

Nai Supporting Open Media in Afghanistan



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

MEDIA WATCH REPORT

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Preamble:

The incidence of violence against journalists showed a 38% increase on last year, giving rise to concerns that it will continue to skyrocket this year.

On average three journalists have been killed in Afghanistan every year. In the most recent case, the manager of Melma radio station was murdered in Paktika province.

Lack of follow up with such cases and punishment for perpetrators of these violent incidents have contributed to perpetuation of such incidents.

Additionally, the culture of demonstration has not yet matured in Afghanistan as demonstrators still continue to beat journalists during demonstrations. This, in conjunction with many other reasons, dissemination of information and the overall journalism profession is facing serious challenges.

Neither government officials have taken responsibility for journalists, nor do the Taliban and insurgents have mercy on them.

Government officials strive through different approaches to impose limitations on journalists' works, while some other government entities do not appreciate freedom of expression and press freedom at all. In addition, internal organizational interventions and censorship has also made journalists' and presenters' job difficult.

For some personal reasons, some media proprietors place reporters and presenters under pressure. This calls for active intervention by the Ministry of Information and Culture as a line Ministry, but unfortunately this Ministry does not pay as much attention to implementation of the mass media law as is required.

After ten years, media and journalists are still facing serious problems which have further been aggravated with the unrealistic propaganda about the process of peace with the Taliban.

Currently, journalists are the most helpless class of the society, because neither the government supports them nor do the anti-government forces show compassion for them. Therefore, what should be done is that journalists should join hands and defend their syndicate by civil means, obliging the government to pay attention to their demands.

Freedom of expression is a phenomenon that the Taliban and other fundamentalist groups cannot be at peace with. Therefore, they try to destroy it.

Acid attacks on journalists and media staff have been recorded two times over the past year, and the probability of repetition of such attacks remains quite high. However, the law enforcement bodies have failed to trace such incidents back to their perpetrators.

The Ministry of Information and Culture is also supposed to take decisive measures to elevate journalists' moral.

In the past few years, several journalists were murdered in government controlled areas in dubious circumstances, but so far these cases have not been addressed.

Lack of follow up on such cases has resulted in increased violence against journalists.

The current Media Watch Report compiles the following:

1. **Radio Manager Murdered in Paktika Province**
2. **Mysterious Acid Attack on the Face of a Cameraman in Kabul**
3. **Infuriated Demonstrators Beat Journalists in Kabul**
4. **Police Affront Journalist in Kabul**
5. **The first Media Institution Established in Afghanistan**
6. **Afghan Ulema Council Chair Criticizes Media**
7. **Seven Staff Members Collectively Resign from a Private TV Channel in Kabul**
8. **Launch of Police Exclusive Publication “Khedmat” in Kabul**
9. **Analysis of an Article from Afghan Mass Media Law**

Manager of Melma Radio Station Beheaded

On February 21, 2012, Sadim Khan Bahadorzoi, Manager of Melma Radio Station in Paktika Province, was beheaded by unidentified individuals close to his home in Urgoon district of Paktika province at around 09:00 pm.

The unidentified individuals had given him a phone call asking him to meet them. When he left his house in Urgoon district of Paktika province, he was taken away by those individuals who ultimately killed him.

Amir Baheer, head of the Journalists’ Union in Khost province – located next to Pakktika province – says about murder of Bahadorzoi: “The manager of Melma community radio located in Urgoaaan district of Paktika province, who was working in this radio station for the past one year, left his house during the night after he received a phone call from someone. In the next morning, his dead body was found next to his house.”

Colleagues and friends of Bahadorzoi described him as a loyal and honest person. They link his murder to his profession and dismiss any probabilities that he might have been killed for personal reasons.



Yaqub Khan Manzoor, Deputy Manager of Melma Radio Station told the Media Watch: “Sadim Khan and his family did not have any personal animosity which could cost his life.”

Law enforcement bodies of Paktika province announced that they will be investigating the murder of this journalist.

