

Nai Supporting Open Media in Afghanistan



نای حمایت کننده رسانه های آزاد در افغانستان
Nai Supporting Open Media in Afghanistan

MEDIA WATCH REPORT

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Preamble:

Beating of journalists in the current year has become a concern amongst media personnel.

With the start of peace and reconciliation process of the government with the Taliban, the incidents of violence against journalists has increased.

After ten years of media law development, the journalists and media are faced with serious threats and the Afghan government has not responded appropriately. According to the constitution, beating and torture are considered criminal acts and the perpetrators should be punished, but this has not transpired.

Lack of government support from free media itself is an important cause of violence against journalists; the media and journalists cannot defend their rights. Now all the journalists have to come together to defend their rights. Dividing journalists will only weaken journalism further.

On the other hand, the peace process with the Taliban and government has also raised the concern that the government only values human rights in writing but not in practice. If the Taliban take the power or become part of the government, their treatment of journalists will be more severe and strict.

This is a big concern across a range of areas, and one of the important being freedom of expression and freedom of media. Statements released by the Ministry of Information and Culture and the Scholars council calling for the segregation of men and women in official offices has increased these concerns.

There is speculation that these limitations will be increased in the next two years and they will try to slowly increase the restrictions on the media.

The civil society and defense institutions of freedom of speech and media should consider this issue seriously and should not allow that freedom of speech and media be sacrificed for political deals. In the current situation expecting support from the international community is not very practical, but the journalists and media could defend their rights by getting great support of people inside the country.

With the huge emergence of print and electronic media, it was thought that media as a symbol of pluralism, freedom and flexibility to each, would change the Afghan community into a free, pluralistic, and flexible community. Unfortunately, one decade on still this hope has not been fulfilled and such repression has been expanded into Parliament.

Parliament is considered as the most accredited, powerful and the only source for rule of law in developed countries; and in these countries the parliament with their sharp eyes observe and audit the performances of government and prevent breaking of the law.

But in Afghanistan the case is sometimes opposite; this is not the first time that the journalists are insulted and threatened from members of parliament.

The journalist and media who try to uncover the huge, systematic, and repeated administrative corruption, are threatened and prevented from doing their job.

It is the duty of the Ministry of Information and Culture to defend the rights of journalists without any personal interests; the MIC should also avoid recommendations which are in contradiction to media law. Last year, talking with Taliban and the increase in violence against journalists have heightened the concern of journalists. However, it is the responsibility of media and journalists to work together without ethnic, language, or religious bias.

With that said, the below topics are covered in this report:

- Civil society demand justice for slain radio station manager
- Beating of two journalists in Kabul and Badakhshan provinces by police
- Beating of a journalist in Kabul by police
- Journalists fear increased violence against journalists in Kandahar province
- Beating of a journalist in Jalalabad city
- Taraf Weekly forced to cease publication in Kabul
- A number of reporters claim of insult by a Senator
- Selection of the Executive Board of Free Association of Afghan Journalists
- Analyzing an Article of Afghanistan Media Law

The killers of Sadem Khan Bahadir Zoy should be punished

Afghanistan Civil Society Association, National Union of Journalists in Afghanistan, and Nai-Supporting Open Media in Afghanistan in a joint press conference held on February 27th, 2012 asked for an investigation of killing case of Sadem Khan Bahadir Zoy, the manager of Melma Radio in Orgon district of Paktia province.



Sidiqullah Tawhidi, the manager of Media Watch said: "Nai- Supporting Open Media in Afghanistan demands from the local authorities of Paktia province to identify the murderers and bring them to justice."

Mr. Tawhidi strongly condemns the killing and showed the concern of Media Watch regarding the safety of journalists, particularly in war-torn areas and called on government authorities to address them.

The manager of Media Watch added, based on our information, Mr. Bahadir Zoy did not have any kind of personal or tribal enmity that would be cause for his death and the way he was killed is akin to the killing of other journalists who were killed by Taliban.

Also, at this conference, Aziz Rafyee, head of Civil Society Association of Afghanistan, considers the killing of Radio Melma manager at Orgon district a fresh deathly incident against journalists in the current year and stated, "The killing of Sadem Khan Bahadir Zoy, the manager of Radio Melma in Paktia province created great concern and fear among the local journalists; without doubt this is not and would not be the last incident against journalists but it is really unfortunate that no one has investigated the serial killing of journalists."

National Union of Journalists in Afghanistan condemned the killing of Bahadir Zoy and emphasized that the cruelest way of violence is killing and beheading of human.

