalists (72.2%) target killed in Pakistan were members of press clubs.
- 9 of 33 journalists (27.2%) target killed in Pakistan were members of press clubs.
- Journalists who are not members of press clubs in KP, Sindh and Balochistan have been target killed.
- Many press clubs across all regions are failing to keep their members safe from deadly attacks as majority of journalists killed were members of press clubs.

VICTIMS UNIONS

Most journalists murdered in Pakistan are not members of unions of journalists

4. Data – Murdered journalists who were members of a union of journalists



Analysis for 2018-19 (one year)

Of the 7 journalists murdered for their work in the one-year period between two consecutive International Day against Impunity November 2, 2018 and November 2, 2019 in Pakistan, 6 journalists – or 85.7% – were NOT members of any union of journalists. Only one of the 7 journalists murdered was a member of any journalists' union.

None of the 3 journalists (42.8%) target killed in KP in the period under review were members of any union of journalists, or one each of the journalists killed in Islamabad and Punjab and neither one of the two journalists killed in Sindh. Only one of the two journalists killed in Sindh was a member of a union of journalists.

Key findings for 2018-19 (one year)

- Whether they are members of a union of journalists or not, journalists across Pakistan are equally vulnerable to the risk of being murdered but an overwhelming majority of those killed are not members of a journalists' union.
- Journalists were six times as likely in 2018-19 to get murdered in Pakistan if they were not members of a journalists' union.
- KP turned out to be the most dangerous region in Pakistan in 2018-19 if they were not members of a union of journalist.

Analysis for the period 2013-19 (six years)

Of the 33 journalists murdered for their journalism work in the six-year period between 2013-19 in Pakistan, 23 – or 69.6% – were NOT members of any union of journalists in all the regions of Pakistan. Only 10 of the 33 journalists murdered – or 30.3% – were members of any journalists' union.

None of the 9 journalists (100%) target-killed in Punjab in the period under review were members of any union of journalists, 10 of the 11 journalists (90.9%) murdered in KP, 6 of the 7 journalists (85.7%) murdered in Sindh, 3 of the 5 (60%) journalists murdered in Balochistan or the lone journalist murdered in Islamabad were members of any union of journalists.

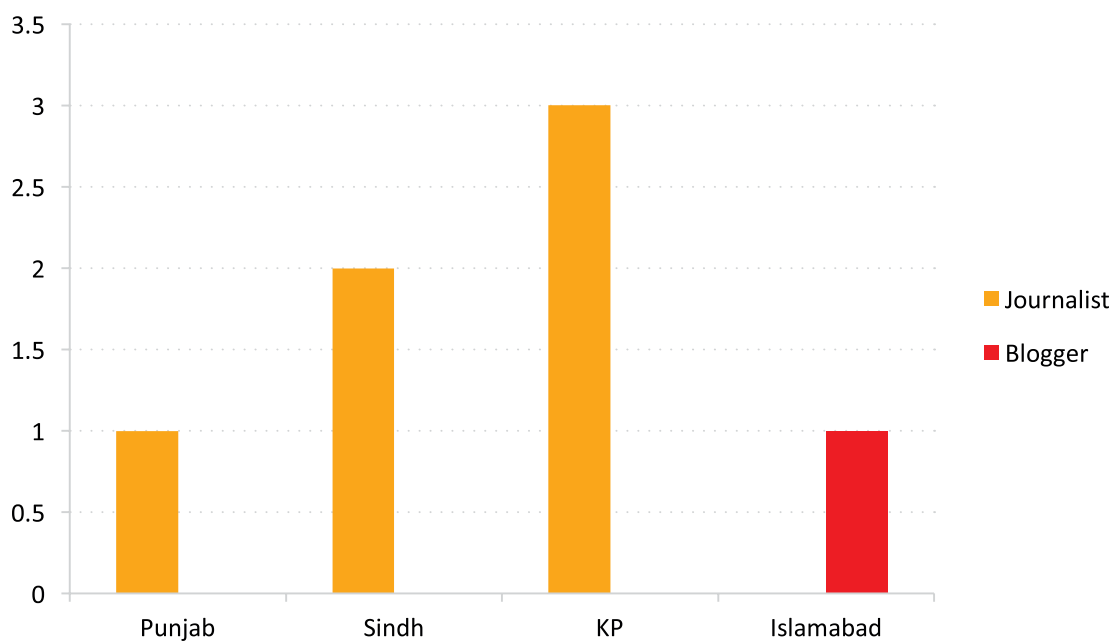
Key findings for the period 2013-19 (six years)

- Whether they are members of a union of journalists or not, journalists across Pakistan are equally vulnerable to the risk of being murdered but two out of three journalists murdered are not members of a union.
- Journalists are twice as likely to get murdered in Pakistan if they are not members of a journalists' union.
- Punjab, KP and Sindh are risky regions for journalists if they are not members of a union of journalists.

TYPES OF MEDIA VICTIMS

The deadliest jobs for journalists in Pakistan

5. Data – The most frequent types of victims in media



Analysis for 2018-19 (one year)

Of the 7 journalists murdered for their work in the one-year period between two consecutive International Day against Impunity November 2, 2018 and November 2, 2019 in Pakistan, 6 – or 85.7% – were principal journalists, all were reporters. One of the 7 murdered was an online journalist/blogger.

Key findings for 2018-19 (one year)

- Journalists working for formal media are the overwhelmingly biggest victim group

among media practitioners in Pakistan. Online journalists, including bloggers and other information practitioners, also get targeted.

- Reporters are the most frequent target from amongst the groups of journalists working with formal media.
- KP and Sindh are the most dangerous regions in Pakistan in terms of journalists working for formal media, targeted for deadly attacks.

Analysis for the period 2013-19 (six years)

Of the 33 media practitioners murdered for their work in this period, 29 – or a whopping 87.8% – were principal journalists (including reporters, sub-editors, photographers). Only five of the 33 murdered – or 12% – were secondary journalists including media assistants (camerapersons, technicians, etc.) and bloggers.

Of the 28 murdered journalists, at least 23 were reporters, three were correspondents, two were sub-editors and one was a photographer. The remaining three included a cameraman and two technicians. Of the 28 journalists working for formal media murdered, 11 (or 39.2%) were target-killed in KP, 9 (or 32%) were target-killed in Punjab, 8 (or 28.5%) were in Balochistan, 5 (or 17.8%) were target-killed in Sindh and 4 (or 14.2%) were in Balochistan.

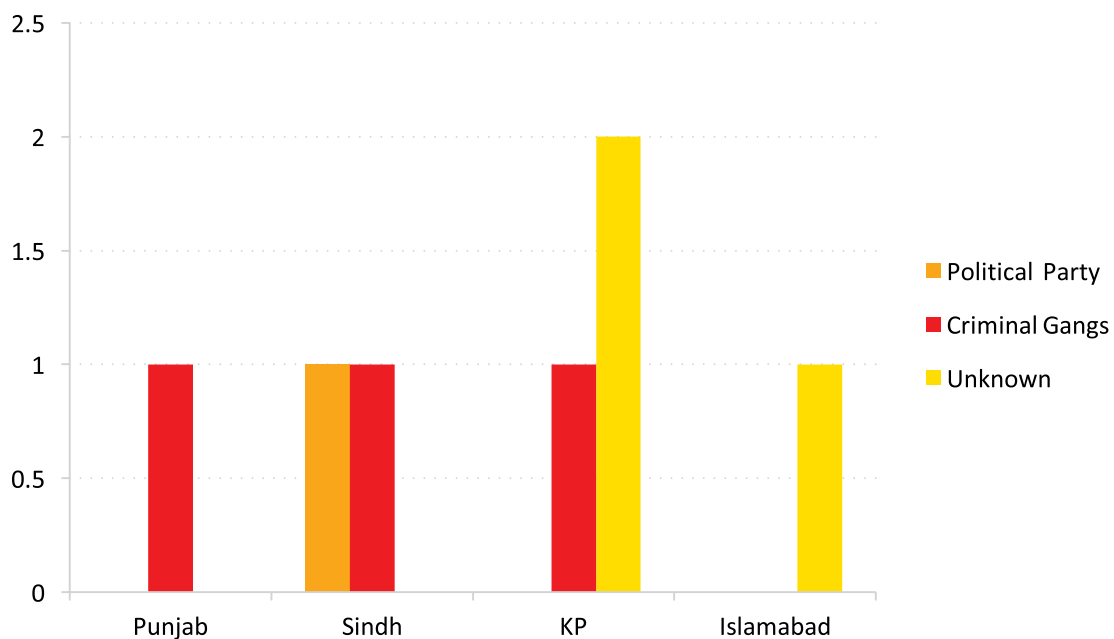
Key findings for the period 2013-19 (six years)

