Pakistan Press Foundation

International Day to End Impunity
for
Crimes Against Journalists
2022
Methodology

Pakistan Press Foundation (PPF) maintains a database of attacks on journalists and media professionals in connection with their work. This database has a record of the different categories of attacks journalists in Pakistan experience from threats to murders. Each case is investigated and updated as more information is collected. We are careful in determining that an act against a journalist or media professional was in connection to their work.

When an attack on a media person takes place, we start our initial investigations to determine the facts surrounding the event. Once the basic facts have been ascertained via news reports and social media updates, we speak to individuals who have firsthand knowledge of a specific case.

Following this, we classify a case based on whether it is related to journalism or unrelated to journalism. In some cases, the link to a professional's work is not clear, and such cases are classified as not confirmed until the reason is determined. Alternatively, sometimes a case appears to be due to a media professional's work initially but later becomes clear that it is not. These are then updated to reflect the current information.
For the murder of journalists, each case has been investigated and is updated as we find out further information. This has led to a change in status of some cases which initially seemed to be in connection to a journalist’s work and later were found to have occurred due to personal reasons. Similarly in some cases the motive was initially unclear and required further investigation before it could be concluded that it had occurred due to a journalist’s work.

Particularly in the case of killings and murder of journalists, PPF also follows up on the status of investigations and how far along proceedings in a case have gone. This is done through following news updates, speaking to a victims’ family, employers as well as to representatives of the relevant press clubs as well as lawyers and police officials.

Alongside tracking attacks on the media, PPF also tracks impunity in crimes against the media, and this mechanism of follow ups, updates and tracking progress enable us to do so.

In order to track impunity through the gaps in the legal and judicial system, this report looks at the various outcomes in cases regarding the murder of journalists in Pakistan.

By looking at the various outcomes which vary from no progress to convictions to reinvestigations, this report aims to highlight the nature of impunity when it comes to the murder of journalists. It is based upon case studies that show what happened in specific instances following the murder of a journalist.

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**Press Freedom in Pakistan**

Despite freedom of expression being a constitutionally guaranteed right in Pakistan, the record for press freedom and safety of journalists in Pakistan presents a dismal picture. Forms of violence, threats and abuse against the media continue to prevail with little to no accountability for the perpetrators of such attacks.

Year after year, Pakistan has been amongst the most dangerous countries for journalists to work in while the rate of impunity in crimes against journalists remains high.

In the country, journalists and media professionals routinely come under attack from all fronts. From the state to disgruntled subjects of news stories, the media continues to come under attack by those in positions of power.

Despite the changes in power and subsequent governments’ emphasizing the importance of a free press, the attacks on the media are often perpetrated by the state which makes it even more challenging to ensure accountability.

The attacks on the media include forms of physical violence including murder, injuries, harassment and threats as well as forms of emotional violence via verbal threats, registration of cases, online abuse, harassment and trolling.
In an environment of threats, fear and acts of violence (both physical and emotional), journalists in Pakistan do their work while fearing for their safety.

During 2021-22, PPF has recorded at least 1 targeted murder, 1 accidental death while on assignment; 2 abductions and kidnappings; 89 instances of physical assault; 24 detentions and arrests; 46 instances of threats being issued; and 34 instances of legal cases registered against media professionals.

The positive aspect of 2021 was the passage of two laws on protection of journalists — one at the federal level and one at the provincial level in the Sindh province. A negative trend in recent years has been a determined push by the state to further control the media. In recent years, this has taken the form of proposed super media regulators, a push to create social media rules and thus further restrict the space for free expression.

Both the deep state, government and political parties have been involved in the attacks on the media and through their lack of action when a journalist is attacked. They also condone and popularize rhetoric that undermines the credibility of journalists or makes them the target of attacks.

The forms of attacks against journalists have also changed over the years with an increasing use of criminal proceedings and online abuse against media professionals. There is an increasing push to criminalize content online and media professionals are often at the receiving end of legislation that restricts free speech on social media platforms. Journalists are also the subject of abuse, trolling and threats online.