Fahim Dashti, spokesman of National Union of Journalists in Afghanistan said, if the government talk and discuss with Taliban, they should be asked not to act this way with journalists.

Mr. Dashti requested from the Afghan government to name a road after Sadem Khan Bahadir Zoy either in Kabul or Paktia province. By doing this, we can maintain the name of this journalist alive and the upcoming generations know that the freedom of expression has been achieved and maintained through sacrificing young journalists.

Sadem Khan Bahadir Zoy, a free journalist and the manager of Melma Radio in Orgon district of Paktia province on 20 February, 2012, was first contacted via mobile phone; when he got out of his home, they kidnapped and brought his corpse along with his cut head the next night.

Media Watch requests from the governmental authorities to seriously investigate the murders of journalists and identify the perpetrators and bring them to justice.

Silence regarding killing of journalists and government authorities' recklessness has given courage to the perpetrators who will continue these inhuman acts.



Beating of two Journalists in Kabul and Badakhshan Provinces by Police

Murtaza Jalali, channel 3 TV reporter in Kabul and Mohammad Sharif Shaiq reporter of Pashwak in Faizabad, Badakhshan, claim to have been threatened and beaten by police.

Murtaza Jalali, the manager of political programs of channel 3 TV says first police stopped and threatened him and then physically assaulted him on 29 February when he wanted to pass through the Ministry of Interior Affairs street.

Murtaza Jalali told Media Watch about the issue: "Ministry of Interior Street is the way I always pass. Although my vehicle had a special card (permit) and I also had an identification card, I was stopped by the police and when I wanted to pass the street again I was stopped by police Ranger (vehicle) and they started beating me without saying anything."

The street which is located in front of the Ministry of Interior includes several important ministries and governmental offices including the Ministry of Foreign Affairs. In recent days, passing of private vehicles has been prohibited on this road.

The police officials in Kabul say to ensure security and prevent any kind of attack, they have started some safety programs.

Sediq Sediqi, the Spokesman of the Ministry of Interior requested from all journalists to help police in such instances; he also informed the media about the beating of Mr. Jalali from the beginning.

Similarly, Mohammad Sharif Shahiq, reporter of Bayan Radio in Badakhshan, province claims to have been threatened and then beaten by police at the passport department on February 28, 2012

Mr. Shaqiq told Media Watch: "A number of passport applicants who were bored with slow work and corruption of the passport department in Faizabad Badakhshan province demonstrated; I wanted to make a report about this issue, but I faced with unfair behavior by police and I was threatened and then beaten by one of the police."

He says, when the police were beating me, there were two bodyguards of Badakhshan governor who requested that police stop beating me, but they refused and continued; they said they weren't care who I was.

Mohammad Sharif Shahiq, the reporter of Bayan Radio has really been affected by the police incident and mentioned that he felt really poor and helpless.

At the same time, general Abdul Saboor Police Chief of Badakhshan province via a phone conversation with Media Watch showed himself uninformed about the issue and promised full support of police to media and journalists.

Moreover, Mohammad Deen Khahani, chief of Information and Culture of Badakhshan province was also not aware of this issue and considered violence against journalists unfortunate and promised to Media Watch that he would investigate.

The journalists in Badakhshan province complain that the Ministry of Information and Culture do not have any program for coordinating and facilitating the works of journalists.

Abdul Basir Haqjo, the manager of Aamo Radio in Badakhshan province says, the Ministry for Information and Culture of this province has less contact with the journalists.

But Mr. Khahani, chief of Ministry for Information and Culture of Badakhshan province reject the claims and says that this department has organized and conducted several educational programs for the journalists and are always in touch with journalists.

Media Watch strongly condemns any kind of violence against journalists and regards this completely contrary to our laws in Afghanistan.

Once again, Media Watch seriously asks from the investigative authorities to identify violence perpetrators and punish them otherwise people's trust to government and security organisations will decrease.

At the same time, the transition process of security from international forces to Afghans has been started and the concern regarding lack of readiness of Afghans is also increasing. There is speculation that the Afghans forces have not got the sufficient capacity and power to handle the insecurity and that journalists may face more violence after this process.

Kandahar Press Club concern regarding the increase of mistreatment by security forces against journalists

The press club of Kandahar province showed their concerns through a press release regarding the increase of violence against journalists of that province.

In a press release which was released by press club of Kandahar province on February 27th, 2012 they have stated that: "It is with regret that we report that the journalists in Kandahar province have been facing challenges and their reporting has been limited. The primary factor for this is security forces: police, national security soldiers, and national military. These soldiers are not cooperation with the journalists in Kandahar."