- Journalists working for formal media are the largest victim group among media practitioners in Pakistan with more than 4 out of 5 media practitioners targeted for murder being journalists.
- Reporters are the most frequent target from amongst the sub-groups of journalists working for formal media with more than 3 out of every 4 journalists murdered being reporters.
- KP and Punjab are the most dangerous regions in Pakistan in terms of journalists, especially reporters, targeted for deadly attacks.

THREAT ACTORS

The worst enemies of journalists in Pakistan

6. Data: Threat actors that target journalists



Analysis for 2018-19 (one year)

Mysterious, nameless and unidentified actors ('unknown' in the graph above) criminal gangs constituted the biggest threat to journalists in Pakistan during 2018-19 with 6 of the 7 journalists (85%) – or three each – murdered in this period being targeted by these two categories of threat actors. One was killed by alleged political party actors.

Key findings for 2018-19 (one year)

- Most murderous attacks against journalists in Pakistan come from threat sources that may be familiar to media practitioners while they are alive but remain mostly

- unidentified to their media organizations, families and the state after the target killings.
- The threat sources are identified in only one in every three cases of journalists murdered and worryingly include state actors, political parties and religious groups.
 - Sindh is the worst region in Pakistan in terms of the variety of sources posing threats to the lives of journalists – which include state authorities, political parties, religious groups, feudals, criminals and mafias. KP and Punjab are also regions where there are multiple threat sources targeting journalists for their work.

Analysis for the period 2013-19 (six years)

Mysterious, nameless and unidentified actors ('unknown') constitute the biggest threat to journalists in Pakistan during 2013-19 with 18 of the 33 journalists (54.5%) murdered in this period being targeted by them. The second biggest threat source to the lives of journalists are non-state actors – outlawed terror and militant groups, including transnational actors – who murdered journalists. Other threat sources include political parties who allegedly murdered 4 journalists (12%) and religious groups and state authorities who allegedly murdered one journalist each (3% each).

Key findings

- Most murderous attacks against journalists in Pakistan come from threat sources that may be familiar to media practitioners while they are alive but remain mostly unidentified to their media organizations, families and the state after the target killings.
- The threat sources are identified in only 1 in every 2 cases of journalists murdered and worryingly include state actors, political parties and religious groups.
- Sindh is the worst region in Pakistan in terms of the variety of sources posing threats to the lives of journalists – which include state authorities, political parties, religious groups, feudals, criminals and mafias. KP and Punjab are also regions where there are multiple threat sources targeting journalists for their work.

THREAT KNOWLEDGE

Pre-informing the media employer

7. Data: Did the victims inform their media organizations of threats to them?



Analysis for 2018-19 (one year)

Most threats against journalists do not materialize instantly. According to the colleagues and family members of media practitioners fatally targeted in 2018-19 period under review, of the 7 journalists murdered in the line of duty, 4 – or 57% – did NOT inform their media organizations or employers of the serious threats they were facing. Three apparently informed their employers about threats they were facing before they were murdered.

None of the 3 journalists murdered in KP pre-informed their employers about threats they were facing and neither did the blogger killed in Islamabad. However, all 3 journalists killed in Sindh (2) and Punjab (1) informed their employer organization.

Key findings for 2018-19 (one year)

- A majority of the journalists killed in the period under review did not pre-inform relevant colleagues about the threats they were facing. Only 3 of 7 shared information about threats beforehand.
- Despite reportedly being pre-informed by three journalists of the threats they faced, none of any possible action taken by the organizations could adequately safeguard the journalists murdered.

Analysis for the period 2013-19 (six years)

Most threats against journalists do not materialize instantly. Indications received by journalists leaves open the possibility of them sharing information about threats with their relevant colleagues at their media organizations. According to the colleagues and family members of media practitioners fatally targeted in the six-year period under review, of the 33 journalists murdered in the line of duty, a big majority – 21, or 66.6% – informed their media organizations or employers of the serious threats they were facing. At least 12 (or 36.3%) journalists apparently did not inform their media organization about any threats they were facing before they were murdered.

All 9 journalists murdered in Punjab pre-informed their employers about threats they were facing as did all 7 journalists murdered in Sindh. Of the 11 journalists killed in KP, 7 did not pre-inform their employers.

Key findings for the period 2013-19 (six years)

- Most of the journalists murdered in this period pre-informed the media organizations they worked for of the threats they were facing. Two of every three journalists murdered did so; one of three failed to.
- All 16 journalists murdered in Punjab and Sindh alerted their employers to the threats they were facing before being murdered while most journalists murdered in KP and Islamabad did not inform their organizations before being murdered.
- Despite reportedly being pre-informed of the threats they faced, none of any possible action taken by the organizations could adequately safeguard the journalists murdered.

THREAT KNOWLEDGE

Pre-informing the press club

8. Data: Did the victims inform their local press club of threats to them?



Analysis for 2018-19 (one year)

According to the colleagues and family members of media practitioners fatally targeted, of the 7 journalists murdered in the line of duty during 2018-19 in the period under review, of the 7 journalists murdered in the line of duty, 4 – or 57% – did NOT inform their local press club of the serious threats they were facing. Three apparently informed their press clubs about threats they were facing before they were murdered.

None of the 3 journalists murdered in KP pre-informed their press clubs about threats they were facing and neither did the blogger killed in Islamabad. However, all 3 journalists killed in Sindh (2) and Punjab (1) informed their press clubs.

Key findings for 2018-19 (one year)

- A majority of the journalists killed in the period under review did not pre-inform local press clubs about the threats they were facing. Only 3 of 7 shared information about threats beforehand.
- Despite reportedly being pre-informed by three journalists of the threats they faced, none of any possible action taken by the press clubs could adequately safeguard the journalists murdered.

Analysis for the period 2013-19 (six years)

According to the colleagues and family members of media practitioners fatally targeted in the six-year period under review, of the 33 journalists murdered in the line of duty, a big majority – 21, or 66.6% – informed their local press clubs of the serious threats they were facing. At least 12 (or 36.3%) journalists apparently did not inform their local press clubs about any threats they were facing before they were murdered.

All 9 journalists murdered in Punjab pre-informed their local press clubs about threats they were facing as did all 7 journalists murdered in Sindh. Of the 11 journalists killed in KP, 7 did not pre-inform their press clubs.