General Dawlat Khan Zadran, Police Chief of Paktika Province, says: “The investigation of the case is ongoing.” Also he said about how Bahadorzoi was killed: “Mr. Bahadorzoi receives a phone call at around 10:00 pm and then takes his car and leaves his house. On the next day, his relatives and friends find his dead body beheaded. Our investigation is ongoing but so far no individual or group has claimed responsibility for it.”

The murder of this journalist has outraged many journalists all over Afghanistan. A number of journalists described the murder of their colleague a felony and argue that killing a journalist will not benefit terrorists in any way.

Zalmai Ahadi, a journalist based in Kabul, says: “Killing a journalist who is always impartial and serving his society and people will not bring about any benefit. There is no reason for murdering a journalist who communicates people’s demands and needs to government and nongovernment officials, and reports on shortcomings and failures. Therefore, the murder of such a person is considered a national treason.”

Mr. Ahadi called on people to stand against such crimes and condemn them.

Media Watch considers Sadim Khan Bahadorzoi’s murder an inhuman and anti-Islamic action and calls on law enforcement and judicial bodies to identify and punish the perpetrators.

Sadim Khan Bahadorzoi, 38, is the first journalist killed in 2012. It is worth mentioning that more than 30 journalists have lost their lives in Afghanistan since 2001. Unfortunately, the cases of many of these murders have not been investigated and the murderers have not been identified and punished.

When such cases are not pursued, criminals are further encouraged to continue with their crimes which severely harm freedom of expression in Afghanistan.

Now, once again we call upon law enforcement bodies to identify the murderers of this journalist, otherwise *Media Watch* will follow up this case until the reason of Bahadorzoi’s murder is clarified. Further details on this case will be provided in the upcoming Media Watch Report.

A Cameraman of “Press TV” Became Object of Acid Attack on his Face

Cameraman of Press TV (Iranian English language TV channel) Parviz Safi was the object of an acid attack in Kabul on February 6, 2012.

Mr. Safi was on his way to the office at 9:00 a.m. in the morning of Feb. 6, 2012 when his car was stopped by two individuals who sprayed acid onto his face. As a result of this attack, parts of Mr. Safi’s face and neck were burnt and his left eye partly injured.

He explained the incident to *Media Watch*: “I refueled my car at a pump station in Kabul. When I started my car, two individuals who had their faces



covered, and I thought they would have done so due to cold weather, were holding a tyre in hand and stopped me pretending that they needed help. The weather was very cold. I opened the window. One of them grabbed my hair and the other sprayed acid on my face. I approached the nearest police station and from there I was moved to hospital by police and my friends who were passing by.”

He added: “The acid burns were so painful as if my face was on fire. When I tried to open my eyes, I could not open one of them.”

Media Watch in partnership with International Media Support (IMS) covered the expenses for Mr. Safi’s treatment in India. Mr. Safi has been under treatment there for the past one month.

Parviz Safi and his family are seriously concerned about his life. Even before the wounds on his face and neck healed, he left the hospital on the second day and sought asylum in a safe location on the outskirts of Kabul city.

Sardar Mohammad Safi, father of Parviz Safi, says his son had received threats in the past as well. He said he had a lot to say in this respect but he would not open his mouth until he is sure that his son and the rest of family are safe.

A *Media Watch* correspondent tried his best to contact Press TV officials in Kabul on this matter, but despite his frequent efforts, Press TV did not respond.

However, Mohsen Hussaini, a colleague of Mr. Safi in Press TV, told the Media Watch that the case was under police investigation and that we should await police investigation results.

Sediq Sediqi, Spokesman of Ministry of Interior, assured the Media Watch that the persons who has attacked and sprayed acid on Mr. Safi's face will be identified and prosecuted. He particularly stressed that police will arrest those criminals.

Media Watch condemns the acid attack on journalists with strongest possible terms and calls upon law enforcement bodies to pursue this case, identify the criminals and punish them.

It is worth mentioning that, Abdurrazaq Mamoon, Afghan journalist and writer, also fell prey to an acid attack last year. Ever since he has been living out of the country.

While these cases are not followed, the enemies of freedom of expression and criminals will be further encouraged and will try harder to remove journalists from their way.