The press release adds, Kandahar province is one of the important provinces with more incidents and journalists face more problems compared to other provinces.

This press release also informs us about the threats of a reporter and cameraman of RTA by the 205 Atal corps officials and condemns it with strong words.

RTA reporter, Nesaar Ahmad Ahmadi and RTA cameraman, Sayed Ahmad Mal were insulted, and threatened by rifle rods by a person who introduced himself as the responsible person of oil of this corps and who was escorted by bodyguards on February 27th, 2012, in front of Atal 205 Corps.

Dawa Khan Mena Pal, the head of Kandahar province media club regarding the insult of RTA reporter and cameraman by 205 Atal corps officials said: "when the reporter of RTA went to the 205 Atal corps in Kandahar province for preparing a report, they were insulted with bad words by one of the authorities and their camera was kept for some time."

Mr. Mena Pal mentioned about the increase of violence against journalists in Kandahar and added that if the government of Afghanistan does not care about this issue, the journalists may face more problems and reporting quality will suffer.

But Jawed Faisal, the manager of Kandahar province Media Center describes the situation of journalists of Kandahar compared to other provinces.

He regretted the incident involving the two reporters of ART in Kandahar province and said the person who mistreated the reporters was punished.

The manager of Media Center of Kandahar province says that for establishing better relationship between media and 205 Atal ANA Corps he suggested that the manager of public relations of 205 Atal ANA Corps should be fired and hire a hardworking and proper person so that after this the journalists received fair treatment.

Moreover, Dawa Khan Mena Pal, the manager of media club of Kandahar expressed concern that journalists may face further challenges when Afghans take full responsibility for security and international forces leave after 2014.

He says, if the government of Afghanistan does not take some key actions in maintaining the national values such as freedom of speech, freedom of speech will decline after 2014.

Every year the violence against journalists is increasing and 80 instances of violence against journalists were recorded in Media Watch office last year. But we only know of a few instances that the perpetrators of these incidents were identified and punished.

Media Watch condemns the insult and threat of journalists in Kandahar province and thanked the authorities of Kandahar province for punishing the person who insulted the reporter of RTA on the spot. This act of Kandahar province authorities is an important step in institutionalizing freedom of speech as well as it plays a vital role in bridging the gap between public and government officials.

Beating of a journalist in Jalalabad city by unknown assailants

Safa Local Radio reporter, Irshad Raghand, was beaten and then robbed by two motorcyclists on March 5th, 2012, at 7:00 PM when returning home from the office.

Irshad Raghand, who is responsible for making political programs in Safa Radio, told Media Watch about the incident: "At about 7:00 PM when I was on my way to home, two unknown persons with motorcycles stopped me near the police department and started punching me. They then took my laptop and my equipment and escaped."

It is not yet clear who or why Irshad Raghand was beaten.

Nangarhar province police have started investigating but no arrests have been made.

Ahamd Zia Abdulzai, the spokesman for the Nangarhar governor says, 20 minutes after the incident, he contacted the reporter and then shared the news with police officials of Nangarhar province.

The spokesman of Nangarhar province stated that Mr. Raghand has never complained about being threatened by a person or group.

However, Mr. Irshad says he has prepared different reports about irresponsible armed persons, administrative corruption and land usurpers.

Media Watch considers any kind of beating of journalists inhuman and calls on the Nangarhar police to take serious actions in this regard.

The authorities of Nangarhar province should dedicate resources towards identifying and punishing the perpetrators of violence against the journalist. Lack of action against the perpetrators will result in damage to on-going reporting in the area.

Taraf Weekly forced to cease publication

On March 3th, 2012, Taraf Weekly was forced to cease publication after publishing its first volume in light of threats from the government.

Abdul Samad Hamed Poya, the manager and proprietor of Taraf Weekly said that after publishing documents which was showed MPs pressuring the Ministry of Education, the manager, his assistant and the Editor-in- Chief of Taraf Weekly received regular death threats to dead and were obliged to stop the publication for some time.

The documents released in Taraf Weekly include: 14 girls who failed their matriculation exam were introduced to Khost University as a result of Kamal Nasar Osoly, Khost representative, exerting influence on the Ministry of Education.

Mr. Poya, the manager of Taraf Weekly says after releasing these documents, the pressure of MPs increased and more than 30 members of Parliament demand the most severe penalty for the authorities of Taraf Weekly.

