

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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The year 2013 was a difficult year for Afghanistan's journalists. The Media Watch at the Nai Supporting Open Media in Afghanistan recorded 76 cases of violence against journalists in Afghanistan. The State of Afghanistan committed most of the violent incidences. Taliban, NATO forces and [local] powerbrokers followed.

Journalists also faced other problems in 2013 including lack of the Access to Information Law, intra-organizational problems and challenges, the influencing by some media owners on their entities, and referring by powerbrokers of media dossiers to the Attorney General's Office.

The Mass Media Law predicts establishment of Media High Council and Mass Media Commission to assess media violations and to plan major media and publishing policies.

The Council has been active for the past four years without participation of journalists' elected representatives. During the initial days the council compiled a publishing policy plan that contained a repetitive content with vague and undefined terms. Nai Supporting Open Media in Afghanistan criticized the policy plan and send it back to the Council.

On the other hand, the Council compiled its publishing policy without consulting with media experts and institutions which was never accepted by journalists and media entities. In spite of clear provision in the Mass Media Law on the establishment of Mass Media Commission, the latter has not been established yet.

The Ministry of Information and Culture's neglecting of lay has encouraged other institutions such as the Attorney General's Office and the National Directorate of Security to directly target media.

Media have recently received two letters from the Office of the Attorney General and the National Directorate of Security. While the letters carry sound content, the very action of the two institutions to directly addressing the media has created concerns and confusion among the media community in the country as the mentioned two organs are literally fulfilling the duties of the Media High Council and the Ministry of Information and Culture. The latter should gather all essential information in regards with media and inform other interested governmental organizations accordingly and legally.

Transparency and not being used by foreign intelligence organizations are mandatory for media, yet these topics should be raised through legal channels. The National Directorate of Security has the right to identify the financing sources of media, but it needs to acquire such information

through responsible references, not through directly asking media to provide such information. This intimidates media organizations.

On the other hand, the media also has the responsibility to try their utmost to produce and publish programs and reports in accordance with the effective laws of the Islamic Republic of Afghanistan as well as their professional code of conduct including impartiality and refrain from preaching violence and hate.

Not abiding by the public interest or preaching ethnic supremacy and stirring religious differences by media can put into risk the entire [political] process ongoing in the country. It is possible that media face more problems after the Presidential Election. However, if the upcoming government shows more commitment to institutionalize freedom of speech, then media will face a better situation. The media should be prepared for both scenarios.

With all said above, the current issue of Media Watch contains the following topics:

- 1. Nai's Media Watch's annual report (Afghanistan: A Country without the Law of Access to Information and a Dangerous Place for Journalists)**
- 2. Suspension of Zhwandoon Private Television's broadcast**
- 3. Submission of unified suggestions from media, civil society, and Internet [digital?] sector to the Ministry of Telecommunication**
- 4. Concerns from increase in the Government's pressures on the media**
- 5. Gathering of journalists from Afghanistan, Tajikistan and Pakistan in Kabul**
- 6. Asia Times joined Afghanistan media family**
- 7. Appreciation for publishing of Kodak-e-Afghan magazine**

Afghanistan: A Country without the Law of Access to Information and a Dangerous Place for Journalists

The 2013 report of the Media Watch at the Nai Supporting Open Media in Afghanistan shows that there was 76 cases of violence against journalists registered in this organization which shows an increase compared with previous year's figure which was 69.

This report has classified the incidences of violence against journalists as following:

Murder:	3 cases (50% increase)
Injury:	7 cases (22% decrease)
Custody:	6 cases (100% increase)
Beating:	34 cases (79% increase)
Threat and insult:	26 cases (27% decrease)

There were three journalists murdered in 2013 due to their occupation in the reporting and media [sector]. Samani Donya Zakeri, a female journalist in a local medium in Parvan province, was one of them. She was mysteriously murdered and her dossier has not been assessed by the relevant organs yet.

Ms. Zakeri's family insist that intoxication with gas has been the cause of her death, but her colleagues state that she was under pressure from her family to leave her work at the media [sector].

Also, another victim, Mr. Mohsen Hashemi, who was working at a local radio station in Kapisa province, is claimed to be killed by his family which opposed his working with media. His body was found in a well.