Journalists Beaten by Demonstrators

The Quran burning in Bagram military base sparked widespread demonstrations in different parts of Afghanistan. The demonstrations were staged in Kabul, Parwan, Logar, Kunar, Nagarhar provinces in which demonstrators chanted anti-American slogans.

Amid these demonstrations, journalists who were there for press coverage, also faced violence by demonstrators.

Reporter of Soboot News Agency, Hazrati Rasa, who was preparing a report on the demonstration, was beaten by violent demonstrators.

He said while demonstrators hit him, they also took away his journalistic equipment with them.

Zahir Bahan, freelance journalist, says: "When I was trying to prepare a report on demonstrations in the Hoot Khel area of Kabul city, I was insulted and then beaten by demonstrators."

He says although journalists were only providing media coverage for these demonstrations and trying to broadcast the demonstrations globally, some opportunistic individuals impeded journalists' work and even affronted and beat them.

Bashir Ahmad Tayeb, photographer of Wakht News Agency, says while taking photos of the demonstrators, the demonstrators threw stones and other particles at them; as a result he and his colleagues were obliged to leave the scene.

Meanwhile, Ministry for Interior (MoI) Spokesman Sediq Sediqi assures cooperation with journalists and says that the police do their best to protect both demonstrators and journalists who are there for media coverage.

Journalists who were victims of violence by demonstrators also expressed gratefulness to police for their cooperation. Some of these journalists told *Media Watch* that if police were not there, maybe they would have faced more serious dangers.

This comes at a time when the Afghan Constitution stipulates the right to demonstrate; however, beating and laceration is unlawful and people should know that journalists are mandated to reflect their voices.

After ten years, still people do not understand the obligations of a journalist, and insult and beat them.

Journalist Threatened by Police

On Feb. 14 2012, Jawid Rostapoor, reporter of Nukhost Weekly, was taking photos of the public library in Kabul when he was first stopped by police and then threatened.

Mr. Rostapoor says, “when police stopped me from photographing, I showed him my I.D. but the policeman told me with a harsh tone that I should seek permission from the concerned police station.”

Jawid Rostapoor added: “The police continued affronting me and all journalists until finally I contacted *Media Watch*. *Media Watch* contacted the MoI Spokesman, who, in turn, contacted the said police and then the police allowed me to shoot photos.” He further added: “The police violently said that most of the problems are created for them by journalists and that journalists are allies of terrorists.”

Mr. Rostapoor also mentioned lack of coordination between different law enforcement bodies. He said that after the policeman allowed him to take photos, a convoy of army, passing by the road, prevented him from taking photos, not accepting the word of the policeman.

The MoI spokesman says the area where the journalist was taking photos is a “No Photo” zone. He called on journalists to be cooperative with police in such cases.

Mr. Sediqi said: “This area is protected jointly by national army, national police and national directorate of security. It is worth mentioning that national army and national directorate of security have their own rules which we cannot supersede.”

In many cases, journalists face such problems in Kabul and other provinces. In some cases these problems develop into violence against journalists.

Journalists have had complaints about police and other law enforcement bodies’ behavior in the past too. However, officials at MoI claim improved behavior of police against citizens, especially journalists, and that efforts for better training of police forces are ongoing.

Media Watch condemns the improper and threatening behavior of law enforcement staff against journalists and emphatically calls on relevant authorities to prevent unlawful behavior of the security forces. This will enhance public trust in police, as well as restrict the scope for insecurity and unlawfulness.

The First Media Institution Established in Afghanistan

On 29 January 2012, the first Afghan Media Institute was established in Kabul by Nai Supporting Open Media in Afghanistan with financial support from USAID through Internews.

Addressing a press conference held on this occasion, Nai Executive Director Abdul Mujeeb Khalvatgar said: “Nai Media Institute is the first of its kind within



Afghanistan, and in the entire history of Afghan media, to train students in a professional and practical manner. This institute is established based on internationally accepted media standards.”

Mr. Khalvatgar added: “International advisers, who had the experience of establishing the same institutes in different countries around the world, contributed in developing the curriculum of this institute.”

He further explained: “Students who are graduated from 12th grade and are interested in professional journalism can enroll in this institute. Classes are going to start on 21 March, 2012.”