Key findings for the period 2013-19 (six years)

- Most of the journalists murdered in this period pre-informed their local press clubs of the threats they were facing. Two of every three journalists murdered did so; one of three failed to.
- All 16 journalists murdered in Punjab and Sindh alerted their local press clubs to the threats they were facing before being murdered while most journalists murdered in KP and Islamabad did not inform their local press clubs before being murdered.
- Despite reportedly being pre-informed of the threats they faced, none of any possible action taken by the press clubs could adequately safeguard the journalists murdered.

THREAT KNOWLEDGE

Pre-informing the union of journalists

9. Data: Did the victims inform their union of journalists of threats to them?



Analysis 2018-19 (one year)

According to the colleagues and family members of media practitioners fatally targeted, of the 7 journalists murdered in the line of duty, a big majority – 5 or 71% – did NOT inform any union of journalists of the serious threats they were facing. Only 2 journalists apparently informed their union of journalists about any threats they were facing before they were murdered.

All the 3 journalists murdered in KP and 1 each in Punjab and Islamabad failed to inform their union of journalists about threats they were facing while only the 2 journalists murdered in Sindh informed their union of threats they were facing.

Key findings 2018-19 (one year)

- Most journalists – 2 out of 3 – did not inform any union of journalists in most regions about the threats they were facing before being murdered.
- All 5 journalists murdered in KP, Punjab and Islamabad (5 of 7, or 71%) apparently failed to inform the local chapter of their union of journalists of the threats they were facing before being murdered.
- Most unions apparently could not safeguard journalists under threat because they did not pre-inform them but could not help those who informed them either.

Analysis for the period 2013-19 (six years)

According to the colleagues and family members of media practitioners fatally targeted, of the 33 journalists murdered in the line of duty, a big majority – 23, or 69.6% – did NOT inform any union of journalists of the serious threats they were facing. Only 10 journalists apparently informed their union of journalists about any threats they were facing before they were murdered.

All 9 journalists murdered in Punjab, 7 of 11 killed in KP and 4 of 5 in Balochistan failed to inform their union of journalists about threats they were facing while all 7 murdered in Sindh informed their union of threats they were facing.

Key findings for the period 2013-19 (six years)

- Most journalists – 2 out of 3 – did not inform any union of journalists in most regions about the threats they were facing before being murdered.
- Almost all journalists murdered Punjab, KP and Balochistan (23 of 33, or 69.6%) apparently failed to inform the local chapter of their union of journalists of the threats they were facing before being murdered.
- Most unions apparently could not safeguard journalists under threat because they did not pre-inform them but could not help those who informed them either.

THREAT KNOWLEDGE

Pre-informing the state authorities

10. Data: Did the victims inform their local state authorities of threats to them?



Analysis 2018-19 (one year)

Most threats against journalists don't materialize instantly. According to the colleagues and family members of media practitioners fatally targeted, of the 7 journalists murdered in the line of duty, a majority – 4, or 57.1% – informed the local state authorities of the serious threats they were facing while 3 did not, before they were murdered. All the 3 journalists murdered in Punjab and 1 each in Punjab and KP pre-informed the local state authorities about threats they were facing.

Key findings 2018-19 (one year)

- Over half of the journalists murdered had pre-informed their local state authorities of the threats they had received before being murdered.
- All 3 journalists murdered in Sindh and Punjab, and 1 of the 3 journalists killed in KP had pre-informed their local authorities of the threats they had received, before being murdered.
- Despite reportedly being pre-informed of the threats they faced, by a big majority of the journalists murdered, none of the state authorities in any province could adequately safeguard the journalists murdered.

Analysis for the period 2013-19 (six years)

Most threats against journalists don't materialize instantly. According to the colleagues and family members of media practitioners fatally targeted, of the 33 journalists murdered in the line of duty, a big majority – 22, or 66.6% – informed the local state authorities of the serious threats they were facing while 11 (or 33.3%) journalists apparently did not inform the state authorities about any threats they were facing before they were murdered.

All the 9 journalists murdered in Punjab pre-informed the local state authorities about threats they were facing as did all the 7 journalists murdered in Sindh.

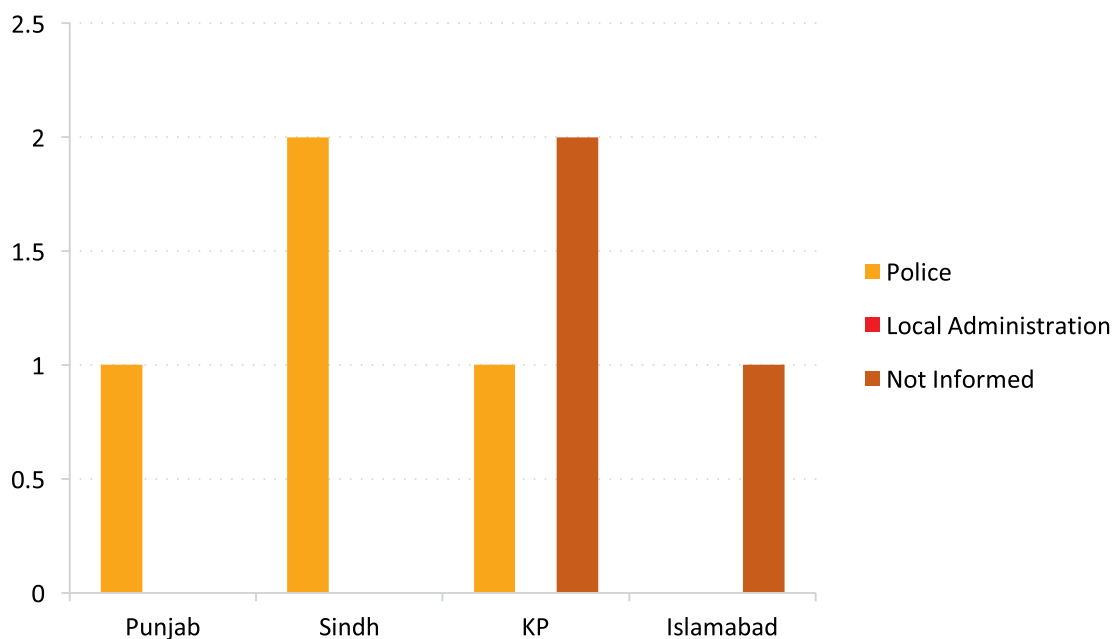
Key findings for the period 2013-19 (six years)

- The local state authorities where most of the journalists murdered were pre-informed of the threats they were facing – 2 out of 3 journalists murdered did so; only 1 in 3 failed to do so.
- Most of the journalists murdered in Punjab and Sindh alerted local state authorities to threats they were facing before being murdered.
- Despite reportedly being pre-informed of the threats they faced by a big majority of the journalists murdered, none of the state authorities in any province could adequately safeguard the journalists murdered.

STATE KNOWLEDGE

Reporting threats to the government

11. Data: Who did the victims inform within the government of threats to them?



Analysis 2018-19 (one year)

According to the colleagues and family members of media practitioners fatally targeted, of the 7 journalists murdered in the line of duty, a majority – 4, or 57.1% – of the journalists informed the local state authorities of the serious threats they were facing while 3 did not, before they were murdered.

Of the 4 journalists who informed the local state authorities of the threats they were facing, all did so to their local police – including 2 in Sindh and 1 each in Punjab and KP. No

other government department such as local district administration or provincial non-police department was informed.

Key findings 2018-19 (one year)

- Of the 4 journalists who informed the state authorities of threats they were facing before being murdered, all informed the local police.
- All journalists murdered in Sindh and Punjab and 1 of 3 in KP informed the police about threats they were facing while 2 of 3 in KP and 1 in Islamabad did not.
- The local police was the preferred local authority the journalists informed of the threats they were facing while none of them informed any other local authorities such as the district administration or any elected local government official.
- Despite reportedly being pre-informed of the threats they faced by a big majority of the journalists murdered, no police anywhere managed to provide adequate security to or prevent the murders of these journalists.