Police arrested three brothers of Mr. Hashemi who were accused of murdering him. One of them was clearly proved innocent and released while the other two were proved guilty in the first trial but were later pronounced innocent in the appellate court. The dossier is currently under reinvestigation.

The third victim, Mr. Mozamel, was a reporter for a local radio in Jalalabad city and a student at the Kunduz University was abducted by unidentified armed persons in Kunduz province 20 days before his body was found in the outskirts of Aliabad district. Police has not disclosed sufficient information about the case and emphasizes that investigations are currently going on.

Other types of violence including beating, temporary arrests, threatening, and insulting journalists continued in 2013 and hit 76 cases.

The accused sides in these cases include Taliban, government employees, ordinary citizens and private sector employees. In some cases, demonstrators have also beaten journalists.

On the other hand, the media's influence on reforms has not hit a higher figure (about 2-3%), whereas publishing investigative and critical reports has created a lot of headaches for journalists and media.

Referring powerbrokers' complaints of media to the Office of Attorney General and courts constituted the main problem that journalists and media encountered in 2013. The illegal Commission for Assessment of Media Violations at the Ministry of Information and Culture acted as a supporting organ to state authorities and powerbrokers rather than an impartial side or supportive of media and journalists.

The Law of Right to Access Information has not been approved yet. While the government confirmed it in the cabinet's meeting, yet it has not sent it to the House of Representatives.

Journalists faced the problem of lack of access to information in 2013 as they did in previous years. Lack of this Law prevents journalists from producing investigative reports.

Intra-organizational problems and challenges were intense in 2013. Contracts in media, particularly in visual media, have been signed in contrast with the Labor Law.

Owners of private media have acted mainly as absolute masters and whenever wanted, dismissed journalists and their media employees. The Ministry of Information and Culture has been silent so far.

A number of journalists were fired without their rights being considered. Based on their illegal contracts, some media have complained against journalists who left their jobs. The Occupation Regulation that was provided by the Nai and other media institutions was submitted to the Ministry of Information and Culture which has yet to approve it. Journalists in Afghanistan have no other benefits other than their monthly salary.

Some media owners' intervention and influence [in the affairs of their entities] have disrupted standard work and performance [procedures]. Also using media as instruments for certain political-ethnic interests has been intensely going on which has stirred a number of ethnic tensions.

Intervention by some state institutions [in the affairs of media] to draw limits for the latter's activities has created concern [in the media community]. The Ministry of Information and Culture has so far overlooked the issue.

On a separate note, the Afghanistan Journalists Federation, constituted of nine media organizations and unions, was established in 2013. This is the first step [in its kind] to facilitate coordination among journalists and media in the country.

On the other hand, four television [stations], 11 daily papers, 24 weekly papers, two monthly papers, one periodical, two publications and one magazine started to broadcast and publish in Afghanistan in 2013. Currently a total of 100 TV stations including sate TV stations in the capital and provinces, 175 private radio stations, 200 print media and 12 news agencies operate in Afghanistan. These figure show the development and expansion of media, a sector which is still growing, in the country.

With regards to the current situation of media, the Nai Supporting Open Media in Afghanistan has concluded its report with the following suggestions:

- Given that members of the National Assembly are in winter vacation, Nai requests from the President of Afghanistan to approve the draft Law of Access to Information as a legislative stature. The National Assembly should approve the draft Law before the upcoming presidential election so that journalists can produce and publish complete reports in the light of this Law.
- Responsible institutions should re-enter the dossiers of murdered journalists, which have been abandoned in the past 12 years, into the legal mechanism so that they pass through appropriate procedures until the involved perpetrators are identified and punished.
- The Nai Office, also requests from the Ministry of Information and Culture that in cooperation with Nai and other journalistic entities prepare the Media Violations Law and then send it to the National Assembly.
- The Ministry of Information and Culture should have the Council of Ministers approve the Occupational Regulation for Journalists so that the latter can solve their intra-organizational problems.