As attacks online become increasingly commonplace, journalists have become the subject of online trolling. This has led to a lack of safety for journalists both in person and online. As with physical attacks, the source of these forms of online abuse includes those in positions of power.

Pakistan is amongst the nations that does not properly investigate and prosecute crimes committed against journalists. Whether it be provincial authorities or the federal level — the state has appeared uninterested in investigating and bringing to justice the perpetrators of crimes against the media. This is reflected in the high levels of impunity in crimes against the media.

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**Legal Framework**

Press freedom is a constitutionally guaranteed right in Pakistan. Article 19 of the Constitution of Pakistan states: "Every citizen shall have the right to freedom of speech and expression and there shall be freedom of the press, subject to any reasonable restrictions imposed by the law in the interest of Islam, or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence."
A constitutional amendment in 2010 led to the addition of Article 19-A which makes the right to information a constitutional right of every citizen. Article 19-A states: “Every citizen shall have the right to have access to information in all matters of public importance subject to regulation and reasonable restrictions imposed by law.”

**PECA, 2016**

The Pakistan Electronic Crimes Act, 2016 (PECA) which became law in 2016 under the Pakistan Muslim League Nawaz government. The law was draconian and has been opposed by press freedom advocates since its inception. In recent years, particularly under the Pakistan Tehreek i Insaf government, ousted in April, there was a push for increasing criminalization of content online. This took the form of further strengthening the already draconian law.

On February 20 of this year, President Arif Alvi promulgated an ordinance to amend PECA. The amendment included an increased jail term from three to five years to anyone “defaming any person or institution”, the definition of a person was expanded, it was made a non-bailable offence, speedy trials were urged and the court was required to submit monthly reports for pending trials.

It was rejected across the board by media bodies and was challenged in the Islamabad High Court. Giving its ruling on April 8, the IHC declared that the Pakistan Electronic Crimes (Amendment) Ordinance, 2022 and its promulgation were “unconstitutional, invalid beyond reasonable doubt” and therefore struck it down.

While the attempt to further strengthen a draconian law, this effort showed the push for further criminalization of content online. The IHC stopped the Federal Investigation Agency from making arrests under Section 20 of this ordinance. When the PECA ordinance was struck down, the high court also struck down Section 20 of PECA, 2016 to the extent that the expression “or harms the reputation”.

**Journalists’ safety legislation**

In 2021, however, Pakistan passed its very first legislation pertaining specifically to the safety of journalists and media professionals.

The [Sindh Protection of Journalists and Other Media Practitioners Act 2021](https://www.sindh.gov.pk/acts/2021) became the first such law, passed at the provincial level, in the Sindh Assembly on May 28, 2021. On November 8, the National Assembly passed the [Protection of Journalists and Media Professionals Act, 2021](https://www.nayaab.gov.pk/acts/2021) bringing the first federal level law specifically pertaining to journalist’s safety.

While there are differences within the two laws, both laws promote the safety of journalists and media professionals by accepting their right to perform their duties free from harassment, violence and threats of violence. These laws also deal with the issue of impunity in such
crimes by requiring investigations. A commission is at the heart of both the laws, tasked with taking up complaints of attacks on the media and ensuring that they are investigated.

Under both laws, combating impunity is set as a target. The laws state that no act of violence or harassment against a media professional will be exempt from investigation. The governments have been tasked with developing and implementing effective strategies to combat the impunity. They are required to: monitor and conduct investigations, coordinate policy and action between the relevant government authorities and coordinate with the relevant stakeholders.

Both the federal and provincial level bills also reaffirm Pakistan’s commitment to the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity and give legal protection to journalists’ right to protect the identity of their sources.

**Media Regulatory Bodies**

**PEMRA**
The Pakistan Electronic Media Regulatory Authority (PEMRA) is the body tasked with the monitoring and regulation of the broadcast media. PEMRA issues directives to networks regarding their content. It is the body tasked with the issuance of guidelines regarding content that media channels are allowed to broadcast.

