

Nai Supporting Open Media in Afghanistan



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Nai Supporting Open Media in Afghanistan

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Media and Journalists face multiple problems in Afghanistan. In spite of lawful supports, journalists still face obstacles including lack of access to information, lack of personal safety and professional protection, and are continuously affected by media intra-organizational problems. Therefore, they ask the National Unity Government to take measures to bring an end to these problems and support both journalists and media.

October 2014 was full of challenges and violence against journalists. Media Watch at Nai Supporting Open Media recorded 20 cases of violent against journalists in Afghanistan in October 2014. Only at Baghlan-based local radio station Khoshi, police unlawfully halted its broadcasting and detained eleven journalists and staffs after initial complaints from local clerics (mullahs).

In another incident, a mullah beat photojournalist Mr. Massoud Hossaini while he was taking photos and reporting on the reopening of Café Honar in Kabul. In a separate incident, two unidentified motorcycle riders stopped and stabbed Mr. Royeen Rahnosh, Persian Chief Editor at Khama Press, at the center of Kabul city while he was going home in the evening. Further, security forces beat Mr. Noor Ahmad Payeez, a presenter of morning programs at Khorshid TV, in Kabul. Finally, Mr. Mahboobshah Mahboob, local reporter for Pazhwak News Agency in Ningarhar, survived an attack when a mine, placed behind his house's entrance, exploded before he reached home. The explosion caused damage to his house.

Both leaders of the National Unity Government, President Ashraf Ghani and Chief Executive Abdullah Abdullah vowed during their political campaigning to seriously support freedom of speech and media and identify and bring to justice perpetrators who committed violence against journalists. However, ever since the National Unity Government has been formed, violence against journalists has been in increase and the government does not seem to take action.

Not only that the new government has not identified and arrested violent perpetrators against journalists, but at least on one occasion, a media entity has claimed that a district police chief in Kabul City encouraged a number of vendors to gather in front of their building, chant slogans and disturb their broadcast.

In another incident, a number of visual and print media have violated Mass Media Law and journalism ethics by broadcasting and publishing pictures and disclosing the identities of sexual violence victims while interviewing them. This has compromised the interviewee's prestige and social dignity.

Article 45 of Mass Media Law indicates that "disclosure identity and broadcasting of pictures of the victims of violence and rape in a way to damage their social dignity" is not permissible.

If those media do not stop such violations of the Law, on the one hand by disclosing the identity of victims of violence against women and especially of rape, they make it even harder for the victims to get along in the conservative society of Afghanistan. On the other hand, they cause a major harm to the credibility of media in the country and provide enemies of freedom of speech with yet another pretext to further their pressure, threats, and violence against journalists and media.

Journalists and advocacy organizations for freedom of speech expect the National Unity Government to seriously act against perpetrators of violence against journalists and bring them to justice. If it fails or deliberately abstains from ruling the law then all of its good governance and anti-corruption programs will come under shadow and it will lose its popularity in the eyes of the public.

The current issue of Media Watch newsletter contains the following titles:

- 1. Police stopped broadcast of Khoshi local radio station in Baghlan province and detained all its staff**
- 2. A Khama-Press Chief Editor injured in an attack in Kabul city**
- 3. Nai Supporting Open Media in Afghanistan expressed concerns over the 18 cases of violence against journalists recorded only in two weeks**
- 4. A Pazhwak News Agency reporter escaped an attack**
- 5. A mullah beat photojournalist Mr. Massoud Hossaini**
- 6. Incited vendors demonstrated in front of 1 TV building**
- 7. Balkh police arrested the alleged killer of Ms. Palwasha Tokhi, former journalist of Radio Bayan e Shamal**
- 8. Nai: Stop publishing or broadcasting images of violence and rape victims**
- 9. Demands of Afghanistan journalists' community from the country's new President**

Police stopped broadcast of Khoshi local radio station in Baghlan province and detained all its staffs

Baghlan police raided office of Khoshi radio station in Central Baghlan district, Baghlan province, ceased its broadcast and detained all its 11 staffs on October 9, 2014.