- Security bodies should commit themselves to the security and immunity of journalists. They should not only refrain themselves from committing any violence against journalists, but also prevent public and other government institutions from committing violence against journalists.
- Journalists should strictly abide by legal standards, professional principles, and Independent Election Commission's fundamentals of conduction during the election process.
- Owners of media entities in Afghanistan should assist in heightening motivation among journalists for standard professionalism through adjusting their contracts and benefits in accordance with effective rules. They should refrain from any intervention in the affairs of their [respective] media entities and respect the independence that media and the journalism sector need to operate in.

The Commission for Assessment of Media Violations and Complaints has issued a ban to Zhwandoon private TV broadcast. However, the TV has still continued to broadcast.

Recently, three participants in a roundtable organized and broadcast by Zhwandoon TV on the Law of Citizenship and Registration of Citizens, presented anti national unity analyses and explicitly attacked on non-Pashtun ethnic groups, provoked sensitivities of other ethnic groups.

General Abdul Wahed Taqat, Bemellah Afghanmal, and Ismail Yoon were the three participants in this program at the Zhawndoon private TV.

Mr. Abdul Wahed Taqat insulted non-Pashtun ethnic groups using ugly and sharp words in the program. He stated that this country belongs only to one ethnic group and all others are strangers. These words provoked citizens who protested in demonstrations later.

Hundreds of citizens protested against Mr. Taqat's statements and demonstrated in front of the country's Parliament on Saturday, Dec. 7, 2013. The demanded prevention of such insults aimed at ethnic groups, ban of Zhwandoon TV broadcasting, and trial of all three participants in the program.

Following the protesting demonstration, Basir Aziz, the spokesperson for the Attorney General's Office told BBC Persian Services that Ismail Yoon, Abdul Wahed Taqat, and Besmellah Afghanmal have been summoned to the Office of the Attorney General for investigation.

Mr. Azizi added: “In the Zhwandoon TV’s roundtable, anti-national-interests opinions were expressed. The Office of the Attorney General, as the tribune institution for all peoples of Afghanistan, is responsible to investigate criminal topics raised in media.”

Also reacting to this case, which was called by the people as anti-national unity and direct attack on the country’s ethnic groups, the Commission for Assessment of Media Violations and Complaints decided to suspend the Zhwandoon TV’s broadcasting. The latter, however, has still continued to broadcast.

Wahidullah Gharwal, the spokesperson for the Commission told Media Watch that the Commission has issued the suspension order for Zhwandoon private TV. “We are now waiting for the executive organs to act,” added Mr. Gharwal.

Some experts believe that the Zhwandoon TV is supported by some political circles within the government and relying on such a support defies the Commission for Assessment of Media Violation and Complaint’s decision.

Dastgir Hozhabr, media affairs expert, says: “There are hidden hands involved behind Zhwandoon TV’s continuing of their broadcasting.”

Nai Supporting Open Media in Afghanistan believes that such problems in the media community emerge mainly due to the absence of Mass Media Commission, not yet established by the Ministry of Information and Culture.

Nai Supporting Open Media in Afghanistan requests from media, journalists and experts who make commentaries in media, to obey the principles of citizenship rights, law and ethical standards, to prevent blurring public opinions, and therefore to avoid legal and judicial organs aiming at media.

The Nai Office believes that the right to free speech is not limitless and is rather conditioned on legal limitations. Any opinion carrying insults and aiming at dividing the country’s citizens are against the spirit of free in violation with the internationally accepted rules of free speech. Media should represent national unity and a sphere for preaching democracy, human rights and tolerance.

Worth to mention is that the current situation is [largely] due to the absence of an independent professional investigatory institution. This has taken the media community toward chaos. Regretfully, based on known but untold reasons, the Ministry of Information and Culture has shown no intention to establish the Mass Media Commission as the Law demands. The

Commission for Assessment of Media Violations and Complaints' continuing to function is itself in violation with the Mass Media Law. Its decisions, therefore, bears no legal credit. This causes some media to see themselves in an observatory vacuum and sometimes violate the Law.

Continuation of expressing irresponsible opinions, preach of hatred and violence and conduction of illegal arrests all blur the future of freedom of speech in the country. The freedom of speech gets institutionalized under the rule of law. It is feared that on the eve of election, the government starts closing down of media and arresting of journalists which can play an important role in the process. This will harm the achievements of the democratic system gained over the last decade.

