

Nai Supporting Open Media in Afghanistan



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

MEDIA WATCH REPORT

Volume: 86

July: 2012

Preamble:

Violence against media professionals has been a consistent problem impacting Afghanistan's media community during the last 10 years. The senseless deaths of media workers including Zakia Zaki, Ajmal Naqshbandi, Shekiba Sangha Amaj, Janullah Hashimzada, Sultan Mohammad Munadi, Ahmad Omaid Khpelwak, Sadim Khan Bahadirzoy and others have left a deep wound. The recent martyrdom of Helmand-based journalist Abdul Hadi Hamdard has again plunged the media community into mourning.

In the past 10 years, these cases of violence have not been investigated. No perpetrators have been brought to justice. This impunity has given the enemies of free expression the courage to continue their attacks and threats. These individuals should know that their actions, and every drop of innocent blood, are recorded in history. The government of Afghanistan too should be aware that by not investigating their martyrdoms larger problems are created, and there are questions about the government's democratic credentials.

A recent presidential decree on corruption sent a positive message on graft, but it did not contain promising messages for Afghan media. Instead of enlisting the media in the fight against corruption, the decree curbs freedom of expression. The decree clearly represents the vision of a particular group in the President's Office — a group that would like to curtail press rights and free speech. Among other things, the decree proposes to ban the use of "foreign words" and promotes national languages and dialects, which combined imposes restrictions. The Information and Culture Ministry supports the decree and has pit itself against the media, intensifying a growing conflict between the government and the Afghan media community. With the media's attention diverted, focus will be lost on the real issues, like corruption and violations of the rule of law. There is a clear agenda in this decree — and it is anti-democratic agenda. There is no relationship between fighting corruption and strengthening national languages or banning foreign words.

With that said, the following topics are covered in this report:

- **Reporter dies in Helmand roadside explosion**
- **Arezo TV cameraman injured during assassination attempt**

- **Reporter claims security chief in Nangarhar threatened him**
- **Nasim Radio director threatened by Daikondi police**
- **Proposed amendment to draft Mass Media Law submitted to Information and Culture Ministry**
- **Killid Radio threatened after censorship attempt**
- **President Karzai issues decree that limits media rights**
- **Nai lobbies for social media week recognition**
- **Noor TV journalist reportedly insulted by Afghan National Army officer**
- **Etefaq Islam newspaper in Herat shut down for five days**
- **Analysis of Afghanistan Media Law**

Reporter dies in Helmand roadside explosion

Abdul Hadi Hamdard, a reporter and presenter for a local television station in Helmand province, was killed in a road-side bomb explosion in Girishk, Helmand province on July 11. According to Mr. Hamdard's colleague, he was driving home from work when his vehicle was hit in an area called Aab Bazan in Girishk. Another passenger was also killed and two others were injured.

A Helmand reporter, speaking



on condition of anonymity, told Media Watch that there was evidence that the Taliban planted the explosives that killed Mr. Hamdard.

Mr. Hamdard was 25 years old. He graduated from Kabul University with a degree in literature and he completed English language studies in India. In addition to being a reporter, he was also a volunteer teacher in Helmand.

Reporter Aziz Ahmad Tasal, who is related to Mr. Hamdard, spoke to Media Watch. “Mr. Hamdard was friendly with everyone. He became your loyal friend after your first meeting with him. He was a reporter, presenter, teacher and a good friend to people in Helmand.”

Mr. Hamdard’s friends and colleagues in Helmand say he wrote poetry, and after he returned from India, he voluntarily taught English to young Helmand residents.

In the strongest terms possible, Media Watch demands that Helmand officials protect and secure media workers in Helmand. Dozens of Afghan media professionals and foreign correspondents have been maimed or killed as a result of roadside bomb explosions. Last year, Jahfar Wafa, a young reporter who was married two days before his death, was killed with several family members in a roadside explosion in Laghman province.

Arezo TV reporter and cameraman injured during assassination attempt

Haji Fahim, an Arezo television cameraman was shot and his motorbike was stolen on July 25 while he was en route to his home with family members in Mazar-e Sharif’s 6th district. Two bullets pierced Mr. Fahim’s arms and he was hospitalized.

Speaking to Media Watch from the hospital, Mr. Fahim said: “It was 8:30 p.m. and I went to bazaar with my three sons. On our way back a motorbike stopped us and two shots were



fired, hitting my arm and I fell. Although there was a police station near by, officers didn't come to the scene. I was taken to the hospital by witnesses.”