Baghlan police conducted the raid apparently after local mullahs' complaints and criticism about the radio's broadcast. Police claimed the reason behind the raid was to protect the radio's staffs. Nai Supporting Open Media in Afghanistan contacted the Ministry of Interior and learned that police released six staffs of the local radio station after 24 hours and five other staffs after 48 hours past the incident. The radio's broadcast is still halted.

Mr. Raaz Mohammad Rahimi, broadcasting director of Khoshi radio in Baghlan told Media Watch: "After a rhetorical mistake by one of the radio's presenters in a satirical program, Baghlan police raided the station, ceased its broadcast, and violently detained all staffs."

The station's broadcasting director said that the station broadcast political programs in the past which, through disclosing information, made a number of individuals upset. These upset individuals were looking for pretexts, and found one, to press the station. Mr. Rahimi called the incident of stoppage of his station's broadcast and detaining of his staffs politically motivated and further said about the troublesome satirical program: "Our satirical play, which was broadcast on the first day of Eid-al-Adha feast, in fact defended the right of mullahs by reminding the audience that the skin of their sacrificed animals belong to mullahs. But the conversation between the two roles in the play, a mullah and an ordinary citizen, apparently made mullahs angry."

Media Watch at Nai Supporting Open Media in Afghanistan called police's raid into the local radio station, stoppage of its broadcast and detaining of all its staffs in violation of Afghanistan laws. In a press conference and through a press release, Media Watch demanded from the Ministry of Interior to immediately release the detained staffs and pave the way for reopening of the state and start of its broadcasting activity.

Mr. Sediqullah Tawhidi, Media Watch Director, said in the press conference: "Unless authorized by a proper court, police have no right to stop a radio's broadcast and detain its staffs." According to Afghanistan laws, only an appropriate court can issue the warrant to cease a media entity's broadcast or publishing activities.

However, Baghlan police claimed that they stopped the radio's broadcast and detained its staffs only to protect them and ensure their safety.

Baghlan police chief commander, Mr. Aminullah Amarkhel, told Media Watch: “A number of local mullahs and residents who considered themselves insulted by a radio’s satirical program, protested. But there were opportunistic individuals among them who carried gallons of fuel to burn the station. Police only intervened to protect the radio staffs and ensure their safety, whom they treated as guests.” Mr. Amarkhel also added that radio Khoshi journalists are not fully familiar with professional journalism and do no more than only insulting mullahs.

But radio Khoshi staffs reject claims made by Baghlan police chief commander and assert that they have received professional training and have never intended to insult any one.

Mr. Rahimi, broadcasting director of radio Khoshi told Media Watch: “The problems with mullahs were all solved through discussions. But after we reflected in media on the incident of stoppage of our broadcasting and detaining of ours staffs by the police, Baghlan police has renewed their pressure on radio Khoshi and summoned us all back to the police office.”

Media Watch at Nai Supporting Open Media in Afghanistan calls on the government, in particular on Baghlan provincial police, to allow and assist radio Khoshi restart its broadcast. Police is in charge of rule of law not breaking it.

Ceasing a media station’s broadcasting without any appropriate court warrant will obscure public opinion on the actions of government officials and will overshadow their positive activities. Therefore, Media Watch asks Baghlan authorities to allow and assist radio Khoshi to restart its broadcasting before society and particularly local community take a negative image of their activities. Even Baghlan police’s claim that they have ceased radio Khoshi’s broadcasts and detained its staffs to ensure their safety is unlawful. Police is charged with protecting the safety of journalists everywhere and not in their custody.

People and journalists expect the new government to support freedom of speech as the laws of the country dictated and to punish perpetrators who violate the laws and try to limit freedom of speech.

A Khama-Press Chief Editor injured in an attack in Kabul city

Unidentified motorcycle riders attacked Mr. Royeen Rahnosh, Persian chief editor of Khama Press, in Kabul when he was on his way home from the office on October 12, 2014.

