

Nai Supporting Open Media in Afghanistan



حمایت کننده رسانه های آزاد در افغانستان
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Violence against journalists has turned to a normal in Afghanistan. Although the Media Watch, in each of its reports, has demanded from the State and Government of Afghanistan to prepare and execute practical action plans to reduce violence against journalists and protect them but it seems that the Government of Afghanistan is not determined in providing legal protection for citizens in general and the journalists in particular.

Hundreds of cases of violence against journalists have been recorded in over a decade since freedom of speech and media activities were endorsed by law. At least 35 journalists lost their lives across Afghanistan. But the culture of impunity, corruption and influence of local powerbrokers in the government administration has been the main obstacles in trying to litigate the perpetrators.

We have repeatedly said to the State of Afghanistan that leaving the perpetrators unpunished will only increase violence as well as the incidences of breaching the law. Letting his trend to continue will hit a serious impact on the body of the [entire] system. Yet the Government has paid no attention to the legal demand of arresting and trying the perpetrators.

In a democratic society, the files of violence against journalists are still referred to Jirgas (traditional informal councils) instead of following them through legal channels. If the courts exist [and operate] then there is no legal foundation to refer such legal cases to Jirgas and councils.

The Constitution of Afghanistan grants the right of resolving legal claims exclusively to the State. Therefore, all claims should be tried in the courts. While the courts are charged to try and follow criminal cases, [attempting to] resolve them through Jirgas will seriously undermine the rule of law.

On the other hand, the Mass Media Law has frequently been subject to amendment and revision since the new [political] system has been established. This process is still going on. The Ministry of Information and Culture submitted to the House of Representatives a proposal to amend three articles of the Law. This proposal predicted setup of a Commission for Evaluation of Media Violations. From the onset of the proposal, representatives of journalists and media organizations in their three meetings asked the House's Committee on Religious, Cultural and Higher Education Affairs to reject the proposal. But the House approved it while the Senate rejected it and the proposal is now referred to a joint commission of House and Senate.

The current issue covers the following topics:

- 1. Armed group attack at Radio Hamesha Bahaar in Jalalabad**
- 2. Guards at Tamaddon Television insulted and beat photojournalist**
- 3. Security personnel insulted and beat Noor Television journalist**
- 4. The Mass Media Law amendment draft referred to the House and Senate Joint Commission**
- 5. Presidential candidates' request from media on fair coverage during election campaigns**
- 6. Traffic jam and journalists' problems**

Armed group attacked on Radio Hamesha Bahaar in Jalalabad

A number of individuals, some armed, attacked the office of Radio Hamesha Bahaar in Jalalabad city, the provincial capital of Ningarhar, on Nov 19, 2013, according to the operators of the Radio. The attackers beat the chief editor, a technician, and a guard of the radio; ceased its broadcast; and broke some of its equipment.

Atal Khan Stanekzai, director of Radio Hamesha Bahaar, told Media Watch: “The armed individuals, who attacked the Radio, also beat the staff and broke all equipment. In addition to moral damages, they caused over \$ 15,000 financial damage.”

The director of Radio Hamesha Bahaar also claims that after the attackers were arrested [by the police], they were freed again in exchange with ransom.

Atal Khan said: “When we turned to the police, they had already paid the police to treat the case as if both sides were actively involved in promoting violence. Whereas we never had a fight whatsoever with the attackers – we never knew them before. While they confess that they have committed mistakes and did wrong, the law and government do not punish them. What kind of law is this? When the police arrested the attackers they also arrested the three personnel of the Radio who were beaten. The police pressed us that if we did not forgive the attackers, then our colleagues would have remained in custody.”

But the authorities in Ningarhar province have called the problem with Radio Hamesha Bahaar as a personal issue and rejected any [possible] political or terrorist aspect in the case.

Ahmad Zia Abdulzai, the spokesperson for the governor of the Ningarhar, told Media Watch: “We immediately identified and arrested two suspects in the case. Further investigations revealed that the case has no terrorist or political aspect. In fact it was initiated between the Radio and a neighbor after the guard of the Radio threw trash on the street. Since the Radio Hamisha Bahaar has attached a terrorist and political aspect to the case, therefore, they should have been litigated at the court. But journalists’ unions in Jalalabad as well as the Radio’s in-charge mandated us to solve the issue through a Jirga (council).”

Abdulzai, the spokesperson for governor of Ningarhar, said that the two sides have now resolved their problems. However, he emphasized that interrupting public security is not an issue to be solved by measures such as each side forgiving the other. Therefore, he said that, the legal institutions will follow up the case.