The restrictive nature of the media regulator has become commonplace in recent years. While it is the role of PEMRA to issue guidelines, it appears to routinely be in overdrive and issue increasingly restrictive guidelines. This includes guidelines blocking speeches by politicians or banning coverage of certain topics.

**PTA**
The Pakistan Telecommunications Authority (PTA) plays a role when it comes to regulating social media content, blocking social media platforms such as Twitter and regulating these online spheres.

The PTA, amongst its stated functions, lists: “to regulate the establishment, operation and maintenance of telecommunication systems and provision of telecommunication services in Pakistan” as one.

PPF has documented the issuance of 292 advisories and actions by media regulatory bodies since 2002. These advisories include bans on speeches, bans on coverage of events, complete content blackouts and the issuance of show-cause notices. In just the last decade, 217 cases of censorship.

**FIA Cyber Crime Wing**
The FIA Cyber Crime Wing is often seen in action when a journalist is arrested on the basis of a case registered against them for content that may have been shared online.
As per its functions it is “guided by laws under prevention of Electronic Crimes ACT (PECA) 2016, which deals with the growing threats of cybercrimes”.

The overreach of the body was brought before the courts. In July 2021, during proceedings, the Islamabad High Court had warned the FIA to “exercise its power judiciously or else the court would impose heavy costs on the investigation officers for misuse of authority,” Daily Dawn reported.

The court had also asked FIA to present a report on implementation of SOPs “to stop the misuse of the cybercrime law”, adding that FIA should consult journalists’ organizations.

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**Culture of Impunity**

A culture of impunity pervades crimes against the media in Pakistan. Year after year, the attacks on the media have persisted with new forms of abuse, control and threats coming into play.

The role of impunity in crimes against the media can play a key role in the continuation of the crimes against media as perpetrators are given the comfort of a lack of accountability. Whether it be the murder of a journalist, an abduction or the issuance of a threat, a minority of cases where a journalist has come under attack due to their work are investigated.

When initially an attack takes place, little is done beyond initial condemnations and talk about the case. Over the course of time, each case is forgotten.

According to the Committee to Protect Journalists (CPJ) 2022 Global Impunity Index, Pakistan ranked tenth worst on the index that tracks impunity in the killings of journalists globally.

This is a worrisome yet not surprising statistic. Pakistan has featured on the impunity index since it was created. This is despite efforts by civil society organizations to highlight the impunity and urge authorities to investigate instances where journalists are attacked, particularly murdered in targeted attacks.

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**United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity**

The United Nations Place of Action on the Safety of Journalists and the Issue of Impunity (The Plan) “aims to create a free and safe environment for journalists and media workers, thus strengthening peace, democracy and sustainable development worldwide”.

It is focused on prevention, protection and prosecution.

It is under The Plan that the International Day to End Impunity for Crimes Against Journalists is commemorated annually on November 2.

This year marks ten years since The Plan came into being.

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**Killings**

Since 2002, PPF has recorded at least 76 killings of journalists and media professionals in connection with their work. This figure includes both the targeted murder of media professionals as well as their deaths while on assignment. Forty-eight of these were targeted murders of journalists.

According to data collected by PPF, of these 18 took place in Sindh province, 21 in the Balochistan province, 29 in the Khyber Pakhtunkhwa province, 5 in Punjab province and 3 in the capital city of Islamabad.

Journalists have been the subject of targeted attacks and murders which has resulted in their death as well been on assignment during which a bomb blast and other incidents resulting in their deaths.

Targeted murders figure accounts for 63% of killings of journalists deaths on assignments which account for the remaining 37% of the killings. There have been 28 deaths of journalists and media professionals as a result of bomb blasts and other incidents while they were on assignment.

Between 2012 and 2022, 32 of these killings have taken place despite Pakistan being committed to the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.