Mr. Fahim said he does not have enemies. In his capacity as cameraman, he films what he is assigned to report on. He said his attackers wore masks and fatigue pants. “I looked directly at one of them as he pointed the gun at me and fired.”

He said police took his statement in the hospital, adding that he hopes his attackers are identified. Despite attempts, Media Watch was unable to speak to a police official. Hospital doctors told Media Watch that the bullets did not pierce deeply and Mr. Fahim would recover quickly.

Arezo TV Director Najeeb Paikan told Media Watch: “There must be a wide investigation to identify the persons behind this attack.”

Mr. Paikan said reporters have not been attacked in recent years. Abdul Qayum Babak, director of a Balkh Committee to Protect Journalists says the situation Balkh Committee to Protect Journalists says the situation for media professionals is dangerous and that the attack on Mr. Fahim was not the first, nor the last of its kind.

A number of reporters who spoke on condition of anonymity say the attack was likely a robbery and that the attackers wanted Mr. Fahim's motorbike. Mr. Babak disagrees. “If the purpose was to steal the motorbike, they could steal better ones without having to shoot someone. I believe this was a planned action and the theft of the motorbike is a cover to make people think this was just a robbery. The intention was to intimidate a media worker.”

Media Watch strongly condemns the assassination attempt of an Arezo TV employee and we call on relevant authorities in Balkh to identify and prosecute the perpetrators.

Violence against media professional working in the northern provinces has increased compared to last year. A reporter was assaulted by well-known persons in Mazar-e Sharif last month. Several reporters were assaulted by bodyguards of the Samangan governor while they were reporting on a suicide bombing in which parliamentary Ahmad Khan and 23 others were killed.

Media Watch is disturbed by these events and recent trends. Media professionals should be united in these situations to effectively defend their rights.

Reporter claims security chief in Nangarhar threatened him

Yasir Sharifi, a reporter for Killid Weekly magazine and Killid FM, claims that a district police chief in Nangarhar province threatened him on 14 July while he was preparing a story and taking photos. Before traveling to Ghosta district, he said he informed local authorities, including the district governor. After he interviewed the district governor, and while taking photos in the area, he claims he was insulted by the police chief.

“While taking photos I was stopped by a policeman and taken to the Ghosta police chief. He was very rude to me. I told him that I had permission from the district governor, and he replied, ‘who is the district governor? I am the police chief of this district and I am responsible, not the district governor.’”

Mr. Sharifi says a police officer deleted all his pictures from his camera. He added that there was clearly conflict between the district governor and the police chief.

Tahir Khan, assistant to the district governor, told Media Watch: "The district governor and I gave permission for the reporter to take photos, but the police chief told us that Mr. Sharifi was taking photos of military installations and they had to stop him."

The district police chief, Shukrullah Amanzoy, denies that he insulted Mr. Sharifi. He told Media Watch. “The Killid reporter was taking photos of a checkpoint and the police officers informed us.”

The district police chief and the reporter were subsequently summoned to the Governor's Office, where the matter was resolved.

It is illegal to threaten and insult media professionals - and Media Watch calls on government officials to facilitate, not block, media workers from completing their work. Facts cannot be published, and government activities cannot be reported if media workers face violence and constraints. Tension between the press and state officials creates gaps between the government and the public, and limits information access.

Radio Nasim director threatened by Daikondi police

Mohammad Reza Wahidi, owner and managing director of Radio Nasim in Daikondi province, claims he was threatened by local police while taking photos of suspects while witnessing several arrests on July 2.

Mr. Wahidi told Media Watch: “It was around 4 p.m. when a number of prisoners whose hands were tied by policemen were on the roadside and that grabbed people’s attention. I wanted to make a report about it and take some photos. When I started photographing, a number of policemen surrounded me and arrested me and threaten me with their guns.”

Daikondi Gov. Qurban Ali Urozgani said he was unaware of the incident and said the police should not be blamed. “Even if this incident took place, it relates to only some officers and should not reflect on all of Daikondi police. We do not tolerate police abuse in this province.

Mr. Wahidi says the situation for media is fine in Daikondi unless government officials are criticized. If reports are about government authorities and are published then officials show a reaction and try to impose constraints against media. Mr. Wahidi cited indirect pressures from the National Directorate of Security and the Daikondi education department. According to Mr. Wahidi, both entities pressure the media when critical reports are published or broadcast.

Gov. Urozgani says provincial officials support media activities within the framework of the law and anyone who obstructs media workers will be dealt with in accordance with the law. Meanwhile, media professionals are concerned about the impact on media and civil society following the closure of the UNAMA office in Daikondi after the withdrawal of foreign forces. Gov. Urozgani said he shares those concerns.