But Atal Khan Stanekzai, director of Radio Hamesha Bahaar says: “We were forced to forgive the attackers in the Jirga that was held in response to a request by the Governor of Ningarhar.” He also emphasized that he neither knew nor had personal problem with the attacking group. He asked the government to investigate, find out and announce their motives. Mr. Stanekzai added that the individuals who attacked on the Radio are relatives of members of Ningarhar Provincial Council and local police commanders. They are powerful people in Ningarhar province.

Director of Radio Hamesha Bahaar continued: “We were told that if we do not negotiate with the attackers, forgive them, and state that the incidence was a usual fighting then they will kill us tomorrow as they are powerful individuals. Then our elders including the Governor asked to resolve the issue through a Jirga. When the Jirga was convened, still no one addressed our issue.” Previously some media in Ningarhar province have also been attacked; one instance is the attack on Shaayeq Media Center.

Nai Supporting Open Media in Afghanistan considers the attack on the Radio station and beating of its staff in the city in daylight as an obvious crime and is seriously concerned about the lack of protection for journalists and media.

This attack was a serious ultimatum for media and free speech and shows the fragility of security situation as well as lack of protection for media in Afghanistan. Nai demands from the Government’s security and detecting officers, particularly local authorities in Ningarhar province, to arrest the perpetrators involved in this case and refer them to law enforcement institutions.

After the fall of the Taliban regime, citizens of this country have found an opportunity to voice their views through multiple media [outlets] in the past thirteen years. But this process has always encountered serious challenges as journalists and media were targeted. The Government of Afghanistan has come short in identifying and punishing the perpetrators of violence against media and journalists. This has increased the incidence of violence against media and journalists in Afghanistan.

Once more, Nai calls on the Government of Afghanistan to protect the values of free speech and democracy that have been achieved in exchange for tens of victims as well as journalists' blood. The Government should not allow a handful of spiteful, fundamentalist, and criminal individuals to scratch the face of the Islamic Republic of Afghanistan in the eyes of the international community and deprive citizens of Afghanistan from their right to access information and exercise freedom of speech.

Guards at Tamaddon Television insulted and beat a female photojournalist

Security guards at Tamaddon Television insulted and beat Mariam Khamosh, a photojournalist who wanted to picture natural views close to the building of Tamaddon TV to prepare an art's report on Nov 26, 2013. She has been beaten by a gun.

Ms. Khamosh, while registering her complaint at the office of Media Watch, said: "My colleague and I were passing the street and realized that the views surrounding us were fit for artistic pictures. When I took out my camera and started to take pictures, an armed man suddenly run toward me and after insulting, pushed me back. When I talked to him and showed him my Identification Card, another armed man quickly came and hit his gun to my ribs."

Mariam Khamosh continued: "At first, these armed men introduced themselves as Kabul city's third security district police. Next, I called the commander of third security district police and described the incident to him, he asked me to hand over my handy to the armed men to talk. Then, these armed men introduced themselves as guards at Tamaddon Television. Finally, we walked out of the area."

The commander of Kabul city's third security district told Media Watch that he has resolved the issue and asked Tamaddon Television through a formal program to instruct their security guards to behave well with citizens.

On the other hand, Hashmatullah Stanekzai, spokesperson for Kabul Provincial Police Headquarters, told Media Watch that taking pictures in some areas and neighborhoods is not allowed due to security reasons. Yet this does not give anyone the right to beat citizens and particularly journalists.”

The spokesperson for Kabul Provincial Police Headquarters emphasized that any time that Kabul citizens encounter inappropriate or violent behavior, then can walk to the police and register their complaint. The police will immediately take action accordingly to arrest the perpetrators and refer them to relevant law enforcement agencies.

At the same time, officials at Tamaddon Television say that the mentioned journalists should have previously contacted and arranged with the Television’s administration so that they were offered necessary facilitation.

Mohammad Rahmati, an official from Tamaddon Television, told Media Watch: “Since the area in front of the Television building is our security area, the journalists should have prearranged with us. But we notified our security guards to improve their behavior toward public.”

But Ms. Mariam Khamosh says that her colleague and she did not take pictures from areas belonging to Tamaddon Television. That a journalist cannot conduct her work and take picture from far distances leaves her worried more than anything else. “There was not any No Picturing Sign in the area that I photographed,” she said.