After Mr. Rahnosh noticed that four motorcycle riders were following him between Sarsabzi square and Market-e-Mewa, he stopped and asked them what they wanted. The men attacked Mr. Rahnosh, beat him, stabbed him in the arm and escaped the scene.

Mr. Rahnosh told Media Watch: “I did not know those individuals who attacked me. I have never had any atrocities with anyone in the past.” Mr. Rahnosh said that the attack seemed to be preplanned. Neither Mr. Rahnosh nor his colleagues reject the possibility of a link between the attack and his journalistic works. M. Khoshnood Nabizada, Director of Khama Press, told Media Watch: “Mr. Rahnosh has been working on the case of Kabul Bank corruption and other important issues in recent days.”

Although Kabul police started investigation of the incident, no news of any advances in their investigation has emerged in the past two weeks.

Mr. Sediq Sediqi, spokesperson of the Ministry of Interior, told Media Watch: “Ministry of Interior has strongly condemned attacks on journalists and has tasked police forces to identify and arrest perpetrators of violence against journalists.”

M. Sediqi also emphasized that during their training sessions, the Ministry of Interior has always informed police forces about the rights and responsibilities of journalists and has explained to them to properly behave with journalists.”

Media Watch has registered 18 cases of violence against journalists in the past two weeks which shows an increasing trend. Nai Supporting Open Media in Afghanistan is concerned and calls on the government of Afghanistan to take essential measures to reverse the trend.

Media Watch strongly condemns the attack on Mr. Rahnosh and calls on police to identify and arrest the perpetrators as the Ministry of Interior has vowed.

The state’s neglect of cases of violence against journalists in the past 13 years has contributed to an increasing trend. The new government is expected to fully enact laws of the country and lose no time in pursuing and punishing perpetrators of violence against journalists.

Nai Supporting Open Media in Afghanistan expressed concerns over the 18 cases of violence against journalists recorded only in two weeks

Registering 18 cases of violence against journalists in only past two weeks, Nai Supporting Open Media in Afghanistan expressed its serious concerns over a rising trend in violent incidents against journalists and called on the National Unity government to prevent physical and mental attacks carried against journalists.

Mr. Sediqullah Tawhidi, Media Watch Director, told at a press conference at Nai Supporting Open Media in Afghanistan: “Eighteen journalists have been threatened, beaten, and briefly detained by state authorities, influential figures, and security staffs in different parts of the country.”

Mr. Tawhidi called on the National Unity government to pave the way for open flow of information in the country.

He also called on the government to speed up the process of addressing media and journalists’ complaints and do not let pressure, threatening and physical violence induce self-censorship in the country’s media.

Media Watch director pointed to the government’s overlook of journalists’ complaints as well as some officials’ personal grievance(s) due to broadcasting or publishing of some reports by media outlets, as main causes of increase in violent incidents against journalists.

Mr. Tawhidi also expressed his concerns about lack of cooperation from some governors with journalists and added: “Media face serious problems in this particular regard.”

A high number of journalists in Kunduz complained about the problems tha the governor created for them, especially lack of access to requested information. Recently Kunduz governor’s body guards have beaten up a number of journalists who have also claimed that the governor has been threatening them.

Twenty-one journalists based in north-eastern zone complained against Kunduz governor and sent their complaints to Nai Supporting Open Media in Afghanistan, Afghanistan Independent Human Rights Commission, and other organizations.

Media Watch director commented on the Kunduz journalists’ complaints and challenges: “Our demand from the National Unity government is to decide on the fate of Kunduz governor as soon as possible and prevent him from tyrannically governing the province by beating journalists and creating obstacles and challenges on the way of media.”

Freedom of speech, and of civil society activities are essential and inevitable in a society based on democratic values and principles. If these freedoms are taken away and open circulation of information is challenged then the very core principle of democracy will come under question and will be replaced by despotism in Afghanistan. Media Watch at Nai Supporting Open Media in Afghanistan is hopeful that the government remains sensitive on such issues, strictly defends freedom of speech and prevents unlawful activities against media.

On the other hand, Mr. Sediq Sediqi, spokesperson for Ministry of Interior told Media Watch: “The Ministry of Interior strongly condemns any misconduct against journalists and media that may arise from security forces.”