In Pakistan, when a journalist is murdered or killed, the first step is often the registration of a First Information Report (FIR). An FIR is a criminal complaint that is registered at a police station and provides initial information about the series of events.

When criminal complaints are registered in cases regarding murders of journalists, we see sections of the Pakistan Penal Code (PPC) and Section 7 of the Anti-Terrorism Act under which a case is registered.
The major bulk of cases regarding the murder of journalists in the country are marred by a lack of progress. In some instances, perpetrators including terrorist organizations have claimed responsibility for the attacks while in other cases the perpetrators are unidentified individuals.

While initial criminal complaints are registered, in most instances there is no progress beyond those initial steps. These cases have been sitting in courts for years with little to no progress in proceedings. Some suspects are arrested however little progress is made in proceeding.

Out of 76 killings of journalists in Pakistan, there have been convictions in only a handful of cases. The low number convictions compared to the number of killing and murders of journalists in the country is an apt reflection of the culture of impunity that surrounds crimes against the media.

Perhaps the most high-profile conviction was of those responsible for the murder of Daniel Pearl, an American journalist with The Wall Street Journal who was kidnapped and beheaded in Karachi, Pakistan in 2002. In this case as well, on April 2, 2020, the Sindh High Court (SHC) overturned the death penalty handed to the main accused, Ahmed Omar Saeed Sheikh.

The conviction in the murder of Wali Khan Babar in 2011 came years’ after Khan’s death and the prime suspect wasn’t arrested till 2020.

Convictions related to the murder of journalists have only happened in three other instances, namely in cases of murders of Ayub Khan Khattak, Abdul Razzak Johra and Nisar Ahmed Solangi.

The role of blood money or settlements between the families of victims and the accused has also brought end to investigations in at least three instances where journalists were killed.

The alleged role of the state or others in positions of power has also made the process of accountability challenging.

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**Assaults**

Physical assault including injuries, manhandling and attempted murders have been a way of threatening the media.

Since 2002, PPF has recorded at least 384 instances of physical assault of journalists and media professionals. Of this figure, 264 cases of assault have taken place between 2012 and 2022, since the UN Plan of Action on Safety of Journalists.

In 2021-2022, 89 cases of assaults have been documented by PPF.
**Abductions and kidnappings**

A tool used with increasing frequency and effectiveness in recent years is the abduction or kidnapping of journalists or media professionals. Journalists are picked up and go missing for sometimes hours, days or other times even longer.

This is a tactic that creates an environment of terror as compared to an arrest as there is no information of the whereabouts of a journalist during this time.

PPF has recorded 45 abductions or kidnappings of journalists since 2002 and 25 since 2012.

The abduction and kidnapping of journalists are a form of violence against the media that is particularly plagued by impunity. Very little information is available from the moment a journalist goes missing. In some instances, such as the kidnapping of Hayatullah Khan and Saleem Shahzad, only the mutilated and tortured bodies of journalists were recovered. Investigations into their deaths remain shrouded in mystery to date.

In instances where journalists return after a time period of going missing, they are often not willing to discuss the circumstances of their abduction. The fear and lack of access to legal processes that will ensure their safety, leads to journalists opting for silence rather than pursuing cases against their abduction.

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**Detention without criminal complaints**

In recent years, a tool that is used to threaten journalists is their temporary detention. While they are eventually recovered, these detentions act as temporary abductions or kidnappings of journalists.

In these instances, journalists go missing for a few hours and at the time of their abduction there is little to no information about their whereabouts. It is eventually made public that in such instances journalists had been taken into custody of a specific law enforcement agency.

At the time of such detentions, there is also little information about the basis of their arrest as criminal complaints against the journalists are brought to light either after they are detained or when they return home. Such detentions often take place without proper warrants and therefore cannot be classified as arrests.

Since 2002, PPF has recorded 44 instances where journalists were detained while performing their duties. Since 2012, there have been 23 detentions without warrants.