Ms. Khamosh called the behavior of Tamaddon Television security guards similar to that of the Taliban behavior toward women. “Although I was a little child at the time of the Taliban regime and so did not encounter such an ugly behavior, but I have repeatedly watched through media and television that Taliban have beaten women and girls with lashes and cables on the streets. Nobody has the right under the current system to insult or beat anyone especially women. But what I was insulted and beaten by these guards in a way that embodied the situation and times of Taliban.”

Nai Supporting Open Media in Afghanistan’s Media Watch condemns the insulting and violent behavior conducted by the security guards of Tamaddon Television toward a photojournalist as illegal, inhumane, and immoral.

Media Watch requests from officials at Tamaddon Television to submit to the legal and judicial organs the guard that committed inappropriate behavior toward the journalist. We believe that Tamaddon Television can understand more than any other organs the problems that journalists

encounter. The Television understands that to what extent a violent behavior can affect and leave negative impacts on the morale and works of a journalist.

We also demand from the security officials and Kabul city police to do not forgive perpetrators who commit violence against journalists. Overlooking violence and violent perpetrators against journalists will obscure the face of the State in the public eyes as well as in the eyes of international community. Continuation of this situation will neither benefit our society nor the country.

Security personnel insulted and beat Noor Television journalist

Hamid Sediqi, reporter of Noor Television, was off his car in Dehmazang area near the Zoo to film and make a report on traffic jam that he was beaten by a security officer who then took his camera with him. Traffic jam was severed in Kabul on the eve of preparations for the Loya Jirga. Hamid Sediqi told Media Watch: “I was on my way to the National Assembly two days before convention of Consultative Loya Jirga. Traffic was overcrowded on my way and when I decided to film the traffic jam and make a report, a security officer run toward me and asked why I was filming the Network. I replied I do not film the Network; I only film the traffic jam and make a report about it. I showed my Identification Card to him and told him that I was a journalist. He took away my camera and went back to his car. When I followed him to take my camera back, he kicked me in the belly and told me that I needed to go to the Ministry of Telecommunication to get my camera back.”

Security officials from the 10th directorship of the National Security Directorate took the filming camera of these journalists and after investigations, returned it to them.

Kabul province security officials say that whenever a journalist or a reporter encounters violent behavior from security personnel in Kabul province, they come and report to the incident to the Kabul Provincial Police Headquarters. The perpetrators of violent actions will be arrested.

Hashmat Stanekzai, spokesperson for Kabul Provincial Police Headquarters, told Media Watch in an interview, that in some cases journalists are also to blame. He said that some journalists try to film restricted areas in sensitive and emergency conditions which cause such problems.

But Hamid Sediqi, reporter of Noor Television, emphasizes that the area filmed was not a restricted one; nor were there signs of restricted area present around.

He requested from the country's security forces to do not behave with violence and misconduct against journalists. "Violence against journalists is eventually violence against people," added Mr. Sediqi.

This is not for the first time that security forces commit violence against journalists; this has happened before and even traffic police has violently behaved with journalists. No perpetrators have been punished in accordance with law yet.

Nai Supporting Open Media in Afghanistan's Media Watch demands from the high-ranking security authorities to instruct their subordinate officers on ceasing violent behavior toward journalists while they are making their reports. Violence by security personnel against journalists will lead to media's publishing and broadcasting of such inappropriate conducts which will ultimately obscure and change the picture of security forces in the eyes of public.

We demand once again from the Government of Afghanistan to identify and punish perpetrators of violence against journalists so that it lowers the high statistics of violence against journalists in one hand and help enforce rule of law in the country in the other hand.

The Mass Media Law amendment draft referred to the House and Senate Joint Commission

The Senate of Afghanistan disagreed with the Mass Media Law amendment proposal prepared by the Ministry of Information and Culture and referred it to the House and Senate Joint Commission on Nov 05, 2013.

According to the amendment proposal, the minister of information and culture would head the Commission for Assessment of Media Violations. The main item in this proposal was establishment of the seven-member Commission for Assessment of Media Violations with the minister of information and culture as the Commission's chair.

In the currently effective Media Law, which was approved by both House and Senate in 2009, assessing media violations was assigned to the Commission of Mass Media, which was never established on the basis of disagreements from the minister of information and culture. The Minister, based on the void previous media law, sustained the Commission for Assessment of Media Violations instead.

The Senators thoroughly considered the approved version of the proposal by the House of Representatives as well as the original proposal by the Ministry of Information and Culture.