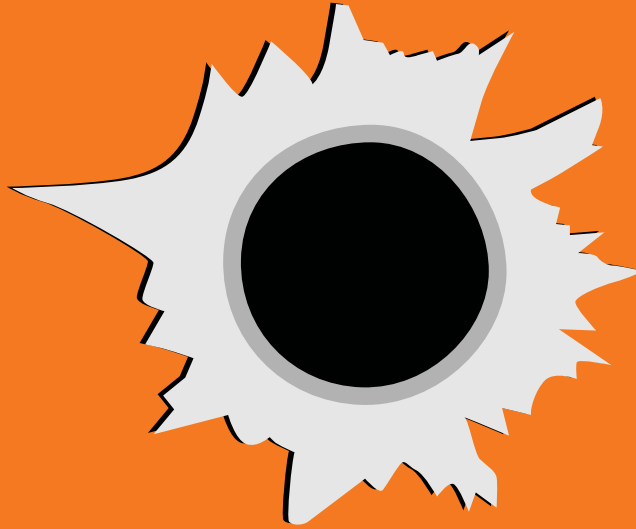
Analysis for the period 2013-19 (six years)

According to the colleagues and family members of media practitioners fatally targeted, of the 33 journalists murdered in the line of duty, a big majority – 22, or 66.6% – of the journalists informed the local police of the serious threats they were facing while 11 (Or 33.3%) journalists apparently did not inform the local police – or any other state institution – about any threats they were facing before they were murdered.

Of the 22 journalists who informed the local police of the threats they were facing, all 9 journalists in Punjab did so before being murdered as did all 7 journalists in Sindh before being murdered.

Key findings for the period 2013-19 (six years)

- Of the 33 journalists murdered, 22 – or 2 in 3 – reported the threats to local authorities and all went to the local police within the government. None of the remaining 11 journalists – or 1 in 3 – reported to any government department, including police.
- Despite reportedly being pre-informed of the threats they faced by a big majority of the journalists murdered, no police department anywhere in the country managed to provide adequate security to or prevent the murders of these journalists.



PART 2

TRACKING FAILURES OF PAKISTAN'S JUSTICE SYSTEM FOR JOURNALISTS

How effective is the legal process in Pakistan in:

- Effectively investigating cases of target killing of journalists,
- Producing cases that are fit for trial,
- Completing prosecution in murder cases and convicting the attackers, and
- Providing justice to the victims and their families?

REPORTING THREATS

Preliminary contact with the state

12. Data: Was police informed about murder of journalist before formal registration of FIR?



Analysis 2018-19 (one year)

According to the colleagues and family members of media practitioners fatally targeted, of the 7 journalists murdered in the line of duty, all – 100% – the local police was immediately informed about their target killing.

Key findings 2018-19 (one year)

- The families of all the journalists target-murdered immediately informed the police about the attack in the pre-FIR stage. This means the family contacted the state

apparatus for quick preliminary outreach but took some time collecting the facts of the attack themselves before formally approaching the police for registration of FIR.

- This also indicates the families were shocked by the attack and were not sure about the specifics of the attackers in which case they would have approached the police for straight, immediate FIR.

Analysis for the period 2013-19 (six years)

According to the colleagues and family members of media practitioners fatally targeted, of the 33 journalists murdered in the line of duty, almost all – 32, or 97% – the local police was immediately informed about their target killing.

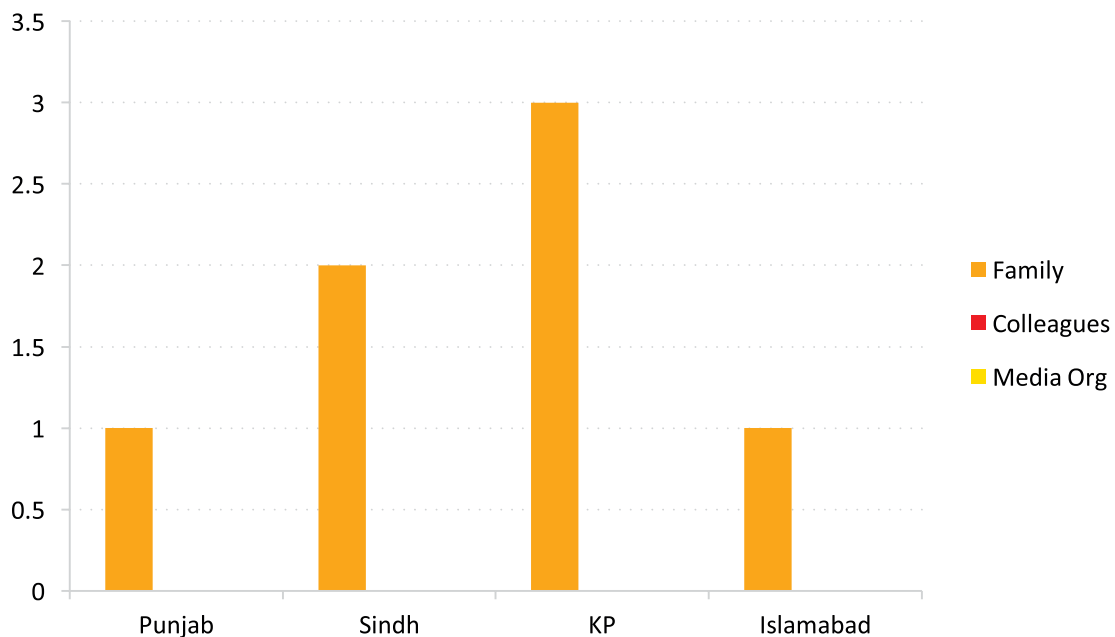
Key findings for the period 2013-19 (six years)

- The families of all the journalists target-murdered immediately informed the police about the attack in the pre-FIR stage. This means the family contacted the state apparatus for quick preliminary outreach but took some time collecting the facts of the attack themselves before formally approaching the police for registration of FIR.
- This also indicates they were shocked by the attack and were not sure about the specifics of the attackers in which case they would have approached the police for s straight, immediate FIR.
- In one case, in Balochistan, the heirs of the deceased, murdered by a banned militant group, decided against registering a FIR and pursuing a case against the killers.

REPORTING THREATS

Becoming party to the case

13. Data: Who first reported the murder of the journalists to the police?



Analysis 2018-19 (one year)

According to the colleagues and family members of media practitioners fatally targeted, the first respondent to the murder of the journalist in the process to invoke the legal justice system in all cases – 7, or 100%, was the family of the deceased.

Key findings 2018-19 (one year)

- The media organizations or the employers of journalists in Pakistan did NOT become the first party to any case of their full-time, part-time or assignment-based workers who got murdered assuming risks for their journalism work on their behalf.

- In all cases of journalists murdered, the process of invoking the law and justice system was left to their families to pursue and undertake, making the matter of seeking justice a private family affair instead of making the employers, on whose behalf the journalists assume risks, a party to the process.
- The state did not become a party to the case of any of the journalists murdered.

Analysis for the period 2013-19 (six years)

According to the colleagues and family members of media practitioners fatally targeted, the first respondent to the murder of the journalist in the process to invoke the legal justice system in a big majority of the cases – 28 of 33, or 84.8%, was the family of the deceased. In only two cases (6%) the colleagues of the deceased contacted the police first and in another 2 cases (6%) the police itself initiated the process. In not a single case the media organization or the employer became a first responder in the case.

Only in Sindh non-family members, including two cases in which colleagues became first responders and one case in which the police assumed this role, and became a party to the case while in KP in one case the police assumed this role.