These detentions are similar to abductions in that there is no basis at least apparent at the time of the detention that is made clear.
The case of senior journalist Matiullah Jan’s abduction presented a turning point in abductions of the media. On July 21, 2020, the Islamabad High Court had held the state responsible for his kidnapping. This is a big step in identifying sources of abductions, detentions without warrants and kidnapping of journalists. It did not, however, bring an end to the culture of picking up journalists, only to have them returned with no accountability for those responsible for the disappearance.

Registration of FIR & Arrests

A First Information Report (FIR) or a criminal complaint is often registered against journalists. This trend acts as a way of silencing them and also further leads to a threat to the media community as a whole. Since 2012, 44 criminal complaints have been registered against journalists.

The arrest of journalists has been recorded in 65 instances since 2002 and 38 arrests since The Plan in 2012.

Arrests of journalists are sometimes done on the basis of old cases or for content that they have shared online. While journalists are not above the law, to arrest them for expressing their views can be seen as a form of attacking a free press. Additionally, registering cases and arresting media personalities on the basis of old cases such as in the case of Jang Group Editor Mir Shakil Ur Rehman are a form of silencing the media.

Threats

Before an act of violence is perpetrated against a media professional or instead of an actual act of violence, a threat may be used as a way of intimidating, silencing and scaring journalists, and creating an environment of fear which can result in self-censorship. Threats to media professionals have come from land mafias and law enforcement agencies, including police and others in positions of power.

Journalists are also threatened for their work and the fear of violence can result in both imposed and self-censorship. Meanwhile, the perpetrators of such attacks enjoy almost complete impunity.

Since 2002, PPF has recorded 149 incidents in which journalists have been threatened physically or verbally because of their profession, with a worrying rise in the previous decade of 103 such cases recorded.

Threats against the media can take the form of physical threats in person or via telephone calls and such forms of harassment where a journalist is warned of consequences for his/her work.
Online harassment

Increasingly, journalists have come under attack online. Attacks online often take the form of threats or abuse that is masked as a threat.

Attacks online take various forms from trolling, threats, hate, targeted campaigns to doxing and hacking.

When it comes to the culture of impunity, online is perhaps the easiest platform to evade accountability. Due to the anonymous, group and troll account nature of attacks online, it is often difficult to identify the source or at least confirm the source of a threat or online attack. This makes it easier to use online platforms particularly social media platforms to attack journalists and escape any kind of accountability.

Once an attack on a journalist, media professional or media network goes viral and starts trending it becomes very difficult to identify the original source of the attack.

The additional challenge with seeking accountability for online harassment comes with the desire of the state to increase control over social media platforms. The state often uses protection as the basis for increasing criminalization or control of online platforms. This, however, is almost always selectively applied and hence ends up being a source of further legal challenges and targeted cases against the media.

Women journalists in particular are often at the receiving end of threats, abuse and trolling online. In the past year, PPF observed the continuation of this trend with women anchorpersons and journalists being subjected to abuse on social media platforms. While the media community as a whole is subjected to attacks online, the nature of the attacks against women journalists is often based on personal attacks and character assassination.

Raid and attacks

The homes and offices of journalists and press clubs have not been spared when it comes to attacks on the media. Attacking a journalist in their home is a way of threatening them and emphasizing that their safety is not guaranteed anywhere. They have been the subject of authorized raids and unauthorized attacks. This undermines the safety of journalists in their homes and workplaces and creates a state of fear and paranoia for the media.

Over the course of the last decade, PPF has recorded 39 incidents of attacks on media houses and press clubs and seven attacks of journalist’s homes.

Recommendations
Pakistan now has legislation that specifically pertains to the safety of journalists. This law exists at a federal level as well as a separate law has been passed in the Sindh province. In previous years, such legislation did not exist and therefore the legal measures or steps that a media professional could take in the instance of an attack were also limited. With the passage of these laws, there is a path laid out for what is required of the state when a journalist is attacked in any way. The Commissions required under the Sindh Protection of Journalists and Other Media Practitioners Act 2021 and the Protection of Journalists and Media Professionals Act, 2021 MUST be formed without any further delay.

