

Nai Supporting Open Media in Afghanistan



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

MEDIA WATCH REPORT

Volume: 68

January: 2011

Sediqullah Tawhidi
Media Watch Project Manager
Cell# +93 (0) 700 279 176
tauhidi@nai.org.af

Preamble:

The early days of 2011 have seen instances of violence against journalists in Afghanistan. These come at a time when statistics on violations against journalists in 2010 showed a considerable drop compared with 2009. However, this was not because the Afghan government acted to reduce violence against journalists; rather, Afghan journalists themselves have taken preventative action to avoid being exposed to violence. The downside has been increased self-censorship among journalists, which leads to a situation where the public remains uninformed about some events.

Censorship and self-censorship is a disaster for journalism. Journalists avoid challenges and dangers when security authorities fail to provide the safety in which they can go about their work properly without compromising their personal security.

Recent statistics revealing a lack of awareness by government officials about the nature of journalists' work is one of the biggest challenges to their work.

In fact, security forces and government officials account for a large number of cases of mistreatment and assault on journalists during 2010 and early 2011.

Ten years after the overthrow of the Taliban and the establishment of the current system, freedom of expression is still not institutionalized and the people's right to information is still being violated. While it is the responsibility of the Afghan government to ensure the right of the public to express their opinions without fear, it does not take adequate measures to ensure freedom of expression. Sometimes it even violates this important right.

Despite all the challenges ahead for freedom of expression in Afghanistan, it does exist in a very fragile, unstable and immature state. As some foreign organizations give optimistic and negative assessments of the status of freedom of expression in the country, no one should forget the untiring efforts made by journalism advocacy organizations to ensure freedom of expression and press freedom in the country.

- **Acid attack on Afghan journalist**
- **Chief editor of Sarnawesht daily arrested for two days by Attorney General's Office**
- **Misconduct of local judge alleged by Mehr TV reporter in Takhar Province**
- **Aina TV correspondent hit by traffic police officer**
- **Rah-e-Farda TV correspondent beaten in Urozgan Province**
- **Freelance journalist Hojjatullah Mojadedi freed after over four months imprisonment**
- **Mandegar Daily chief editor threatened by unidentified individuals in Kabul**
- **32 percent drop in the rate of violence against journalists in Afghanistan in 2010**
- **Freedom House report rejected by Nai Supporting Open Media in Afghanistan**
- **Seminar on Media and religious responsibilities in Kabul**
- **Analysis of the Afghan Mass Media Law**

Acid sprayed in the face of Afghan journalist and writer Razaq Mamoon

An unidentified man sprayed acid in the face of Afghan journalist and writer Razaq Mamoon on Tuesday, January 18, 2011.

Mr. Mamoon suffered severe injuries to his face and some parts of his body in the attack near his home. He was taken to Sardar Mohammad Daud Khan hospital in Kabul, and then sent to India for further treatment the next day.

His doctor said Mamoon's eyes were saved from injury because he was wearing glasses.

Journalist unions, in a press conference, strongly condemned the act and called for the arrest and prosecution of the perpetrators.

Nai Supporting Open Media in Afghanistan published a press release strongly condemning the attack as inconsistent with human values, Islamic directives and Afghan culture.



The press release calls upon the Afghan government to pursue the case seriously and punish the perpetrators.

The Afghan National Journalists' Union (ANJU) described the incident as 'horrible'.

The head of ANJU, Abdul Hameed Mobarez, said: "It is with due regret to acknowledge violence and the supporters of violence dominate in the country."

"This inhuman action shocked the Afghan media family."

"If the Afghan government had implemented the law and punished the offenders in the first place, now violence would not be repeated. Justice will not be ensured unless the government implements the law."

"We assure those who commit violence against journalists that journalists will continue to stand firm and courageous in the strongholds of freedom and they will never accept defeat."

Rahimullah Samandar, the head of the Afghanistan Independent Journalists'

Association, strongly denounced the spraying of acid in Mamoon's face:

"According to the chief of criminal investigation branch of Kabul security command, attempts were made to kill Mr. Mamoon as a knife was discovered in the crime scene suggesting that the attacker was attempting to stab him (Mr. Mamoon) after spraying the acid on him."

Mr. Samandar called upon Afghan security authorities to identify the perpetrators of this crime and arrest them. He said such violent acts served only to unite journalists.

Before travelling to India for treatment, Razaq Mamoon, said the attack on him was connected with his journalistic activities: "This attack is the action of Iran intelligence service. They had already warned me several times by some individuals and I was anticipating such an attack. I am sure Iran is behind this."