The Nai Office, once again, requests from the Parliament to make the Ministry of Information and Culture to establish the Mass Media Commission in accordance with law. This will stop illegal arrests as well as save the media community from sliding into chaos. Otherwise, illegal actions, no matter from what side, will mainly victimize the freedom of speech.

Unified suggestions and opinions from media, civil society and Internet sector submitted to the Ministry of Telecommunication to be included in the Policy of Information Technology and Internet Use

The Nai Supporting Open Media in Afghanistan, ATOSSA, NESPPA, NEICTA, Khana-e-Farhang, The Lawyers Association, IHUB, NGC, and a number of journalist have worked on this suggested package.

Sidiqullah Tawhidi, director of Media Watch at Nai Office, submitted this package to the Ministry of Telecommunication during a press conference at Nai on Dec. 4, 2013 stated that the current Information Technology Policy is not [adequately] responsive to the current demands and needs to be revised.

He added that the suggestions included in the package contain the followings: prevention of filtering websites and social media, no intervention into private sphere and information, qualitative and quantitative expansion of access to Internet, establishment of diverse space for Internet, and membership of a civil society member in the Administration for Regulation of Telecommunication Services.

Mr, Tawhidi says: “The process of observing information technology and Internet should be jointly conducted with media and civil society organizations.” According to Mr. Tawhidi, the package has been prepared by a joint task group and information technology experts.

Meanwhile, Emal Marjan, Deputy Minister in Information Technology Affairs who participated in the press conference, while receiving the package, stated: “We will assess the suggestions submitted by Nai and other organizations, and after comparing them against the laws of the Ministry of Telecommunication, we will include them into the Policy.”

The Deputy Minister added that his administration has received opinions and suggestions from all governmental and private institutions and started to work on the Policy. He expects that the Policy will be finalized in two months.

He continued to add that the office of the deputy minister in information technology affairs is responsible for developing and expanding information technology in the country, preparing Policy, standard and activity framework, establishing of electronic administration in the country, establishing of Afghanistan National Information Centre and regulating and assessing the network’s security systems. He said that his office will do everything to support and enhance all these activities.

Recognizing Mr. Marjan’s services in expanding of information technology and Internet in the country, the Nai Supporting Open Media in Afghanistan awarded him with a certificate of appreciation.

So far the Mass Media Law has not specifically and clearly addressed special cases in using information technology and Internet. This has caused problems in this field which will be solved by finalization of this Policy. It will standardize and legalize the use of Internet in the country.

Nai Supporting Open Media in Afghanistan: We support enforcing the law only through legal mechanisms defined in the law

Nai Supporting Open Media in Afghanistan is concerned about the government's increasing pressures on media. Nai officials say that the recent statement by the National Directorate of Security and the letter by the Office of the Attorney General addressed to media imply an increase in the government's pressures on this sector.

The Office of the Attorney General published a statement on Dec. 23, 2013 in which it urged that if any media broadcast against the national interests will from now on face serious legal encounter.

The statement stated that a number of media, without being specifically mentioned, broadcast/publish against national interests. It advises that using the freedom of express atmosphere they should not broadcast/publish such programs.

Another part of the statement reads: "As it has been seen, some visual, audio, and print media are misusing freedom of speech, violating the law and ethical frames, preferring private and group interests and acting against national interests, and violating the Mass Media Law and the Constitution."

This statement warns such media that from now on the violators will face legal action against them.

On the other hand, another letter published by the Directorate of National Security reads: "To ensure transparency in the works of media and in accordance with sections two and three of article 26 of the Mass Media Law, all visual media, who have obtained license and operate in the capital or in provinces, are respectfully requested to send [to the DNS] through the Ministry of Information and Culture, information with regards to the status of their license, annual financial sources from the beginning until now, biographies of their domestic and foreign employees including copies of the latters' passport, visa and employment authorization."

Nai Supporting Open Media in Afghanistan emphasizes that such requests should be made through [appropriate] legal channels.

Abdul Mojib Khalvatgar, Executive Director of Nai Supporting Open Media in Afghanistan stated in a press conference: "We support enforcement of law from both sides – the media and the government."