Key findings for the period 2013-19 (six years)

- The media organizations or the employers of journalists in Pakistan NEVER become the first party to the case of their full-time, part-time or assignment-based workers who get murdered assuming risks for their journalism work on their behalf.
- In almost all cases of journalists murdered, the process of invoking the law and justice system is left to their families to pursue and undertake, making the matter of seeking justice a private family affair instead of making the employers, on whose behalf the journalists assume risks, a party to the process.
- The state almost never becomes a party to the case of journalists murdered.

INVOKING THE LAW

Registration of FIR

14. Data: Was a FIR of the case formally registered with the police?

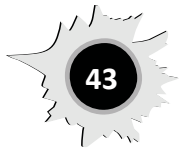


Analysis 2018-19 (one year)

According to the family members of journalists murdered, an FIR [first information report] was formally registered with the police in all 7 cases of the victims.

Key findings 2018-19 (one year)

- The very first stage of invoking the legal process to seek justice was completed in 100% of the cases indicating that in almost all the cases the state assumed responsibility to investigate the murder of journalists and find the attackers.



Analysis for the period 2013-19 (six years)

According to the family members of journalists murdered, an FIR [first information report] was formally registered with the police in the case of 32 of the 33 (or 96.6%) victims.

Key findings for the period 2013-19 (six years)

- The very first stage of invoking the legal process to seek justice was completed in 96.6% of the cases indicating that in almost all the cases the state became responsible to investigate the murder of journalists and find the attackers.
- In 1 case the family did not file an FIR but neither did the police on its own, nor the state, or the employer.

INVOKING THE JUSTICE SYSTEM

Reaching the judiciary

15. Data: Was a final challan (police investigation report) submitted to the court?



Analysis 2018-19 (one year)

According to the family members of journalists murdered, of the 7 journalists murdered in the period in review, the police managed to investigate the case sufficiently enough to make the case file move to a court in only 4 cases – or just about 57%. In 3 cases, or about 43% – the police failed to generate a final challan – or a full investigation report – to submit before a court for trial.

The police in Punjab and Sindh completed the challan in 4 cases of journalists' murder in their jurisdiction (100%) while the police in KP could do so in only 1 of 3 cases (33%) that came before it while the police in Islamabad could not submit a challan to the court.

Key findings 2018-19 (one year)

- The state shockingly failed in its responsibility in 3 of 7 cases to pursue justice for the murdered journalists and their families in the early stages of the legal process by the failure of the police in completing a proper preliminary investigation without which the case cannot go to a court for trial.
- The performance of police in investigation of murder of journalists and producing a final challan was bad in KP and Islamabad as both failed in their duty in 3 of the 4 cases before them.

Analysis for the period 2013-19 (six years)

According to the family members of journalists murdered, of the 33 journalists murdered in 6 years under review, the police managed to investigate the case sufficiently enough to make the case file move to a court in only 20 cases – or just about 60.6%. In 13 cases, or about 39.4% – the police failed to generate a final challan – or a full investigation report – to submit before a court for trial.

In Punjab, the police completed the challan in 7 of its 9 cases (or 77.7%), in Sindh in 6 of 7 (or 85.7%), in Sindh 4 of 5 (or 80%) and in KP 2 of 10 (or 20%).

Key findings for the period 2013-19 (six years)

- In about 40% of the cases, the state shockingly fails in its responsibility to pursue justice for the murdered journalists and their families in the early stages of the legal process by the failure of the police in completing a proper preliminary investigation without the case cannot go to a court for trial.
- 2 in 5 journalists murdered in Pakistan for their journalism work are guaranteed to NOT get justice because their case never goes to a court for trial because of the failure the police.
- The performance of police in investigation of murder of journalists and producing a final challan is the worst in KP province where only 1 in 5 cases (20%) have reached this stage. In other provinces, the police is only marginally better by not reaching this stage in all cases.

INVOKING THE JUSTICE SYSTEM

Case fit enough for trial

16. Data: Did the prosecutor declare the murder case of the journalist fit for trial?



Analysis 2018-19 (one year)

Of the 7 journalists murdered in Pakistan during the period 2018-19, the police investigation reports (final challans) of only 4 journalists – 57% – placed before a court were declared fit for trial – or further prosecution. The murder cases of 3 journalists – 43% – never reached this stage.

In Sindh and Punjab all 4 cases (100%) of the murdered journalists were declared fit for trial by the courts while only 1 of 3 cases (33.3%) reached this stage in KP and the only case from Islamabad did not.

Key findings 2018-19 (one year)

- Only two-thirds of the murder cases of journalists investigated by the police reached the court and were declared fit for trial which indicates that for one in three murdered journalists the race for justice ended at this early stage.
- The path to justice for most journalists murdered in KP did not enter a trial stage making the incidence of impunity the highest in this province in Pakistan. The chances for trial was better in Punjab and Sindh.

Analysis for the period 2013-19 (six years)

Of the 33 journalists murdered in Pakistan during the period 2013-19, the police investigation reports (final challans) of only 19 journalists – 57.5% – placed before a court were declared fit for trial – or further prosecution. The murder cases of 14 journalists – 42.4% – never reached this stage.

In Punjab, the cases of 7 of 9 (or 77.7%) murdered journalists were declared fit for trial by the courts, in Sindh 6 of 7 (or 85.7%) and in Balochistan 4 of 5 (or 80%). In KP (including FATA) only 2 of 11 (or 18%) and none in Islamabad (0%) reached this stage.

Key findings for the period 2013-19 (six years)

- Barely two-thirds of the murder cases of journalists investigated by the police reach the court and are declared fit for trial which indicates that for one in three murdered journalists the race for justice ends at this early stage.
- The path to justice for almost all journalists murdered in KP is likely to never enter a trial stage making the incidence of impunity the highest in this province in Pakistan. The same is true for Islamabad.
- The chances of a formal trial beginning in Punjab, Sindh and Balochistan are somewhat better than in other regions but not fully guaranteed.

INVOKING THE JUSTICE SYSTEM

Completing the trial

17. Data: Was the trial completed in the court?



Analysis 2018-19 (one year)

Of the 7 journalists murdered in Pakistan during the period 2018-19, only 4 cases were declared fit for trial in a court. Of these 4 cases that underwent prosecution, not a single (0%) of the murder cases reached the completion stage to allow for a verdict to be reached.

Key findings 2018-19 (one year)

- The trial process of the court system in Pakistan is too slow for the any journalist murdered to get justice quickly enough.
- The courts in all regions are equally laggard in moving forward toward completing trials.

Analysis for the period 2013-19 (six years)

Of the 33 journalists murdered in Pakistan during the period 2013-19, the cases of only 19 – 57.5% – were declared fit for trial in a court. Of these 19 cases that underwent prosecution, only 6 – or 31.5% of all murder cases and – reached the completion stage. A majority, 12 of the 19 cases (63%), declared fit for trial have never reached the completion stage to allow for a verdict to be reached.

Of the 7 cases in Punjab declared fit for trial only 2 (or 28.5%) completed prosecution. Of the 4 cases declared fit for trial in Balochistan only 2 (or 50%) reached the completion stage. Of the 7 cases declared fit for trial in Sindh, only 1 (or 14.2%) reached the completion stage. In KP, only 2 of the 11 (or 18%) cases declared fit for trial, reached the completion stage.

Key findings for the period 2013-19 (six years)

- Barely a third of the cases of murdered journalists declared fit for trial in a court of law – only one in three – completes prosecution in the court. The process of justice for two of every three journalists murdered in Pakistan whose case even reaches the court does not even conclude.
- Courts in Islamabad, Sindh and Punjab have a poor track record of completing trials cases of journalists declared fit for prosecution. Balochistan is only marginally better. The only court in Pakistan seized with the trial of murdered journalists that managed to complete the prosecution stage was in KP.