Mr. Sediqi added that Ministry of Interior is committed to support freedom of speech and journalists alongside other media advocacy and support organizations so that they can overcome such challenges. So far current year has been the bloodiest for journalists. Seven journalists have been killed in different parts of Afghanistan while a high number of journalists have been insulted, beaten, and exposed to other types of physical violence. On average three journalists have been killed each year in the country, though.

A Pazhwak News Agency reporter escaped an attack

Mr. Mahboobshah Mahboob, a Pazhwak News Agency journalist escaped an explosion near his house on October 30, 2014.

Mr. Mahboob told Media Watch that publishing of his report about presence of foreign fighters (from Chechnya and Punjab, Pakistan) among Taliban forces in Batikot district, Ningarhar province, made Taliban to plan attacking him.

He told Media Watch: “I had been threatened via phone calls before, but never took them seriously until they placed a mine close to my house’s entrance. That night I received a call from home that a big explosion had just happened close to my house. That night I was late by chance by half an hour. If I were on time, I would have been either seriously injured or killed.”

Mr. Mahboob said that a room in his house building is burnt, doors and windows were broken, and glasses were shattered all over. He also added that a child and a woman, his relatives, picked up minor injuries.

Mr. Mahboob has been working with Pazhwak News Agency for the past two years. He said that fearful of another similar attack, he has now left his home and workplace and moved to Kabul.

Mr. Haji Mohammad Ghaleb, district governor of Batikot, told Media Watch that the explosion took place at 9:00 pm via remote control and that they have started their investigation.

Nai Supporting Open Media in Afghanistan condemns the attack on Mr. Mahboob and calls on security authorities in Ningarhar to identify and bring to justice the perpetrators.

Such attacks aim to target local journalists to deprive local communities from raising their voices to the authorities.

A mullah beat photojournalist Mr. Massoud Hossaini

Mr. Massoud Hossaini was attacked and beaten while he was trying to film the encounter of local residents with journalists and publish it in social media.

Mr. Hossaini told Media Watch: “When I wanted to film reopening of Café Honar in Kart-e-3 area, Kabul, I faced a crowd of incited local residents.”

According to Mr. Hossaini, the local crowd was incited to prevent journalists from reporting on the reopening of Café Honar which was recently closed.

Mr. Hossaini, in an interview with Media Watch, described the incident in details as following: “A mullah, who seemed to be very extremist, approached me and asked: ‘what are you doing?’ I said that I was a journalist. He did not seem to pay any attention and turned more agitated. I noticed that he was not understanding my words. I wanted to enter Café Honar when this mullah punched me in the face. My face injured and my glasses broke.”

Mr. Hossaini asserted that no individual has the right to raid a place and beat journalists. He added that if there was any protest on the issue, it could have been solved through legal channels. But when a group of people attack and beat journalists in the presence of district 3 police, then it seems that there are certain people who support them.

According to some reports, the attackers on Café Honar have said that there were mosques and schools in the neighborhood and so those who do not fully dress in Islamic hijab and instead dress in un-Islamic fashion should not be allowed to pass by there.

Mr. Hassan Faazeli, a manger of Café Honar, told Media Watch that it is the Kabul city district 3 police office that has taken issue with Café. There are people who want to annoy the progressive generation under a variety of pretexts. Both managers and customers of the Café have said that police officers have incited local residents to protest against the Café.

Media Watch strongly condemns the attack on the mentioned journalist and believes that no individual or group ever has the right to beat journalists under the disguise of protest.

If district 3 police have not reacted to or stopped protestors from attacking on journalists, then it seems that there are certain hands behind the incident that need to be identified.

Media Watch calls on Kabul city district 3 police to arrest perpetrators who attacked the journalist and do not let speculations grow on alleged police support for law-breaking individuals and violators.

Worth to mention is that the same café was previously raided by district 3 police who have threatened and insulted several journalists then.