Mr. Khalvatgar continued: “We believe that the Ministry of Information and Culture has not enforced the Mass Media Law. In particular, it has not established the Mass Media Commission yet. The absence of this Commission as well as the overall neglect of Law by the Ministry of Information and Culture has left other governmental organizations in confusion and let them directly engage with media.”

Mr. Khalvatgar added that despite four years of continual violation of Mass Media Law by the Ministry of Information and Culture, we request them one more time to establish the Mass Media Commission. He added that any kind of engagement from any governmental organizations including the Directorate of National Security and the Office of the Attorney General should be conducted through the Ministry of Information and Culture.

Meanwhile, in a recent statement, the Afghanistan National Journalists Union has stated: “Enforcement of law is essential and we deeply respect the rule of law in the country. But we are concerned about selective engagement with media and journalists under the veil of law enforcement.”

As said in their statement the Afghanistan National Journalists Union believes that lack of a clear media policy in the country which should be devised by the Ministry of Information and Culture, has created obscurity with regards to the limits of the freedom of speech.

At the same time, the letters that the Directorate of National Security and the Office of the Attorney General have sent to media ask the latter to regard national interests in their reports and programs. This is a rather rational request particularly with regards to some media entities. Yet the State of Afghanistan is responsible to first define the national interests and then seek to enforce them.

Nai’s Media Watch believes that media are not clear of shortcomings and problems in the country. But the solutions are only in enforcing the laws. We demand that both media and the State of Afghanistan operate in accordance with effective laws of the country. Whenever a media entity violates the law, the Government and the State of Afghanistan should act and investigate the violating media entity in accordance with law.

If the Mass Media Commission and the Media High Council, as indicated in the Mass Media Law, were already established in the past four years, the governmental organizations did not need to obtain information directly from the media today. In fact, compiling

publishing/broadcasting policy as well as assessing the financial sources of media is among the duties assigned to the Media High Council, not to any other governmental entity.

Journalists from Afghanistan, Tajikistan and Pakistan gathered for regional understanding

A two day conference of journalists from Afghanistan, Tajikistan and Pakistan, titled Role of Media in Mutual Understanding in the Region, was convened in Kabul. The aim of the conference was to promote regional understanding among the journalists of these countries.

The conference was organized by Mediothek and continued for two days. Semeen Ghazal, the deputy minister in publishing and broadcasting affairs, told the audience that media can play a significant role in strengthening relations among the countries in the region. She continued: “Media as an effective tool can bring nations from around the world closer to each other and strengthen tolerance among people. Media can inform the nations of the world about one another through accurate reporting.”

The political attaché of the German Embassy in Kabul told the conference participants that Afghanistan has made considerable progress in media sector and this opportunity should be used to solve problems.

Mr. Sidiqullah Tawhidi, Director of Media Watch at the Nai Supporting Open Media in Afghanistan, stated to the participants of the conference: “We can identify the roots of the conflicts among countries and work on this together. Joint work based on the public interests of the peoples of these three countries can well pave the ground for regional integration and coexistence.”

On the other hand, journalists from Afghanistan and Pakistan believe that the mistrust between the two countries has grown wider than any time ever and media should play its role in preventing the gap from growing further and in bringing back the two nations closer to each other.

Salman Abed, a writer and journalist from Pakistan, said in the conference that today it should be clarified that what role can media play in bringing peace in the region.

Tajikistani journalists spoke on the regional challenges and problems in the conference.

Ustaad Dawlatof Rahmat Karim, Chief Editor of the Mellat Daily from Tajikistan said that media can create regional understanding among the peoples of these countries as well as they can destroy relationships.

The conference on the role of media in creating regional understanding is convened at a time when negative opinions on cooperation between Pakistan and Afghanistan exist in both countries.

Participating journalists from Afghanistan intensely criticized the Pakistani State and journalists. They accused Pakistani media of supporting the Pakistani Inter-Services Intelligence (ISI). They demanded from the Pakistani media to stop referring as martyrs to the Taliban killed in Afghanistan. Journalists from Afghanistan believe that such behavior from Pakistani media has encouraged Taliban fighters [to fight] in Afghanistan.

Journalists from four zones of Afghanistan read the messages from their local colleagues and mentioned the challenges and problems that they face in their areas.