Mr. Mamoon said he had been threatened several times by Iran and Iranian agents after publishing a book entitled "Pharaoh's Footprint". However, he did not give any names.

Officials at the Iranian embassy dismissed the accusations.

Bashir Bejhan, a journalist and close friend of Razaq Mamoon, said that 'Pharaoh's Footprint' examines the murder of Ahmad Shah Massoud. In it Mamoon has documented the role of intelligence services of countries in the region, especially the intelligence services of the Islamic Republic of Iran.



Bashir Bejhan said Mr. Mamoon received several threats from Iran's agents after publishing the book: "Mamoon shared his concerns with us after publishing that book and those concerns were mainly from Iran's intelligence."

Din Mohammad Mobarez Rashidi, Deputy Information and Culture Minister, who visited Mamoon in the hospital, appealed to the security authorities to investigate the case rigorously.

The National Directorate of Security was reported to have formed a special team to track the perpetrators of the attack.

It is also said that President Karzai also made a telephone call to Razaq Mamoon.

Spraying acid in the face of a journalist is unprecedented and sets new dangers for other journalists.

Media Watch expresses concern over the lack of job and life security facing journalists. It condemns the act of spraying acid in the face of Razaq Mamoon, and calls for the capture and trial of the perpetrators.

Chief Editor of Sarnawesht Daily Asadullah Waheedy freed after 30-hour detention

On January 9, 2011, the Editor-in-Chief of Sarnawesht Daily Asadullah Waheedy was detained by order of Attorney General's Office following a complaint filed by national security advisor Rangin Dadfar Spanta. He was freed after 30 hours.



Waheedy was arrested after Spanta filed a complaint with the Media Violations and Complaints Assessment Commission, claiming the newspaper mentioned his name in a report about the formation of illegal armed groups in Herat Province by Spanta's brother.

Waheedy explained: "As soon as I arrived in the attorney general's office I was arrested right away and was sent to a detention center. They did not let me call my family members or colleagues. They seized my phone."

Waheedy complained that they put him in a room with war criminals and smugglers.

Mr. Waheedy stressed that the reason for his arrest was not that report; rather, it originated in the biased behavior of the ministry of information and culture against some journalists and media outlets.

"We have seen and heard several reports in which the names of relatives of a person are mentioned for better identification of the person," Waheedy said.

A member of the Media Violations Commission at the Ministry of Information and Culture said: "After reviewing the report published in the newspaper, the commission sent it to the attorney general's office for investigation and documentation. "The members of the commission agreed that crime is a personal phenomenon and the newspaper should have avoided frequently mentioning Spanta's name in the report."

Media Watch was unable to get a response from the attorney general's office.

Mehr TV reporter in Takhar Province alleges misconduct of local judge

The Chief Editor of Mehr TV in Takhar Province, Atiqullah Nazari, claimed the regional director of the judiciary in northeastern region has attacked one its TV reporters and damaged his equipment.

Mr. Nazari said: "After getting information about the bribe taking of judge Sayed Iqbal, regional director judiciary in northeastern region, our correspondent tried to interview him, but he faced the violent behavior of the judge who also destroyed the correspondent's journalistic equipments."

"When the reporter asked the judge about a bribery case, the judge became furious. He hit the journalist and kicked his equipment."

Najibullah, the reporter beaten by the judge, said: "I put the microphone, in which the logo of the TV is fitted, in front of the judge and then asked him to talk about the matter. But he suddenly stood up, kicked the microphone away and started beating me. The camera was also destroyed during this clash."

However, Judge Sayed Iqbal, dismissed the claim of Mehr TV reporter saying the reporter had intruded on judicial proceedings.

The manager of Mehr TV in Takhar Province said the TV should be paid for its broken equipment and that the judge should apologize to them.

However, Judge Iqbal said he has already apologized to them.

The Governor of Takhar Province, Abdul Jabbar Taqwa, called on media outlets to inform him directly of any complaints they have against government institutions in the province. He promised to stand by the media all times.

General Mohammad Daud Daud, senior police commander in the north, commented: "Since this judge is one of the police judges, the senior police headquarter in north region was informed of the incident and warned that such actions should not be repeated in police authorities in the future." He didn't say what action might be taken against the judge.

Media Watch calls upon all state officials to avoid harsh behavior against journalists and let them do their work peacefully. Afghan citizens have a right for information and Afghan officials should co-operate with journalists so they can provide it.