Two radio stations and five print publications are active in Daikondi. Radio Nasim is one of those stations, and it was launched in 2011 with news, education and entertainment programs. The station broadcasts four hours daily across Nili, the provincial capital.

Media Watch condemns threats against Radio Nasim and its owner, and asks high-ranking officials in Daikondi to reprimand officers who were involved in the incident. Police authorities can reassure civil society by committing to working with them to ensure security.

Proposed amendment to draft Mass Media Law submitted to Information and Culture Ministry

An amendment to the Mass Media Law, which was reviewed by media professionals, journalists' unions and civil society, was formally submitted to the Information and Culture Ministry on Sunday, July 15.

Media Watch Manager Sediqullah Tauhidi held a press conference at Nai Supporting Open Media in Afghanistan to describe the evolution of the draft law and the proposed changes



drafted by civil society and media. He said: “After careful review and assessment we came to the conclusion that the draft law does not reflect the demands of journalists. Therefore, we invited media representatives from Kabul and four regions of Afghanistan to a national conference was held at Nai to collect their opinions regarding the draft law. Now we are submitting those suggestions and recommendations to the Information and Culture Ministry.”

Mr. Tauhidi said while the current Mass Media Law is one of the best laws in the region, the law could do with additional changes to strengthen freedom of expression. Addressing the deputy minister for publications Deen Mohammad Mubariz Rashidi, who was present at the press conference, Mr. Tauhidi said the law should reflect the proposals made by media professionals.

Nai Supporting Open Media in Afghanistan hosted a national conference on June 27 to identify weaknesses, loopholes and other problems with the current Mass Media Law. Conference participants included reporters, media managers and representatives from various press agencies and civil society organizations. It is worth noting that the current law features 54 articles, all of which were carefully reviewed and assessed by conference participants. Participants highlighted 19 issues in the law as problematic and limiting for the media, and they proposed alternatives.

Mr. Rashidi, the deputy minister, promised that the Information and Culture Ministry would consider the suggestions and recommendations made by Nai conference participants. He also expressed appreciation for Nai's support to media workers. "When journalists have a good media law they can better perform."

Killid Radio threatened after censorship attempt

After Radio Killid published a report about an armed fight between two members of Parliament at a hospital in Pul-e Charkhi, the Office of the Information and Culture Minister contacted station manager Najiba Ayoubi asking her not to rebroadcast the report.

Moreover, two individuals went to Ms. Ayubi's house at 4 p.m. on July 26, 2012 requesting a meeting. Her family found their behavior aggressive and rejected a meeting with Ms. Ayubi.

In a press conference held at Nai Ms. Ayubi said: "Following the publication of a report about the fight in Pul-e Charkhi, I received a phone call from the secretary to the Information and Culture minister who said, 'You are making a report about the fight in Pul-e Charkhi area that will mention the names of the parliamentarians. Please stop reporting this.'"

Ms. Ayubi said the Information and Culture Ministry is the only government entity that works directly with media, and should support and advance free speech, but instead the ministry is attempting to censor the press. She added that the phone call, combined with the visit from two unknown men, were concerning. She asked the government, particularly the Information and Culture Ministry and security agencies, to take serious measure to preserve and protect the media professionals.

Media Watch Manager Sediqullah Tauhidi also spoke at the press conference. He said: "We believe that when any person attacks a journalist, providing information to the public becomes more difficult. Moreover, the Information and Culture Ministry as the only government entity that works directly with media should support and advance free speech, safeguarding the course of media activities and access to information. Unfortunately, they have not worked effectively towards this end, and in some cases they want to curtail press freedoms and censor the media."

In addition to Radio Killid, other media outlets published or broadcast the news of the fight between Mullah Tarakheil and Allah Gul Mujahid.

The Information and Culture Ministry's request to censor the report violates the Constitution and the Mass Media Law, and Media Watch condemns this action. Citizens have a right to information, including public safety information. Instead of acting against public servants who created public unrest in a hospital, the government attempted to stop the spread of the news of their actions. Media Watch also urges judicial and security agencies to protect journalists and media. Threats and censorship are violations of the law and the government is required to protect journalists.

President Karzai issues decree that limits media rights

The President's Office issued Decree No 45 on June 27 in a meeting of the National Assembly. Among the decree's goals are to improve governance, counter corruption and strengthen the law. After the decree was circulated by the media, numerous discussions emerged between political personalities and civil society activists.