Incited vendors demonstrated in front of 1 TV building

A number of incited vendors gathered outside 1 TV building in Kabul city and chanted slogans against the TV station broadcast and personnel and in favor of police on October 29, 2014.

Directors at 1 TV claimed that the demonstrators were incited by authorities at a certain city district police office.

However, authorities at the Kabul Police Headquarters, strongly rejected involvement of police in inciting a crowd to demonstrate against a media entity.

Mr. Hashmat Stanekzai, spokesperson for Kabul Police Headquarters, told Media Watch: “No police officer or head of any police district will commit such an unlawful act. Some people said that authorities in a police district have incited a certain group, the vendors, to protest against a media entity. I totally reject this claim. No police or police district office has the authority to incite a group of people against an organization, particularly against a media organization.”

The 1 TV station broadcast a report in which a number of vendors claimed that police was bribing them in exchange for their vending lot. Afterwards, a number of vendors protested and called the report as baseless.

Nai Supporting Open Media in Afghanistan considers it unlawful to incite a group of people against a media entity – no matter who the source.

Whenever individuals, influential figures or organizations (governmental or non-governmental) incur harms from media contents and consider such material as unlawful, according to Afghanistan’s Mass Media Law, they have the right to submit their complaint to the Mass Media Commission and ask for restoration of their fame and prestige. Under no circumstances, such individuals or entities are allowed to commit unlawful acts and incite crowds against the media entity in question.

Any action passing by the legal channels, especially by governmental organizations or authorities, will undermine the law and will affect the mood of cooperation between government and media.

Balkh police arrested the alleged killer of Ms. Palwasha Tokhi, former journalist of Radio Bayan e Shamal

Police authorities in Balkh province said that they arrested the alleged killer of slain Ms. Palwasha Tokhi, 26.

Mr. Abdurrazaq Qaderi, security chief at the Balkh Police Headquarter, told media in a press conference on October 11, 2014, that they have captured the previously identified individual, Gul Mohammad, who entered the slain journalist's home to steal valuables but also killed Ms. Tokhi.

Security chief at the Balkh Police Headquarter said that the killer, who was previously acquainted with Ms. Tokhi's family, entered her home with the intention to steal valuables. After he encountered Ms. Tokhi's resistance, he stabbed her with knife and killed her. The arrested man is named Gul Mohammad.

Ms. Palwasha Tokhi, a former journalist at Radio Bayan, was mysteriously killed in her house on September 16, 2014.

Ms. Tokhi had worked as a journalist at Radio Bayan for five years before she went to Thailand to study in a two-year master's degree program. After she had finished her study abroad, she recently returned home before she was injured in her home –by a then unidentified individual- and died due to her injuries at a hospital in Mazar-e-Sharif.

Mohammad Khalil Tokhi, father of the slain journalist, told Media Watch: “When this person entered our house, I was not at home. We had no calamity against anyone. I do not understand the reason behind this killing.”

Mr. Tokhi condemned the incident and stated that so far many journalists have been killed but none of their killers have been identified and punished.

Media Watch takes the arrest of Ms. Tokhi's alleged killer as a good omen and hopes that he be tried at a just court. The government should arrest and try other perpetrators as well.

Neglecting cases of violence against journalists and leaving perpetrators free in the past 13 years has turned into a familiar pattern for the media and journalistic community of Afghanistan. The journalists' community is optimistic that the new government deal with the issue in a strict and positive manner.

Nai: Stop publishing or broadcasting images of violence and rape victims

Nai Supporting Open Media in Afghanistan issued a statement in which it asked all media outlets across the country to abstain from disclosing the identity of victims.

While reporting on a case of rape, in which a mullah allegedly raped a child in northern Afghanistan, several media outlets disclosed the identity and interview of the rape victim. This is a violation of items 7 and 8 of article 45 of Afghanistan's Mass Media Law. Media outlets should not commit such a violation.

Article 45 of Mass Media Law, item 7 does not permit "disclosure [of] identity and broadcasting of pictures of the victims of violence and rape in a way to damage their social dignity." Item 8 of the same article does not permit publishing or broadcasting of "works and material that harm psychological security and moral wellbeing of people, especially children and adolescent."