Aina TV correspondent hit by traffic police officer

Jamshed Mohmand, an Aina TV reporter, was hit by a traffic police officer in Kabul on January 2, 2011.



Jamshed Mohmand complained to Media Watch office showing a video clip of a traffic police officer hitting him.

Mr. Mohmand, said with a lot of traffic on the road, some drivers were headed the wrong way on a one-way street. He said the traffic police officer stopped their car once he realized they were journalists and started beating them.

Mohmand called for the traffic police officer to be punished.

Zmarai Bashari, a spokesman of ministry of interior, commented: “The vehicle of the journalists, who were hit by a traffic police officer, was passing a one way road on the wrong direction. The case is under investigation.”

Media Watch recognizes contravening traffic law is unlawful and nobody, including journalists, have the right to breach traffic law. However, such violent behavior from traffic police cannot be justified, which was a point agreed by Mr Bashari.

He said: “Two unlawful actions cannot be justified. If one party commits an unlawful action, the other party should act in accordance with law. The Law does not allow any security official to hit a citizen. Therefore we are investigating the case.”

If the Aina TV reporter was found to have violated the law, he should have been fined or his car should have been stopped rather than hitting him. Therefore, the traffic police officer has violated the law and deserves punishment.

Media Watch calls for the prosecution of the officer. But, it advises journalists they are role models and are expected to stay within the law.

Rah-e-Farda TV correspondent beaten in Urozgan Province



On 30, Dec. 2010, Rah-e-Farda TV correspondent, Mohammad Reza Paiman, was beaten and his camera and other equipment publicly torched by armed individuals in Geezab district of Urozgan Province.

Paiman explained: “I wanted to make a report on life and poppy cultivation in Geezab district. The report required me visit the district in person. When I arrived in the district and wanted to videotape, I was beaten by five armed individuals.”

Community elders and residents rescued the reporter from further beating by the armed men. There were no security forces in that area according to Mr. Paiman.

Paiman was severely injured. He says he was hit so repeatedly he fainted and had to be treated by local people.

Mr. Paiman said no police or government control exists in some areas of Geezab district and Taliban and armed individuals harass people freely.

A spokesman for the Ministry of the Interior Zmarai Bashari stressed that government has control over Geezab district and that police forces operate there.

Mr. Bashari explained that so far police of Geezab district have not reported the beating of Rah-e-Farda. However, he recognized the assault of journalists was an illegal act and should be condemned.

Media Watch calls upon the security authorities of Afghanistan to make relentless efforts to ensure the security of journalists and not to allow powerful armed factions to undermine the right of expression. It says the right of access to information is a fundamental right of all citizens set down in Afghan law, which the Afghan government is bound to uphold.

Freelance journalist Hojjatullah Mojadedi freed after more than four months in prison

Hojjatullah Mojadedi, an RTA journalist in Kapisa Province, who was arrested by national security directorate officers on September 8, 2010, was acquitted by a court on 17 January 2011 and was freed on 19 January.

Mojadedi had been arrested on parliamentary election day on charges of links with the Taliban by national security officers while he was preparing a report.

Mojadedi called Reporters without Borders, a global journalists' advocacy organization, an hour after he was released and explained: "Life in the prison was tough; however, I am in a good state of health. What happened to me made me more committed to journalism. I thank all journalists unions and associations. My freedom is the result of their efforts."

Mojadedi explained how he was interrogated: "In the early stages of inquiry the prosecutor accused me of encouraging a person to carry out suicide attack. After I rejected the charge, they sent me to directorate 17 (the investigation department of the national directorate of security). In the department also they were repeating the same accusation. One month passed and the prosecutors could not find evidence to substantiate the charges. Then they accused me of forming a terrorist group in Kapisa Province. Since again they failed to collect substantial evidence, they sent my file to court for trial after four months. Given the lack of incriminating evidence against me, the court pronounced me innocent and acquitted me."

"The National Directorate of Security knew that I was innocent and also there was no incriminating evidence against me too. But, in order to conceal their mistake, they were trying to level different charges against me. Finally, as a result of constant pressures exerted by journalists' unions they were left with no other choice but to send my case to court."



Mr. Mojadedi said he was not hit during his imprisonment, but was deprived from sleep for 48 hours.

Reporters without Borders expressed happiness over Mojadedi's release from prison and also expressed regret for his 4-month imprisonment in spite of his being innocent.

Media Watch applauds the release of Hojatullah Mojadedi and believes that it shows his innocence of wrongfully kept in prison for more than four months.