After many debates, they finally disagreed with some articles of the House's approved version of the draft proposal. Among the disagreed-upon articles is article 44 that appoint the Minister of Information and Culture as the chair of the Commission for Assessment of Media Violations. The Senate revised the composition of this Commission including omission of the part that assigned Minister of Information and Culture as the Commission's chair. The Senate proposed the position to be determined through election.

Al-hajj Mawlawi Mir Hamidullah Monib, a member of the Senate's Commission on Religious, Cultural and Education Affairs said: "Disagreements between Senate and the House did not exceed three or four items. [Among them]: First, members of the House accepted the minister of information and culture as the chair of the Commission for Assessment of Media Violations and we disagreed and approved that the chairmanship of the Commission should be elective instead. Second, both the revisions proposed by the Government and approved by the House asserted that after members of the Commission for Assessment of Media Violations are introduced by designated institutions, they still needed to be approved by the High Media Council. The Senate disagreed and considered sufficient their initial introduction by their designated organs."

Mr. Monib also added that The House of Representatives approved the criteria for membership in the Commission for Assessment of Media Violations as to having higher education and five years of work experience in journalism areas. The Senate dropped the first part and kept the latter.

According to the Constitution of Afghanistan, whenever the Senate and the House disagree on a law draft, they will convene a joint commission to debate, approve or reject the disagreed items.

Al-hajj Mohammad Amin Ahmadi, another member of the Senate's Commission on Religious, Cultural, and Educational Affairs told Media Watch: "The Joint Commission that is now convened to discuss the disagreements on the proposed draft has the authority to approve or reject those amendments."

Media activist organizations and journalists unions welcomed the Senate's rejection of the proposed draft to amend the Media Law and also pointed out to some points that the Representatives should focus on in the Joint Commission and carefully vote in favor of freedom of speech and in accordance with the Constitution of Afghanistan.

Sediqullah Tauhidi, director of Media Watch at the Nai Supporting Open Media in Afghanistan, believes that the Joint Commission should reject the establishment of Commission for

Assessment of Media Violations that was proposed by the Ministry of Information and Culture. But if they approve it, they should bring serious amendments in its composition.

Fahim Dashti, Executive Chair of Afghanistan National Journalists' Union, while feeling delighted about the Senate's rejection of the proposed amendments, also demand from the Joint Commission to reject the article that mandates the establishment of the Commission for Assessment of Media Violations by the Ministry of Information and Culture. Mr. Dashti believes that if that article is approved, it will provide a legal basis for the illegal activities of the Ministry of Information and Culture through this Commission in the past four years.

On the other hand, Zia Bomia, Country Director of the South Asian Free Media Association – Afghanistan, while cheering the Senate's rejection of the proposed amendments, asserts that journalists' community still has demands that the Joint Commission should consider.

Afghanistan's Mass Media Law has been amended for five times in the past 11 years and is considered more sensitive than any other law to the Government of Afghanistan. There is a consensus of views on why the Mass Media Law has frequently been subject to revise: Media in Afghanistan are expanding and the State of Afghanistan wants to assert its authority on this field in order to reach its desires.

According to the Constitution of Afghanistan, the Joint Commission of both Houses of the National Assembly has now the mandate to either approve or reject this amendment draft. If approved, then the law will be sent to the President; but if rejected, then the draft will be considered rejected. The House can still vote on it in the next general session and if approved by two third of the total votes, then it will be considered final and will bypass the Senate to the table of the President for final signature to go effective.

Nai Supporting Open Media in Afghanistan's Media Watch considers the Senate's rejection of the proposed amendments to the Mass Media Law and its referral to both Houses' Joint Commission as a positive development. Meanwhile Media Watch demands from the Joint Commission to omit from the draft the establishment of the Commission for Assessment of Media Violations as it runs parallel to the Mass Media Commission. Journalists and organizations supporting free speech and media believe that the Commission for Assessment of Media Violations can pave the way for the government's censorship which will limit the atmosphere for journalists and media.

Presidential candidates' request from media for fair coverage during election campaigns

The presidential election as well as provincial councils' election approach fast. Less than four months is left to the Elections day, candidates for presidential election have requested from Afghanistan media to cover their working programs during election campaigns in a fair and balanced manner.

In the initial candidates' list for presidential elections, the Independent Electoral Commission has identified 11 qualified candidates to participate in the Election. On the other hand there are nearly 60 television canals, more than 170 radio stations and hundreds of print media operating across the country.

In such a condition both citizens as well as the candidates are closely looking at media. Public waits to learn about the candidates' programs and strategies. On the other hand, the candidates want to learn about the objectives and programs of their rivals to adjust their decisions accordingly.