The essential classes of Nai Media Institute for the Diploma in Media include radio journalism, TV journalism, print media and online or internet based media.

Manager of *Media Watch* Sediqullah Tauhidi was also attending the conference where he said: “The rapidly developing Afghan media sector calls for more professional journalists.”

Applicants will be required to successfully pass the entrance exam and pay a sum of 13,000 AFN per semester.

Meanwhile, Abdul Mujeeb Khalvatgar says, there is only a limited capacity for student admission in this period as we will only be enrolling 50 to 100 students this time.

He also clarified that the lecturers will be Afghans working under the supervision of international advisors.

Addressing the opening ceremony of Nai Media Institute, Moirra Barry, Deputy Director of the Office of Democracy and Governance/USAID, said she was impressed with the media activities over the last decade in Afghanistan and added that media have played an important role in the development of the country.

Established in 2005, Nai Supporting Open Media in Afghanistan is active in various areas including capacity building and advocacy for media as well as supporting freedom of expression in Afghanistan. Journalists' training is an important area of activity for Nai as it has trained over 3,500 journalists so far. Some of these journalists have completed more than two trainings in Nai. Overall, the total number of journalists who have attended Nai trainings amounts to 9,982.

Chairman of Afghanistan Ulema Council Criticizes Freedom of Expression

Mawlawi Qyamuddin Kashaf, Chairman and Spokesman of Afghanistan Ulema Council, criticized the current freedom of expression in Afghanistan calling it "poison of expression".

Addressing a ceremony held on occasion of Prophet Muhammad (pbuh) birth anniversary at the Ministry of Interior on January 27, 2012, Mr. Kashaf said: "In a country where all its residents are Muslims, some media outlets broadcast in contradiction to Islamic values."

Mawlawi Kashaf says that Islam introduced freedom of expression for the first time in the world but, according to him, now freedom of expression is used against Islamic values and for promotion of "strangers' culture".

He specifically referred to the "Afghan Star" show and suggested that the concerned TV station could broadcast "Quran Star" instead.

Afghan Star is a music show aired by Tolo TV which selects the best singer in an open competition.

It is worth mentioning that in many of the TV programs the performance of Afghan government and senior government officials are criticized.

However, Mr. Kashaf says, in some cases freedom of expression is misused, and some individuals say anything they want, including using abusive language.

Mawlawi Kashaf says, what is known today in Afghanistan as freedom of expression, is indeed poison of expression.

He emphasized that continuation of the current process (the current freedom of expression) is in violation of the rights of 30 million Muslims who are, in his words, tolerating the agony of freedom of expression.

Mr. Kashaf said: "We are Muslims but acting against Islamic values. The problem is in us as Muslims (and not in Islam as a religion)."

Over the past ten years, the performance of media and civil society has occasionally received criticism from conservative bodies.

Media have had greater achievements over the past ten years compared with any other sector. President Karzai and other government officials have always mentioned this achievement with honor in national and international platforms.

Some officials and individuals, who criticize media, are persons who do not believe in freedom of opinion and expression, and are supporters of autocratic government. These individuals should recognize that now the time of arbitrary governments has passed and that the people of Afghanistan have decided to live in liberty and express, according to Islamic teachings, whatever they have on their minds, and also say NO to all kinds of autocracy and arbitrary behavior.

Seven Ariana TV Reporters Resigned Collectively

These journalists have resigned from Ariana TV station in protest to what they call ‘oppressive contracts and lack of observation of freedom of expression in this media outlet’.

Naseer Fayaz, Amin Babak, Ahmad Seerat Bayat, Sayed Ali Kazemi, Latif Mahmood and Mustafa Sadat, who resigned from this TV station, told *Media Watch* that the senior management of Ariana TV censored their programs “under the pressure of internal and external authorities”.



Mr. Fayaz, one of these journalists, broadcast his interview with Iranian ambassador Feda Hussain Maliki in the talk show named Zawiya (‘Angle’) resulted in suspension of the said program. Zawiya was a political and analytical talk show of Ariana TV station.