The questions here are: Is depriving a citizen of his freedom a violation of law or not? And who is going to compensate Mojadedi?

Mandegar Daily chief editor threatened by unidentified individuals in Kabul

Nazari Pariani, the editor in chief of Mandegar newspaper, claimed some unidentified individuals have been chasing him during night and threatening him.

Mr. Pariani said: "Unidentified motorcyclists had come to my office on Tuesday night at 1:00 AM and had inquired the guards about me and had said they wanted to meet me at that time which was mid night."

Mr. Pariani said he reported the matter to local security officials. "The police came to my office for further information but they have not taken any measure yet," Pariani added.

General Mohammad Zaher, the chief of the Criminal Investigations Department of 101 Asmaee Regional Police Command said they will never allow anyone to harm journalists. He said: "Henceforth, no journalist will be arrested at the sole complaint of individuals until the standard procedure is followed."

He also added that if Mandegar newspaper will need police protection, Kabul Security Command would provide it.

Nazari Pariani said since Mandegar is a newspaper that often criticizes the government and senior authorities, it faced threats and sometimes cases of arrest.

Media Watch requests the security authorities to spare no effort in identifying and arresting anyone who threatens journalists.

It urges Government officials not to neglect or ignore any such cases.



32 percent drop in the rate of violence against journalists in Afghanistan in 2010

Media Watch's annual report for 2010 was presented at a press conference in Kabul on 29 Dec. 2010.

It recorded the rate of violence against journalists in Afghanistan to have dropped by 32 percent as compared with 2009.



نئی حمایت کننده رسانه های آزاد افغانستان
Nai Supporting Afghanistan Open Media

The report shows media progress during 2010; but also mentions violence against journalists including murder, injury, threats, arrest, abduction and beating. However, violence against journalists has remarkably decreased in 2010 compared with 2009. The report says that 58 cases of violence have been registered with Media Watch in 2010. In 2009 the figure was 85.

The Media Watch report records 4 cases of murder, 8 abductions and arrests, 16 cases of physical assault, 2 cases of injury, and 28 cases of journalists being threatened.

The manager of Media Watch, Sediqullah Tawhidi, said: “These statistics do not include all cases of violence against journalists that happened during 2010 because many journalists do not report violence against them to journalists’ advocacy organizations from fear of further threats.”

However, he said journalists should not remain silent when they are threatened because silence not only does not remove the threat but encourages the intimidators.



Tawhidi asserted that it was not that the Afghan government actions which had reduced the level of violence, rather, it was Afghan journalists, themselves, who had taken preventative measures to avoid being exposure to violence. The downside was increased self-censorship, which could lead to greater problems.

The report highlights, a total of 12 TV stations, radio stations and print media being established in 2010. Four TV stations, two radio stations, one news agency, one daily newspaper and four weeklies and magazines are all established this year and are operating in the country.

By publishing monthly and annual reports, Media Watch is calling attention to violent and unlawful acts committed against journalists and expects the Afghan government to take decisive measures.

Media Watch calls upon Afghan government, journalists’ advocacy organizations and unions, and human rights organizations to make all possible efforts to ensure less violence against journalists in 2011.

A number of international freedom of expression and journalists’ rights organizations have been using Media Watch reports to put pressure on the Afghan government to protect journalists from violence.

Freedom House report rejected by Nai Supporting Open Media in Afghanistan

Nai Supporting Open Media in Afghanistan has dismissed the report of the US-based international organization Freedom House as baseless. The report ranked Afghanistan among those countries worldwide that are deprived of freedom of speech.

The manager of Media Watch, Sediqullah Tawhidi, said it was not right to put Afghanistan in the list of countries deprived of freedom of expression.

In fact, Mr. Tawhidi, said Afghanistan should be ranked among countries that enjoy some such freedom.

“It is not reasonable to consider Afghanistan among countries that are totally deprived of freedom of expression because our situation is relatively better in terms of freedom of expression compared with our neighboring countries and Central Asia.”

“We will never accept that we don’t have freedom of expression. Afghanistan should have rightfully been ranked among countries that enjoy some freedom of expression and not as this report puts it among countries with no freedom of expression,”

The Afghan government frequently refers to freedom of expression as one of its important achievements and says it continues its strong support.

Media Watch urges organizations advocating for freedom of expression and press freedom to look closely at the situation in Afghanistan and base their reports on realistic observations.