The conference concluded with the following [general] suggestions:

1. Creating integration for celebration of Nowroz festival
2. Establishing a joint federation of journalists and writers from all three participating countries
3. Establishing of a joint university and media outlet for the three participating countries
4. [Allowing] further facilitation in issuing visas for journalists in all three participating countries

At the end of the conference there were more specific suggestions directed to the states and media entities of these three countries.

Suggestions for media entities in Afghanistan, Tajikistan and Pakistan:

1. A joint regional institution for discussion and research should be set up among these three countries.
2. Joint media activities should be institutionalized in these three countries.
3. Sensitive and harsh subjects and reports should be prevented to reflect in media in these three countries.
4. In an effort to strengthening change in the public as well as politicians' perspectives, media reports should further focus on people's interest in these three countries.

Suggestions directed at the States of these three countries:

1. States should skip short-term interests and prioritize instead their regional and long-term interests including economic, cultural and social issues.
2. States should facilitate journalists' travels across these three countries (immediate issuance of visas).
3. Media in-charges and journalists should be consulted for their opinions and thoughts on regional policies.

Conferences similar to this one have previously been held in Kabul which beard no favorable results and the participants forgot about their commitments as soon as they returned to their home countries.

Nai Supporting Open Media in Afghanistan considers the convention of such conferences fruitful for both the public as well as the journalists in these three countries. Nai believes that media can play the best role in creating regional integration. Such conferences can be very beneficial only if the participants hold on to their commitments that they have made and agreed upon.

Asia Times published its first issue

Asia Times published its first issue in eight pages covering domestic, international, political, economic, social and cultural events.

Dr. Sahra Karimi, chief editor of this biweekly stated in a press conference at the Afghanistan National Journalists Union: "Asia Times is completely independent and has no connection with any group."

Fahim Dashti, executive chair of the Afghanistan National Journalists Union said: "Today I found topics in the pages of Asia Times that are different from other media."

Mr. Dashti said that it is very difficult for newly initiated media to have new content.

Meanwhile Mr. Sidiqullah Tawhidi, director of Media Watch at the Nai Supporting Open Media in Afghanistan also participated in this conference and said: "We need good print media and the place for a media outlet to invite its readers to think was long empty."

Dr. Mohammad Shafaq Khawati, editor in chief of Asia Times said: "we will try to follow thought streams in Asia Times and hope that it turns to a daily.

Nai Supporting Open Media in Afghanistan congratulates the Asia Times staff and requests them to abide by standards and principles of journalism profession while reflecting realities in the society.

The place for analytical and investigative features is empty in print media in Afghanistan and this shortcoming has contributed to low levels of readership for print media. We hope that Asia Times can contribute in filling this void and attract more readership from enlightened and students.

Why youth under 18 are not allowed to obtain publishing license in media sector?

Nai Supporting Open Media in Afghanistan appreciated media achievements of Hasina Moaser, the chief editor of Kodak-e-Afghan (The Afghan Child) magazine and the youngest media manager in the country. In this event, Ms. Moaser who is still under 18 years old, requested from the State of Afghanistan to allow issuing of publishing license for children magazines as well as for youngsters under 18.

Mr. Sidiqullah Tawhidi, director of Media Watch at Nai Supporting Open Media in Afghanistan said: “I wish a clear and bright future for Ms. Hasina Moaser. In the early days of her work she proved that she has done a great deal in the media sector.”

Mr. Tawhidi added that in spite of her young age, she has showed us through choosing the colors, pictures, and topics for Kodak-e-Afghan magazine that she has a strong potential.

Ms. Moaser, the founder of Kodak-e-Afghan magazine said: “The difference between us and others is that we work for the people, for raising their awareness and this is a huge spiritual privilege.”

“I will try my best to informing the children of my country, even if it costs my life,” added Ms. Moaser.

Nai Supporting Open Media in Afghanistan considers the publishing of Kodak-e-Afghan magazine, which is exclusive to children, a serious need for the citizens of Afghanistan. it will benefit growing of children’s capabilities as well as expanding their minds.

Nai request this magazine to play its crucial role in building personalities of Afghanistan’s children through publishing valuable and beneficial topics.

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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