Laws for protection of media professionals should be enacted in the remaining three provinces as well as in the territories of Gilgit Baltistan and Azad Jammu and Kashmir.

There is a need to establish and strengthen mechanisms for ensuring the safety of journalists, particularly women journalists and those from minority communities.

Formation of Inquiry Committees in all organizations is a legal requirement under the Protection against Harassment of Women at the Workplace Act, 2010. However, because of the absence of effective committees at workplaces, women media professionals continue to suffer in silence. Therefore, the role of the Ombudsperson’s office needs to be enhanced to ensure implementation of the Protection against Harassment of Women at the Workplace Act 2010.

The burden of seeking justice, attending court hearings, going after police to follow up on a case, often falls on the family of a slain journalist. This is expensive and exhausting particularly for those who have lost a loved one, often the main breadwinner of a family. Impunity is likely to remain high until the families of victims are not supported both financially and in keeping momentum on a case over the years.

While the mechanisms to tackle impunity require significant work, the first priority remains the protection and safety of journalists. The role of preventive and protective measures to ensure that journalists are not murdered remain of key importance. This ensures that the stage of tackling impunity is not reached as crimes such as the murder of journalists are prevented from happening.

The media itself should take the lead in ensuring the safety of media practitioners. Print, electronic and online media should ensure long-term follow up of cases of assault on media organizations and workers.

Threats and attacks can be reduced to some extent by adopting a professional approach and impartial and unbiased reporting. Journalists, especially those in rural areas, should be imparted training on writing skills, language proficiency, editing and interviewing techniques to enhance their capabilities. Increasingly, journalists must be trained in digital and social media.

Employers should provide journalists life and medical insurance and compensation in case of death or injury related to their work. This can ensure some protection and respite in cases of attacks.

Proper medical treatment, including treatment abroad, should be provided to media workers who have been subjected to violence.
• There is a need for media organizations to develop standard operating procedures (SOP) with law enforcement agencies that will allow journalists to cover the conflict situations with greater safety.

• Arrangements should be made in all major cities to provide refuge and safe houses for the journalists who are forced to leave their homes so that they can live and work in safer cities.

• Media organizations should interact with government departments, political parties and groups and security agencies to develop strategies that promote safety of journalists and other media workers.

• Employers should give journalists facing threats the option of transferring them to safer cities for extended periods of time. The remunerations during these periods should be based on the actual living expenses in these cities, which are generally higher than rural areas.

• At times, insensitive and misinformed editors push their reporters and photojournalists into the situations where they must put their life and well-being at risk for getting the stories. There is a need to create awareness and to sensitize the owners of the media organizations, as well as, those who are working on desk to realize the ground realities and threats being faced by the journalists working in fields especially in conflict areas.

• Pakistan must ensure its commitment to the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.

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**Conclusion**

Despite the passage of laws specifically for the safety of the media and despite the issuance of statements of condemnation by those in power every time a media person comes under attack, the situation for press freedom in Pakistan has not improved. More worrisome still, is that the situation of impunity in these crimes against the media continues to prevail with little hope.

Journalists continue to work in an environment of fear and are often at the receiving end of forms of violence and abuse both physically, emotionally and mentally. Despite this and despite the fact that at least 76 journalists have lost their lives in connection to their work, impunity is a faraway goal.

In the murder of journalists, only five convictions have been recorded. With murder being the most extreme form of attack on a journalist by ending their life, this figure is a good reflection of the impunity that prevails across all attacks on the media.

While the creation of new laws or the issuance of statements of solidarity are welcome steps, they are empty promises when there is no progress in the overall situation regarding impunity.

It is the responsibility of the media houses and employers, media bodies, the provincial and federal governments and the state to ensure that this culture is brought to an end so that journalists are able to perform their duties without fear and without consequences.