Seminar on Media and religious responsibilities in Kabul

On Wednesday January 5, 2011, a specialized seminar entitled “Media and Religious Responsibilities” was held in Khatam-ul Nabiyeen University in Kabul on the initiative of the Media Solidarity Center. The conference was attended by, among others, the Minister of Information and Culture, a number of scholars, intellectuals, university professors, media representatives and journalists.

The Director of the Media Solidarity Center, Hussaini Madani, said the purpose of the seminar was to critique the performance of the Afghan media over the past few years. He said: “We imagine we have not discharged our duties in the proper way.”

He commented that although we have witnessed an increase in the number of media outlets, most of them are operating at a lower than acceptable level of quality. He hoped that the seminar would serve as a spark to start a movement in national level.

The Information and Culture Minister, Sayed Makhdoom Raheen, appreciated the initiative taken by the Media Solidarity Center and hoped it would act as a forum for Afghan journalists to have regular discussions and exchange of ideas.

Raheen said: “One of the factors that can deviate media from the right path is business. If a media outlet is solely business oriented, immoral art will be brought to the market. Right now Afghan media are in the middle of such a problem.”

Expanding on theories of journalism and the responsibilities of journalists, journalism faculty professor, Esmat Elahi, classified media in three categories: religiously oriented media, media that ignores religion, and media that fights religion.

The seminar concluded with the award of cash prizes and appreciation letters to journalists who had written articles on the media and religious responsibilities.

Afghan Mass Media Law analysis

Article 33:

The proprietors of mass media and organizations set forth in article (27) of this law shall submit a statement containing the following information for registration purposes to the Ministry of Information and Culture:

- 1- Full names of proprietor
- 2- Type of activity
- 3- Name of media
- 4- Location of activity
- 5- Objectives and aim of activity
- 6- Funding source and amount of capital
- 7- For print media: the quantity, language, type of contents, period of printing, and print layout
- 8- For electronic media and organizations set forth in article 27 of this law specifying the quantity and quality of the machinery and equipment

Analysis:

By setting out the right to freedom of expression in the Afghan Constitution as well as in the Afghan Mass media Law, Afghanistan is stood among countries that have open and democratic government in relation to its media.

Another matter, of note, is that Afghanistan has chosen the registration method in its Mass Media Law for establishment of media outlets as stipulated in Article 32 of the Mass Media Law.

In order to ensure better management of the media system of the country and to prevent chaos and abuse, the legislator has obligated media and other organizations set forth in Article 27 to present the necessary information to the Ministry of Information and Culture. Presenting of such information facilitates the establishment of a database and enables the government to have accurate statistics and information about media to utilize in formulating clear, objective and practical policies.

Thus, we can deduce that clauses from 1 to 6 (complete identification, type of activity, name of media organization, location of activity, aim and goal of activity, source of funding and amount of capital) of this article refers to media and other organizations set forth in Article 27. Although clause 3 only reads “name of media” which is a writing mistake and it is definitely referring to names of all organizations and media set forth in Article 27.

Clause 7 is only dedicated to print media obliging them to mention quantity, language, type of content, period of printing, and print layout. This information is not pertinent to organizations set forth in Article 27 such as printing houses and translation companies because defining language for printing houses and translation companies creates problems and it is impossible to determine such information for them.

Clause 8 is only dedicated to electronic media and organizations set forth in Article 27; obliging them to present information about quality and quantity of their machinery and equipments.

One point of criticism of the above Article is the provision on registration of print media. Per the international norms and practices and the modern law doctrines, print media need not to be registered. Since they don't need to be registered, provision of information also seems unnecessary. Moreover, presenting information on funding sources and the capital of media organizations can create problems for media. As experienced in this country, every time the government has tried to put pressure on the mass media, it has put forward the matter of funding sources of media. Therefore, certain protections need to be set forth in the law for media in this respect so that on one hand transparency is ensured in funding sources of media and on the other hand the government is prohibited from using this point as a leverage to control media.

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

Mohammad Saber Fahim
Media Watch Senior reporter
saber.fahim@nai.org.af
fahimsaber5@yahoo.com

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

In case you face any kind of legal problem, you may contact our legal advisor, Mr. Mohammad Qasem Rahmani
0093 799 830 905
Or Email at: m.qasim@nai.org.af

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

Note:

1. *To maintain confidentiality and to protect sources it was not possible for Nai Supporting Open Media in Afghanistan to corroborate the incidents by carrying out additional investigations.*
2. *Copy right is reserved for Nai Supporting Open Media in Afghanistan,*