COMBATING IMPUNITY

Conviction of Killers

18. Data: What is the final status of court trials of journalists murdered?



Analysis 2018-19 (one year)

In not even a single case of 7 journalists murdered in Pakistan during 2018-19 period under review, the trial was either completed or a conviction handed out.

Key findings 2018-19 (one year)

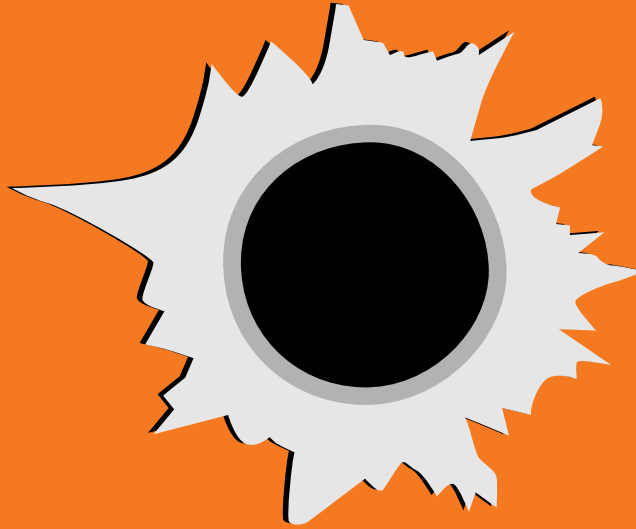
- No courts in Pakistan seized with trials of murdered journalists completed the prosecution stage. This is a 0% completion result.

Analysis for the period 2013-19 (six years)

The murderers or masterminds of not even a single of the 33 journalists murdered in Pakistan for their journalism work during the period 2013-19 have been convicted or punished through all stages of conviction and appeals. Police investigations were not even completed in 13 of these cases (39%) while only 19 cases (57.5%) were declared fit for trial in a court of law. Of these, only six cases (18%) completed the trial. Of these six cases, not a single (0%) produced a conviction or punishment through all stages of conviction and appeals.

Key findings for the period 2013-19 (six years)

- The level of impunity enjoyed by killers of journalists in Pakistan is near-complete. The killer of only one of the 33 journalists murdered in the period 2013-19 was convicted (3%).
- The only case of conviction of an accused killer was at the district court level in KP after which he filed an appeal for acquittal in the high court at which stage the family of the victim withdrew from the case due to a lack resources, essentially providing reprieve to the convicted, leaving the victim without justice.
- Due to poor investigation, the police fail to produce challans in nearly 2 of 3 of the cases killing the chances of justice at an early stage of the legal system. Thereafter barely 1 in 2 cases are declared fit for trial by a court.
- Due to the poor quality of prosecution, most cases never complete the trial process in the courts and even those few that do, fail to establish culpability of the accused who either walk free for lack of evidence or, in some cases, strike an out-of-court settlement with the family of the victim.



PART 3

EMERGING THREATS IN THE DIGITAL MEDIA AND ONLINE DOMAIN

- Growing state targeting of dissent online and chilling free speech
- Surviving an insidious law aimed at silencing journalists
- Misusing the cybercrime law as a tool of censorship

Growing state targeting of dissent online and chilling free speech

Nighat Dad

Online spaces have often been touted as “ungovernable” given their decentralized and democratized content generation models. This ungovernability is, however, grossly exaggerated in the face of legislation aimed at internet governance and surveillance technology all over the world. And Pakistan is no different. Regulation aimed at online spaces has direct implications for freedom of expression, the right to assembly and association, and the right to privacy. This essay analyzes digital freedoms in online spaces during the period covering November 2018 till September 2019 in Pakistan through a review of state regulation and experiences of users in these spaces.

While attempts had been made to regulate the internet since the early 2000s, the passage of the Prevention of Electronic Crimes Act (PECA) in August 2016 marked a turning point in the history of digital rights in Pakistan. The Act allows for the prosecution of offences such as cyber-terrorism, online defamation and certain instances of harassment. At the same time, the law empowers the Pakistan Telecommunications Authority (PTA) to remove and block content under Section 37 of the Act.

Online free speech clampdown

Despite opposition from civil society and members of the technology industry, the bill was passed and has been repeatedly used to clamp down on online freedom of expression in Pakistan. Since the passage of PECA in August 2016, the PTA has reportedly blocked 824,878 websites.¹ Furthermore, Pakistan is among the top countries in terms of content restrictions on Facebook.² Journalists and activists critical of the state have received notices from Twitter stating that their tweets were reported through official correspondence as allegedly violating Pakistani law.³

¹ “Pakistan blocks around 824,878 URLs for unlawful online content”, APP, December 25, 2018, <https://www.thenews.com.pk/amp/410648-pakistan-blocks-around-824-878-urls-for-unlawful-online-content>.

² Ramsha Jahangir, “Pakistan among top states where Facebook curbed most content”, Dawn, May 25, 2019, <https://bit.ly/2wFDSSb>.

³ Ramsha Jahangir, “Explainer: Legal notices to users: Twitter says it prefers to protect free speech”, Dawn, January 25, 2019, <https://www.dawn.com/news/1459638/explainer-legal-notice-to-users-twitter-says-it-prefers-to-protect-free-speech>.

PECA has specifically been used to target journalists and dissenting politicians for their online speech. In 2018, FIRs [first information report] were registered against former Senator Faisal Raza Abidi for allegedly using “highly insulting and inappropriate language” against the chief justice and the judiciary in an interview on a web-channel, Naya Pakistan, along with the owner of Naya Pakistan and Ahsan Saleem, the producer. They were charged under PECA, the Anti-Terrorism Act and the Pakistan Penal Code. All three were acquitted after a few months in May 2019.⁴

Additionally, journalist Shahzeb Ali Shah Jillani was also charged under Sections 500 (punishment for defamation), 109 (abetment) and 34 (common intention) of the Pakistan Penal Code read with Sections 10(a) (cyber terrorism), 11 (hate speech) and 20 (offences against dignity of a natural person) of PECA for allegedly making defamatory remarks online against state institutions. He was also subsequently cleared of charges.⁵

Chilling impact

Despite the lack of convictions, these instances are alarming because they leave a chilling impact on online speech. Also, journalists charged with offences are often harassed and intimidated by law enforcement agencies – in some instances, empowered by the broad powers given to them under PECA and, in other cases, in flagrant violation of the procedure laid down under the Act. Meanwhile, the use of the criminal defamation law, under Section 20 of PECA, has been weaponized to silence activists, especially women, speaking up as part of the #MeToo movement.

In addition to legal apparatus, journalists and activists in Pakistan are regularly targeted online through disinformation campaigns, often spearheaded by state apparatus.⁶ In the wake of the visit of Saudi Crown Prince Mohammad bin Salman, the Interior Ministry ordered an investigation into criticism of the prince and issued a letter identifying journalists and activists who shared images of Jamal Khashoggi on their social media profiles.

Restrictions on internet access

Another obstacle in ensuring that digital rights are granted to the majority is the access to internet. Internet access has remained a persistent problem in Pakistan due to lack of infrastructure to provide reliable and high-speed internet in certain parts of the country. However, even in areas where internet connections are available, the arbitrary practice of internet shutdowns has meant that access to the internet is routinely denied on vague grounds such as security.

⁴ “Faisal Raza Abidi acquitted in ‘insulting, threatening’ former CJP Nisar case”, The Express Tribune, May 2, 2019, <https://bit.ly/2QULXfc>.