Hamed Poya stated that, after numerous threats, he shared the issue with Makhdom Rahin of the Minister of Information and Culture, but due to some deals he also requested Taraf Weekly to stop this publication indefinitely.

But Makhdom Rahin, during a conversation with Media Watch, rejects such advice and considers it beyond his authority.

The Minister of Information and Culture says, many print media outlets do not publish in Afghanistan due to a shortage of money, which he considers unfortunate. But regarding Taraf Weekly he says: "this Weekly was not banned but its name was changed from "Taraf" to "Daad"."

Abdul Samad Hamed Po, the manager of Taraf Weekly says, after Taraf Weekly was ceased, some of his committed colleagues established another weekly called Daad and this weekly was also threatened. But this time, the authorities of Daad Weekly are committed to publication and will not surrender to threats or pressure.

The reporter of Media Watch tried to contact and talk with the chief of religious and cultural commission of Parliament or Kamal Nasir Osoli, representative of Paktia province, but they did not return his calls.

Media Watch strongly condemns threats against journalists and calls on the relevant authorities, particularly the Ministry of Information and Culture, to prevent people and groups who are threatening the journalists. They should not allow freedom of expression to be sacrificed for their personal interests.

According to Afghanistan Mass Media Law, the government is responsible to support media and freedom of expression, but it has been observed that some of the government authorities do not act in line with Afghan laws. The Ministry of Information and Culture is the relevant authority, but it does not support media, and they tend to be silent when government officials are exposed by journalists.

Such irresponsible acts of the government authorities decrease the trust of people in the government and might have negative results.

Media Watch calls on the Ministry of Information and Culture of Republic of Afghanistan to support the Weekly as soon as possible and allow their return to publication. Moreover, the review commission for complaints and addressing the media violations is obligated to investigate the Taraf Weekly case so that the main culprit is found. According to Afghan law, disclosure of documents which are not confidential and are not against the territorial integrity and community mental health are not restricted.

A number of journalists claim to have been abused by one of the Senators

A number of journalists who were covering the commission for complaints of the Meshrano Jirga (the Upper House) on March 19th, 2012 claim to have been insulted by Zalmay Zabuli, the head of the commission for complaints.

These journalists claim Zalmay Zabuli referred to Afghan media as: "working for the foreigners and state of Afghanistan."

Mohammad Ikram Zakhilwal, the reporter of Afghan News TV says some of the government members were asked to come in for questioning. When the journalists wanted to report on this they were faced with a threatening response from Mr. Zabuli.

Sejad Sejadi, a reporter for Noor TV says that according to the Afghanistan law, journalists have the right to participate in national council meetings and report on their activities, but it is unfortunate that they are faced with such reactions.

It is suspected that the reason behind Mr. Zabuli's furious reaction was due to the lack of coverage given to the absence of the Governor of Kandahar in the Meshrano Jirga. Shortly before, the Governor of Kandahar was invited for questioning, but he refused. This angered Mr. Zabuli and was not reported by the press.

Zalmay Zabuli complained about such performances of media to Media Watch and refuted the suggestion he had abused any journalists.

Mr. Zabuli says that members of Meshrano Jirga will continue to try to identify corrupt officials, but until the media report them, their efforts might be useless. He called on all media to be honest regarding such national issues.

Media Watch considers any kind of abuse of journalists against Afghan law, and depriving them from information and facts is a great crime. However, some of the government officials consider them suitable for journalists.

Access to information is a critical right in Afghan society which is clearly stated in the constitution and Mass Media law.

The public have the right to know what is happening in their country and learn about all the incidents.

Selection of the executive board of Free Association of Afghan Journalists

The new members of the executive board of free association of Afghan Journalists were selected through an election ceremony which was held on Monday, 26th March, 2012.

The four key positions selected in the election were: Ikelwak Safi as the manager, Sharifa Zarmati Wardak as the first assistant manager, Ahmad Henaish as second manager assistant and Rahimullah Samandar as secretary general.

For the chair position, Ikelwak Safi was elected unopposed.

But for the first and second assistant manager posts, there were 6 candidates and with 13 votes, Sharifa Zarmati Wardak was selected as the first assistant manager.

Ahamd Henaish, a representative of Parwan Association, got 28 votes and was selected as the second assistant manager.

Regarding the secretary general post, there were 3 candidates and Rahimullah Samander by getting 38 votes took over from Sharafuddin Stanekzai Herat representative was selected as the secretary general.

Ikelwak Safi, the new manager of this association in a press release said that Afghan journalists have lots of problems including lack of work safety and lack of access to information.