Therefore, media are banned by law from disclosing the images and identity of sexual violence and rape victims. It can severely damage social dignity of a victim in the society. In this specific case, the ten-year old child who was raped by a mullah, has already incurred a huge mental harm and publishing her image can even further damage her social dignity and that of her family.

Nai Supporting Open Media in Afghanistan seriously demands from all print and broadcast media of Afghanistan to strictly follow Mass Media Law provisions in their professional works and should produce interviews in such a way that they can fully respect and maintain the rights and dignity of the victims. If they fail to follow Mass Media Law provisions, then in the case of legal pursuit, they will not be able to defend themselves before the court.

Demands of Afghanistan journalists' community from the country's new President

Under Hamid Karzai presidency, Afghanistan legal and judicial organs failed to investigate and judge on a high volume of files and cases of violence against journalists. As a result they have all amassed in piles at the country's judiciary system. Therefore, Nai Supporting Open Media in Afghanistan demands from the new government to make adjudicating of cases of violence against journalist as its top priorities and try to bolster freedom of speech.

Mr. Sediqullah Tawhidi, Director of Media Watch at Nai Supporting Open Media in Afghanistan, said in a press conference that while the past 13 years have seen progress in expanding freedom of speech in the country, there were a high number of journalists killed; hundreds of others became

targets of violence. During this period, government and the judiciary have failed to investigate and adjudicate journalists' cases.

Nai Supporting Open Media in Afghanistan has issued a press statement in which it listed nine specific demands from the government of Afghanistan and four other from the country's media community to further institutionalize and expand freedom of speech and information across the country.

Nai Supporting Open Media in Afghanistan supports the National Unity government and expects that it consider the following points with regards to media activities in the country:

1. Establish the Mass Media Commission immediately.
2. Approve and sign into law the draft of Access to Information Law with no delay.
3. Investigate seriously all neglected cases of violence against journalists including cases of murder.
4. List safety of journalists as a top priority.
5. Restore independence of National Radio Television.
6. Appoint merited individuals as the head of media sector in the country.
7. Seek journalists' consultation in appointing Minister of Information and Culture.
8. Eliminate state work overlaps in media sector
9. Follow critical and investigative reports produced by media and bring reforms in governmental organs accordingly.

Immediately after swearing-in as the president and as the chief executive, both Dr. Ghani and Dr. Abdullah vowed to set anti-corruption campaign as one of their top priorities, Nai Supporting Open Media in Afghanistan demands from media and journalists across the country to set the following priorities in pursuit of anti-corruption and good governance campaigns:

1. Produce documented and well-argued reports on corruption, breaking the rule of law, and escaping the law. Follow up those reports until the end.
2. Produce investigative reports on cases of corruption and disclosure of the identity of corrupt officials.
3. Disclose hidden realities through professional works and remind officials of their main responsibilities.
4. Avoid partisan orientations in provision and circulation of information.

Following the mentioned points, media and journalists will stay beside the people and the state and help to provide an atmosphere of cooperation between media sector and other governmental organs. Journalists ask the National Unity government to directly support their work and the media.

Mr. Akhtar Mohammad Nekzad, an Afghanistan Times journalists, told Media Watch: “We want the National Unity government to support the journalists within the framework of law. For example, whenever a journalist produces an investigative report, he/she usually gets threatened by various individuals. The government should prevent such threats from happening.”

Further, another journalist, Ms. Sofia Ahmadzai, asks the National Unity government to approve and sign into law the draft Law of Access to Information. She also expresses her concerns over the inappropriate conditions of female journalists in the country and asks the government to ensure their security.

Nai Supporting Open Media in Afghanistan believes that Afghanistan media and journalists are a firm bridge between the National Unity government and the people of the country. So if the government would like to be in close contact with people, it should pay attention to the demands, programs, and critical views of the media. Prior to their ascendance to power, both President Ghani and Chief Executive Abdullah have provided Afghanistan media with a written promise statement. We hope that they took the provisions of that statement seriously.

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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