⁵ “Karachi court disposes of case against journalist Shahzeb Jillani”, Samaa Digital, May 18, 2019, <https://bit.ly/2Zb5I55>.

⁶ “A dangerous trend’: Pakistani journalists critical of the government and military targeted in Twitter campaign”, Global Voices, 9 July, 2019, <https://bit.ly/2oaQeAO>.

Empowered through Section 54 of the Pakistan Telecommunications Act to suspend services during a “state of emergency”, temporary internet shutdowns by the state are a regular practice during national holidays and the coverage period was no different with mobile network shutdowns during 12th Rabiul Awwal and Muharram.⁷ Furthermore, mobile networks were shut down in all major cities during protests by right-wing groups after the Supreme Court acquitted Asia Bibi.⁸ Network shutdowns during times of political and social turmoil are internationally recognized as disproportionate measures and often give way to panic and misinformation.⁹

Even more worryingly, internet shutdowns have also been employed in the longer term to exclude large swathes of Pakistan. Mobile internet services have been blocked in erstwhile Tribal Areas (now merged with Khyber Pakhtunkhwa province) for more than three years – with only partial restoration in Bajaur¹⁰ – and parts of Balochistan have been denied mobile internet access since February 2017.¹¹ In February 2018, the Islamabad High Court (IHC) curtailed the powers of the PTA to shut down networks. However, the case is currently pending on appeal with a stay order allowing the PTA to operate with a blank check.

Glimmer of hope

In an age when internet freedoms are increasingly shrinking in Pakistan, there is still a ray of hope. In September 2019, the Islamabad High Court ruled in favor of the Awami Workers Party (AWP) in their petition against the blocking of their official website right before the 2018 general elections in the country. The court held that there are limits to the PTA's powers to block content and it cannot be exercised without due process, i.e., issuance of notices and right to appeal as laid down in Section 37 of PECA. As the state expands its powers in online spaces, it is now imperative that ordinary citizens fight back and assert their constitutional rights.

The author is Executive Director Digital Rights Foundation

⁷ Shahid Kamal, “Mobile phone services to remain partly suspended for two days of Ashura”, Dawn, September 9, 2019, <https://www.dawn.com/news/1504380>.

⁸ Mubasher Bukhari and Saad Sayeed, “Pakistan shuts phone networks as Islamists protest over Christian woman”, Reuters, November 2, 2019, <https://uk.reuters.com/article/uk-pakistan-blasphemy/pakistan-shuts-phone-networks-as-islamists-protest-over-christian-woman-idUKKCN1N7188>.

⁹ “Living in Digital Darkness: A Handbook on Internet Shutdowns in India”, sflc.in, <https://bit.ly/2nFS1NX>.

¹⁰ “Mobile internet service restored in Bajaur”, Dawn, March 19, 2019, <https://www.dawn.com/news/amp/1470511>.

¹¹ Shah Meer Baloch, “Balochistan's Great Internet Shutdown”, The Diplomat, March 25, 2019, <https://thediplomat.com/2019/03/balochistans-great-internet-shutdown/>.

Surviving an insidious law aimed at silencing journalists

Shahzaib Jilani

The pressure had been building up. Family members were approached. Polite and 'friendly' advice was conveyed that I needed to watch out. Somebody somewhere was getting unhappy with my reporting and analysis. It had been tolerated when I worked for the BBC as their Pakistan correspondent. But now things were different because I was working for a Pakistani TV channel, Dunya News.

It was happening in a particular political context. In 2018, as Pakistan was being dragged through blatant attempts at manipulation of its political landscape by the powers-that-be, efforts to control the national media also had become more insidious. Space for thoughtful and critical journalism was rapidly shrinking. News channels were going into the default self-censorship mode. Those obsessed with 'controlling the narrative' were able to bring large parts of Pakistan's news media under their thumb.

In the age of proliferation of fake news, it was a double blow for the Pakistani news media. Whatever trust and credibility that remained, was further eroded. Many news channels and prominent anchors had to fall in line to promote state propaganda. Those who refused to submit were either fired or chose to call it a day.

By the end of 2018, I felt the pressure was building on me too. Scurrilous trolling on Twitter was becoming intense and serious. You could tell it was orchestrated as most of the accounts abusing and attacking me had a picture of the Pakistani flag, a numeric Twitter handle with usually less than 25 followers.

I ignored it and carried on with my journalistic work. But by March 2019, it came to a point where threats and warnings became more specific and relentless. I was acutely aware that if the unaccountable powerful elements of the state were coming after me, and the news channel wouldn't be able to protect me. I told my bosses I would be moving on at the end of April 2019.

But by then, rogue elements in Pakistan's intelligence machinery had already decided to come for me. The Federal Investigation Agency (FIA) was instructed to file a case of cyber terrorism and defamation. The plan may have been to arrest me and splash my handcuffed face across news channels, as had happened to some other bloggers and journalists. But

I was fortunate to be out of Karachi on a reporting assignment in Thar Desert in Sindh province.

Upon my return to Karachi, the first thing I needed was to secure a pre-arrest bail. I waited for the channel to offer guidance. But it soon became clear that my employer had turned its back on me. I had to make my own arrangements.

Help came from people and organisations I least expected. People I did not know and had not met until then, got in touch to offer support. These consisted of lawyers willing to take the case pro-bono, activists offering to guide me through the deficiencies and abuse of the law, and enraged journalist colleagues who saw this as yet another case of harassment and intimidation by the State.

Then began the court hearings. Over the next several weeks, I would make about a dozen or so court appearances. As a defendant out on bail, I had to be on time at every hearing, but the prosecution would often fail to show up on one pretext or another. I was told that this could drag on for months.

During this entire process, I never saw the complainant, a Karachi lawyer with a questionable reputation and a track record of bringing about frivolous and concocted litigation at the behest of powerful forces. I was told he only made a brief appearance at the first hearing.

As the case progressed, condemnation of abuse of law and authority poured in. Reporters without Borders (RSF), Human Rights Commission of Pakistan (HRCP), Karachi Union of Journalists (KUJ), Pakistan Federal Union of Journalists (PFUJ) and other human rights organisations denounced the harassment and intimidation of a journalist. Dawn newspaper wrote strong editorial comments and the story was covered by international broadcasters British Broadcasting Corporation (BBC), Voice of America (VOA) and Deutsche Welle (DW).

While I was busy defending myself in court, my employer Dunya News fired me. The official letter cited a financial crunch as the reason for the dismissal, but I was told that the 'pressure' from powers that be became 'unbearable'. The channel was kind enough to settle my outstanding salary, something that is often seen as a concession, rather than an employees' right in Pakistan. What got me through the ordeal was the amount of support I received from far and wide. Throughout my court hearings, journalist friends and colleagues from digital rights group, Bolo Bhi and the Freedom Network insisted they come along with me.

I was struck by the support I received from former colleagues from my days as South Asia and Middle East Editor at the BBC in London. They were under no obligation to look out for me, as I had left the organisation in 2016. Perhaps it had to do with basic human decency and about a sense of personal loyalty they thought they owed to someone they had once work with. Throughout my case, my former colleagues regularly checked in with me and

helped raised the issue with the British Foreign Office and journalist safety organisations like RSF.

The Pakistani parliament's National Assembly Committee on Human Rights called me for a hearing. Parliamentarians from across party lines under the chairmanship of Bilawal Bhutto-Zardari pledged to review the contentious Prevention of Electronic Crimes Act (PECA) law, applied on me, to prevent its abuse by state functionaries.