Mr. Safi emphasized their efforts in solving the journalists' problems and said: "we will try to perform all the responsibilities which are given to us through the association as long as there is coordination; we share similar problems but the problem is that we do coordinate with each other."

Before this association was led by Rahimullah Samandar, but due to the workload and his work at another media organization he resigned from his position.

Although in this election, most of the representative of provinces of Afghanistan participated in the Afghanistan free journalist association, Kandahar press club by releasing a press release did not accept the result of the election and considered it a fraud.

The authorities of Kandahar press club said that the reason they did not accept the result of association election was the absence of a Kandahar representative; they added that the reporter who called himself the representative of Kandahar province was invited based on a personal relationship, and therefore unrecognised.

Afghan Mass Media Law Analysis

Article 47:

1. The natural and legal persons who register media or organization at the Ministry of Information and Culture should know this: according to the 27th article of this law, the print media has until one year to show their broadcast activities and the electronic media until two years to show their activities otherwise their concession will be taken.
2. If the concessionaire stops his works after a period of working the law applies as: according the 27th article of this law, the concessionaire of printing media has up to one year and the concessionaire of electronic media has up to two years to resume their activities otherwise their concessionaire will be taken. When they resume their activities, based on article 31th and article 34th of this law, they have to follow the paper work process completely.
3. In case of violation of concessionaire from the provisions of this law, the relevant court can take their concession.

Analysis:

Now media has key role in shaping the public understanding. Also from sociology point of view, these are the media that help the public in accepting the society a great deal and taught them the social values. These are the media that provide social services by broadcasting and printing educational issues and programs, recreational, and awareness programs.

By considering the mentioned issues and the services that media do, it requires that their services continue; that is, it should continue consistently.

Moreover, electronic media is also important as they use from frequency so they have to use them properly as it is the public property; that is, getting frequency is not the right, but it is a gift and those who really know its values should use it. They should satisfy the public by broadcasting beneficial programs based on law and journalism principles.

The 47th article of Mass Media Law has relation with the mentioned issues. This means that in this article, it required the media to a consistent and continuous media works and if not carried out properly, some disciplinary rules will be applied. At this article some points are worth mentioning. First, the newly established media outlets: in case of not starting activity, the printing media has up to one year and the electronic media has up to two year time otherwise their concession will be taken. Second the active media: in case of not continuing or stopping the activities, the publishing media has up to one year and the electronic media has up to two years to resume their works or their concession will be taken.

According to the public ownership rights, we should say that if an electronic media does not start activity or after the start stop their activity, taking their concessions becomes justifiable and on the other hand, based on the principle of continued services, it requires that electronic media should work continually.

What we can mention regarding the mentioned article as a law problem is that the disciplinary rules should be implemented step by step; this means that first recommendation, second warning, third suspension, and forth taking the concession. Also the mechanism and strategy of implementation of this article should have been clarified and the relevant authorities have been selected. Also this article clearly mentioned, particularly the printing media that if they have economy problem or any other acceptable excuse; since this article does not have any exception; therefore, they would be unfairly disadvantaged from this article which is against the freedom of expression.

Regarding the sub-article 47th we should mention that the word violation has been used commonly that includes disciplinary violations and criminal offenses.

For example, among disciplinary violations we can refer to the issue which is mentioned in the aforementioned article; that is, lack of media activity which includes administrative approves. Among the criminal offenses of media, for instance, a media broadcast a program which clearly in contradiction to Islam and in that case after being condemned their concession will be taken automatically.

One of the positive points of this article is that it considers the international principles and components of freedom of expression; they consider only the court for taking the concession. This principles has prevent from misusing the law and considered as a main factor in ensuring freedom of expression. This is a characteristic of the dictatorship countries where the government authorities can stop the media or take their concession any time they want and they impose law based on their own interest and taste without considering the international principles. Today the struggle against personal banning has taken international aspect and the media law defense organs try to avoid such personal acts. Thus, it requires that in the Mass Media Law an article should be added which should say that if someone

bans a media based on personal interest and taste, they should be subject to penalty so that this principle finds legislative and executive guarantee.

Attention!

All journalists and media organizations are hereby notified that Mr. Mohammad Qasem Rahmani works with the Media Watch in the capacity of Media Lawyer. Those journalists and/or media outlets that face legal issues in connection with their media related and journalistic activities, or need consultation on performing such activities, may contact him by phone at **0799 830 905** or via email at: m.qasim@nai.org.af .

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To obtain a soft copy of the report, please visit the following link: <http://www.nai.org.af/Mediawatch.htm>

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