Therefore both candidates and people of Afghanistan demand from media to seriously stay committed to the principles of impartiality, fairness, lawfulness, and justice in their coverage of election campaigns.

Fazel Sancharaki, from Dr. Abdullah Abdullah's Election Campaign Headquarters, told Media Watch: "Media is responsible as accurate, transparent, and enlightening mass communications means to inform people about the views and programs of presidential candidates in a fair, honest and accurate manner. They should avoid from inserting private standpoints, biases, and unnecessary positioning."

Mr. Sancharaki also requested other presidential candidates, who want the share their views with people, to build a friendly relation with media to reach their objectives.

Mr. Sancharaki believes that a friendly, defined, accurate, and mutual relation between media and presidential candidates can benefit transparent information delivery and increasing the level of public awareness in Afghanistan.

After the fall of Taliban regime in 2001, Afghanistan is now among the countries where multiple media are active including mass, party, private, and commercial media. Public and some of the candidates are concerned that party media will not consider fairness and balance in their coverage of election campaigns.

A number of presidential, while concerned about activities of party media, request from those in charge of such media to remain impartial and fair and avoid partial broadcasting/publishing.

Sancharaki says in this regard: “Party media should remain impartial on election issues to the extent possible.”

Media Watch also asked for other candidates’ to comment on the issue, but they preferred to share their views while remaining anonymous until the election campaigns kick off.

According the Independent Election Commission’s calendar, the campaigning period for presidential candidates as well as for provincial councils’ candidates is beginning on Feb 02, 2014 and ending on April 02, 2014. Therefore, any election campaigning before the designated time is considered illegal.

On the other hand, Dr. Raheen, the Minister of Information and Culture, stated that candidates and media need to wait until Nov 16, 2013 when the Independent Electoral Commission announces the final list of candidates.

At the same time, candidates for presidential election consider the existence of the Media Commission of the Independent Election Commission and believe that it have a difficult and heavy task ahead of it.

A member of Dr. Zalmai Rasool’s Election Campaign Team told Media Watch that their Team does not want to talk to any media channel until Nov 16, 2013 and asked other candidates to remain committed to the same principle.

Faazel Sancharaki from Dr. Abdullah’s Election Campaign Headquarters says that the mentioned Commission should highly observe media particularly government-run media.

Media Watch at Nai Supporting Open Media in Afghanistan demand from all presidential as well as provincial councils’ candidates to remain committed to the effective laws of the Islamic Republic of Afghanistan while they campaign and to establish a sound relation with media and journalists. We also demand from Afghanistan media to remain committed to the laws and accepted journalistic principles while covering the candidates’ programs.

Traffic crowd in Kabul has hindered the principle of speed in journalists' works

A number of journalists in Kabul say that traffic crowds have caused delays in reaching their news sources and thus lost keeping committed to the principle of speed in their work.

These journalists say that they are usually late in their appointments with their sources due to traffic overcrowd in Kabul city and this makes their media director angry.

Nawid Ahmad Barakzai, a journalist at the Pazhwak News Agency, told Media Watch: "When an incident takes place journalists are supposed to reach the location the quickest and gather the facts about it. But due to traffic crowd, we cannot usually have a quality and on-time coverage of the incidents."

Noorullah Shayan, a journalist at the Ariana Television, told Media Watch: "Journalism requires speed. When an incident erupts, journalists are supposed to reach the area in the shortest amount of time and broadcast their reports to citizens which expect to receive essential information on the subject in a determined time."

Shayan continued: "Traffic crowd has not only affected journalists' works but also transportation of all citizens of Kabul."

At the same time, Dastgeer Hozhabr, founder of Raah-e-Aayenda Weekly, told Media Watch: "close competition among media required media directors to broadcast/publish important incidents of the day without wasting any time. So they are also right in doing so."

He called traffic crowd a common problem across the country and asked journalists to set necessary arrangements with their news sources.

Media Watch writes that journalism profession does have many difficulties including lack of access to information, delays from some news sources' side to attend interviews and recently traffic crowd as well.

A solution to this challenge is to make all necessary arrangements with the sources in accordance with traffic crowd and possible roadblocks. We also demand the Traffic Department to further their endeavors to resolve this problem. Each minute of each citizen lost on the streets will greatly harm economy and journalists will not make an exception.

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 .

For more information on Media Watch project please contact our team at:

Mohammad Saber Fahim
Media Watch Senior reporter
saber.fahim@nai.org.af
saberf4@gmail.com

Cell# +93 (0) 700-266-727

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

Note:

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