He also has some other reasons that compelled him to resign. He says: “Multiplicity of extremely weak and discretion-oriented managers in the station, violation of labor laws, violation of media laws, and too much pressure by program directors in violation of journalism principles are among the main reasons.”

Mr. Fayaz had an interview with Feda Hussain Maliki in his office at the Iranian Embassy. According to Mr. Fayaz, in this interview Mr. Maliki said things that, after broadcast of the interview on TV, he realized that some of his statements were “undiplomatic”.

Mr. Fayaz says: “During the interview, I asked him how he allowed himself, as an ambassador, to call Afghanistan an occupied country. Mr. Maliki answered that this is exactly what we call ‘occupied’ and he referred to house raids by foreign troops.”

Mr. Fayaz says his interview with Mr. Maliki was very tense and during the interview he refused to continue several times but again he continued. However, he never asked that his interview should not be broadcast.

Latif Mahmood, resigned presenter of “Graph”, another program of Ariana TV, expressed: “The main reason of my resignation is the materialistic approach of the senior management of the TV station; as such, they are trying to impose their discretionary movements that are contrary to the labor law and media law.”

Amin Babak, one of the presenters of Ariana TV said ‘exploitation’ by Ariana TV management obliged him to offer his resignation.

Mustaf Sadat also has similar reasons for his resignation and says staff members of Ariana TV are not enjoying any job security or psychological security. He gave the following example: “They wanted me to subscribe my signature to the statement that if I am killed or wounded on duty, the media outlet where I work will not bear any responsibility.”

In total, all the journalists who have resigned from Ariana TV are sharing one common reason which is that Ariana TV’s contracts with its staff members have been totally contrary to the labor law and are oppressive.

Ahmad Sameer Bayat is also one of the ex-presenters of this TV station who has now resigned. The reason for his resignation, however, was a little different. He said since owner of Ariana TV station is a family whose family name is also ‘Bayat’, they put him under pressure to change his family name.

Media Watch repeated requested an interview with Ariana TV management on this issue, but each time they made different pretexts to avoid the interview until finally Aziz Owral, one of the managers of the station, described the resignation of the aforementioned staff members an internal matter and told *Media Watch*: “This is an internal issue of the station. We recruit tens of staff and fire tens of them every year. It is nothing beyond that.”

Understanding the problems of these journalists, *Media Watch* sent a formal letter to the Ministry of Information and Culture, Ministry of Labor and Social Affairs, Martyrs and Disabled, and the National Assembly’s Complaints Hearing Commission asking them to scrutinize the contracts of Ariana TV with its staff and make every effort to resolve this issue.

This is not the first time journalists have resigned due to the provisions of the contracts they have signed with media outlets. Prior to this, the same number of staff members also resigned from Afghan News TV. Afghan News is also a private TV station in Afghanistan.

Contracts, which are in many cases considered ‘oppressive’, have been the subject of heated debate between journalists and media outlets with journalists having been asking for this problem to be addressed.

Some time back, a regulation on employment in media organizations was drafted as a result of a series of gatherings between journalists in Kabul and provinces organized by Nai Supporting Open Media in

Afghanistan. The draft regulation was submitted to the Ministry of Information and Culture and forwarded onto the Ministry of Justice. This created a new hope among journalists as once this regulation is approved, the problems related to contracts and working in media outlets will be resolved.

Launch of Police Exclusive Publication “Khedmat” in Kabul

The first issue of Khedmat Monthly was printed and published in January 2012 with the aim of strengthening literacy among Afghan National Police.

This monthly has been launched with funding from Japan, managerial and organizational support from UNESCO, and technical cooperation of Nai Supporting Open Media in Afghanistan, Afghan Independent Journalists’ Association, Bost News Agency and Arman-e-Shahr Foundation.

Abdul Basir Quraishi, Senior Manager of Press Department of ANP Literacy Program, said in an interview with the Media Watch that the first issue of this monthly is printed in 24,150 copies, 12 pages, and distributed in all provinces of the country.

Mr. Quraishi said that the main target audience of this monthly is those police with a low level of literacy.

Mr. Quraishi added that the last page of this monthly is dedicated to graphic pictures with captions in very easy language. He added that they are planning to increase the distribution up to 35,000.