The case against me was eventually thrown out by the court. I consider myself incredibly lucky to have come out of this episode with my sense of dignity and integrity intact. Many other citizens and journalists who have gone through far worse experiences than I, have not been so lucky. Some have suffered physical harm, others psychological trauma. Still others have been rendered jobless because of their critical views of the government and the army's manipulation of democratic institutions.

Pakistan has lots of shady characters in the media, in politics and in our court system; but the country also has some really incredible, selfless and courageous people. These people are not daunted by threats, pressures and harassment. Every day, away from the propaganda machinery, they are fighting for a country where the citizens' fundamental rights are respected and protected. Our hope lies with them and the incredible work they do, often at great personal risk.

The author is an online journalist

Misusing the law as a tool of censorship

Muhammad Aftab Alam

At the time of passage of the Prevention of Electronic Crimes Act (PECA) in the Pakistani parliament in 2016, it was argued in its 'Statement of Objectives and Reasons' that "the unique nature of [cyber] crimes finds no adequate or analogous provisions in existing legislation that deal with traditional offline crime." Furthermore, to "effectively addressing these unique and unprecedented crimes with similarly unique and necessary procedural powers, [there is a need of] a completely new and comprehensive legal framework that focuses on online conduct of individuals / organizations in the virtual world."

The statement also mentioned the nature of crimes, which the law was 'intended' to deal with. These crimes included "cyber related electronic forgery and electronic fraud, cyber terrorism (electronic or cyber attack on the critical information infrastructure), unauthorized interception conducted by civilians, use of malicious code viruses, identity theft etc."

Criminalizing free speech

Nevertheless, after more than three years of its enactment, it is still a question whether the law has resulted in prevention of these crimes - mentioned in its Statement of Objectives and Reasons - or not. This question is mainly due to the fact the Federal Investigation Agency (FIA) – investigating agency for the crimes under the Act – has not regularly submitted mandatory biannual [performance] report to the Parliament, as obligated by Section 53 of the PECA.

While the effectiveness of PECA in prevention of 'electronic [cyber] crimes' has yet to be determined, the law has demonstratively become a convenient tool to criminalize online free speech in Pakistan by the authorities. From the vagueness of provisions relating to 'cyber terrorism' (Section 9 and 10) and 'hate speech' (Section 11) to 'criminalizing online expression of opinion and views' or 'online defamation' (Section 20) as well as unbridled powers to remove and block 'online content' (Section 37) with the Pakistan Telecommunications Authority (PTA), the law is open for misuse and manipulation in the hands of powerful State machinery.

Targeting dissent, not crime

To date there is no publicly available data on how many cases of electronic forgery, electronic fraud, cyber stalking, spamming and spoofing have been filed, investigated and prosecuted under the law. However, there is clear evidence that several cases have been filed under PECA against citizens due to their online comments, speeches and views. The PTA has officially admitted that it has blocked access to more than 900,000 'objectionable' websites. These also include blockade of website of Awami Workers Party (AWP) – a leftwing national level party in the country – during general election 2018. Earlier in January 2017, PTA also blocked Khabaristan Times, a satirical website claiming that it has received complaints against the website for "objectionable content"¹².

The Authority has also sent hundreds of 'removal requests' to Twitter during past three years¹³. Nearly 4,000 requests were sent during July to December 2018 to Facebook by the authorities to restriction the content¹⁴. Except Twitter, many of the international social media platforms have complied with most of the requests by Pakistani authorities for blocking / restricting content.

At local level, Pakistani authorities are frequently using PECA to curb online free expression and views / comments regarding government, judiciary, security and intelligence organizations. For example, a case was registered in May 2017 against a twitter user (Adnan Afzal Qureshi) under Section 20 and 24 of the PECA for his alleged "anti-military tweets" and alleged "abusive language against military personnel and political leaders."

Similarly, in October 2017, FIA arrested two social media activists of Pakistan Muslim League-N from Gujranwala (Punjab province) for allegedly posting "defamatory material against judges of the Supreme Court as well as members of the armed forces and the government." In July 2018, Hayat Preghal, a worker of Pashtun Tahaffuz Movement (PTM), was booked and arrested for allegedly posting content "critical of Pakistani state policies" on social media¹⁵.

Intentionally unintentional?

While the achievement of the 'intended' [by the legislature] objectives of the law are yet to be measured, its 'unintended' abuse by the authorities to suppress free expression has not been limited to ordinary citizens and political workers only. The shackles of PECA are also used to silence political personalities and, more critically, journalists and bloggers / online opinion writers.

¹² <https://bolobhi.org/content-blocking-restriction-and-takedown-requests-2017-2019/>

¹³ <https://transparency.twitter.com/en/countries/pk.html>

¹⁴ <https://transparency.facebook.com/content-restrictions/country/PK>

¹⁵ <https://bolobhi.org/timeline-summons-enquiries-firs-detentions-and-arrests-in-connection-with-social-media-posts-2/>

The foremost incident was filing a case against a Quetta-based journalist (Zafarullah Achakzai) in June 2017. He was arrested by FIA due to allegedly posting “anti-military content” on social media. Similarly, in September 2018, a former Senator (Faisal Raza Abidi) was booked under the PECA due to his alleged comments against judiciary.

The abuse of PECA became more critical when, in February 2019, a Lahore-based journalist (Rizwan ur Rehman Razi aka ‘Razi Dada’) was picked up by the authorities and a case was registered against him under Section 20 of PECA for allegedly posting “defamatory and obnoxious” content against the judiciary, government institutions and intelligence agencies.

Similarly, in April 2019, another internationally renowned journalist (Shahzaib Jilani) became victim of Section 11 and 20 of PECA for allegedly making “defamatory remarks against institutions of Pakistan” on a news program, which was posted on Twitter.

The matter did not stop at registering of cases against citizens, political workers, journalists and online practitioners under PECA for alleged ‘objectionable’ content on social media. In March 2019, the Federal Investigations Agency (FIA) directed inquiry against five mainstream journalists for mere using murdered Saudi journalist Jamal Khashoggi’s photograph as their display picture (DP) on their social media accounts on the arrival of Saudi Crown Prince. Summoning citizens and activists by FIA under Section 160 of the Criminal Procedure Code for their alleged comments on social media has become a routine matter.

Tool for online censorship

Free speech and right to information are constitutionally guaranteed human rights under the Pakistani constitution. No law should curtail these constitutionally guaranteed rights except for justified grounds. It is the higher judiciary and not the administrative bodies like PTA and investigation agencies like FIA to determine justified grounds as exception.

Nevertheless, Pakistan is among those few countries where free speech can be barred through criminal laws. There are many provisions in Pakistan Penal Code such as Section 124-A (Sedition), Section 295-C (Blasphemy), Sections 499 and 500 (criminal defamation), which criminalize free speech in the country and subject to misuse by the administrative authorities.

Though these general criminal laws are extremely critical for free speech, presence of PECA in the statute books in its present state violates internationally recognized – and ratified by Pakistan – fundamental principles of freedom of expression. PECA is a special law and it should focus on preventing those ‘special’ crimes. It should not be used as a tool for online censorship and criminalize free speech.

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About Freedom Network

Freedom Network (www.fnpc.org) is a Pakistan-based media and development sector watchdog registered with the Securities and Exchange Commission of Pakistan (SECP). 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. In 2017, Freedom Network was awarded the prestigious global French Human Rights Prize 2017 by the Government of France for "its efforts for safety and protection of journalists and promotion of freedom of expression."

OUR MISSION:

To protect civil liberties, including freedom of expression and access to information, and promote an informed society that sees media as a key partner in a democratic and pluralist Pakistan.

OUR OBJECTIVES AND EXPERTISE:

- 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 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



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