Meanwhile, MoI spokesman Seddiq Seddiqi says publishing the monthly, aimed at increasing the literacy level among Afghan Police, is part of the MoU signed between MoI and UNESCO.

This publication is preceded by another monthly publication named ‘Police’ which was a professional, legal, social and cultural publication published by MoI.

The Media Watch Unit of Nai Supporting Open Media in Afghanistan considers publishing of “Khedmat” monthly a valuable step in increasing the professional capacity of police. This initiative can help Afghan police have a better behavior with journalists and other media staff.

Afghan Mass Media Law Analysis

Article 46:

It is a mass media agency, working within the Ministry of Information and Culture to communicate, collect and deliver information, being funded by the same ministry.

Analysis:

News agency, also called press agency, press association, wire service, or news service, is defined in Britannica Encyclopedia as “organization that gathers, writes, and distributes news from around a nation or the world to newspapers, periodicals, radio and television broadcasters, government agencies, and other users. It does not generally publish news itself but supplies news to its subscribers, who, by

sharing costs, obtain services they could not otherwise afford. All the mass media depend upon the agencies for the bulk of the news, even including those few that have extensive news-gathering resources of their own.”

This definition emphasizes on gathering of news by such agencies.

This definition implies that news agencies are not media outlets; rather, they are sources for media outlets.

Historically, Afghan Media Laws (especially 2005 Media Law) and other laws have wrongfully defined “News Agency” as a media outlet. Fortunately, this mistake is corrected in 2009 Afghan Media Law. This law gives the following definition for “media” in its article 3 (1): Media: means the instrument of disseminating messages, news and information using the following tools:

- Electronic Media: radio, television, cable network, and the Internet;
- Print Media: newspaper, magazine (weekly, biweekly, monthly, quarterly, annual), gazette, poster and bulletin;

Also, in its article 3 (12), it defines “news agency” as: “is a legal person, which works in the field of communications, collecting and disseminating information.”

Reading the definitions of media outlet and news agency, we notice that news agencies only produce news and they need a media outlet to broadcast their news; therefore, we cannot call them media outlets. In the years before 2005, since news agencies also used to work as media outlets, and media outlets also produced news, therefore the legislators were confused with the definition of these two legal organisations.

What could be said about article 46 is that it counts Bakhtar News Agency as a media outlet, which is contrary to article 3 of Media Law, because according to the definition provided in the Media Law about ‘mass media outlet’, Bakhtar News Agency cannot be included in it. Also, from a professional viewpoint, news agency is considered one of the sources of media and not a media outlet.

It is worth mentioning that, the above issue is only of a procedural nature dealing with the wording of the article. Unfortunately, Afghan Mass Media Law has a lot of problems from this perspective, as also mentioned in analysis of other articles in the previous reports. However, if we look at the content of this article, we will notice that the legislator has tied this public organization totally to the Ministry of Information and Culture; thus, throwing its independence into question. So, officials of Ministry of Information and Culture can influence its activities and appoint or terminate its director whenever they want.

However, if we look at 2005 Mass Media Law, we notice that compared to the currently enforced Media Law, the 2005 Media Law is more democratic in relation to the abovementioned matter, and also more supportive of freedom of expression and more independent from a legal perspective. The 2005 Media Law had considered a commission comprised of three members for Bakhtar News Agency who would be appointed by High Media Council. According to paragraph 2 of article 31 of that law, the members of the aforementioned commission had the following powers:

1. Propose appointment and removal of General Director of Bakhtar News Agency to the President
2. Approve the sub directors of Bakhtar News Agency proposed by the General Director of the News Agency
3. Maintain the independence, impartiality and professional prestige of Bakhtar News Agency
4. Provide oversight on financial, administrative and publications affairs of Bakhtar News Agency
5. Prepare and propose the budget (of Bakhtar News Agency)
6. Approve the broadcast goals (of Bakhtar News Agency)
7. Present annual report on activities of Bakhtar News Agency to High Media Council
8. Negotiate with the government, civil society organizations and donors to solicit funds
9. Provide oversight on implementation of the broadcast policy formulated by the High Media Council.

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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