In a conference held at Nai Supporting Open Media in Afghanistan on July 29, executive director Abdul Mujib Khalvatgar said: "Nai Supporting Open Media in Afghanistan supports the fight against administrative corruption and violations of the law, but we consider several areas of the presidential decree worrisome to the press because it limits the press and violates the media law."

Mr. Khalvatgar added: "Based on Article 1 (18) of this decree, the Information and Culture Ministry, Ministry of Hajj and Islamic Endowment, Ministry of Interior Affairs, Ministry of Higher Education and Ministry of Education with the assistance of the ulema council, mullahs and masjid preachers are given the authority to prevent programs and advertisements that are against the regime and society, which could mislead the youth and create negative motivations.

"Based on Article 15 of the decree, the Information and Culture Ministry is tasked with presenting a specific plan to the Council of Ministers for controlling the quality and setting the minimum criteria for the government and local media publications within the next two months," he continued. "We believe that neither the Information and Culture Ministry nor any other organ

has the right to set criteria and control the press. There is a control mechanism: the Afghanistan Mass Media Law. Imposing any criteria outside the law is illegal, whether decreed by the Information and Culture Ministry or the President. We believe that this part of the president decree limits the work of media.”

Khalvatgar added: “The media community expected the government to ask the media for assistance in fighting corruption and improving law enforcement. These other areas of the decree bring in to questions the government’s motivations and intentions about countering corruption. The decree refers to “unfamiliar words” in article 15. The Information and Culture Ministry is assigned with removing foreign and non-familiar words from the literature of the country. We suspect that this part of the decree can easily limit the way a piece of information is conveyed in language through the media.”

Regarding the use of the national words, Mr. Khalvatgar said, “Article 16 (last clause) of the Constitution is still under question that whether it exists in the approved Constitution by Loya Jirga in 2003 or not. On the other hand, with the propose of using the national terms, language conflict might be created by people.”

Nai wants to express to the government that in order to fight corruption and violations of the law, there is a serious need for freedom of expression and access to information. An attempt to limit free and private media violates Article 21 of the Mass Media Law and corruption will not be reduced — in fact, it will increase.

Nai lobbies for social media week recognition

Nai Supporting Open Media in Afghanistan declared 1-5 Asad (Afghan calendar month) Social



Media Week. Nai held a ceremony to recognize the value of social media and requested the United Nations Educational, Scientific, and Cultural Organization (UNESCO) to formally recognize “Social Media Week.”

At the ceremony Nai Executive Director Abdul Mujib Khalvatgar said: “Nai Supporting Open Media in Afghanistan formally sent a letter to UNESCO Kabul requesting their recognition of the first of Asad [July 22] as social media week across the world.”

Media Watch Manager Sediqullah Tauhidi also spoke at the ceremony: “Social media is considered a communication bridge among youth in the world and in some countries social media has led to great social changes.”

Mr. Tauhidi emphasized that social media is the best tool for connecting Afghan youth with the rest of the world. “You know that social media is known throughout the world and most youth use social media and it is not limited to only younger generations. Social media has led to great social changes. For example, the Arab Spring was facilitated in part by Arab youth through

social media. We do not want a revolution through social media, but the Afghan people's thoughts require revolution.”

After inaugurating social media week with slogans like “Get to Know Social Media” a Facebook posts exhibition was held. Nai asked Facebook users to select significant posts and comments. Some Facebook users who attended the ceremony said social media helps them discuss ideas, which traditional media cannot always do. Munir Ahmadi said: “I personally use



Facebook for information, data and news, and sometimes I use it to greet friends, which is wonderful.” He added that through social networks, facts or details are made known that are ignored or forgotten in media outlets.

Edris Uriakhail, another Facebook user, said: “Social media is a good source of information. Facebook users share their ideas online and connect with people across the world.”

World Press Day and International Freedom of Expression Day are formally recognized. Social media should similarly be recognized and Nai urges the recognition for an entire calendar week.

Noor TV journalist reportedly insulted by Afghan National Army officer

Noor TV presenter Hamid Sediqi says he was insulted and threatened by an army officer on July 24 while he was taking photos in the Ministry of Defense. Mr. Sediqi says he received permission to photograph from Gen. Dawlat Waziri, a deputy spokesman.

In an interview with Media Watch he said: “After an interview Gen. Waziri, I was given permission to take photo of the ministry grounds. He told an officer named Mir Aqa to escort me and identify suitable location for shooting. The officer refused to assist and he insulted me. He said that all reporters are spies and if it were up to him, he wouldn’t allow any journalists inside the ministry.”

In an interview with Media Watch Gen. Waziri apologized for the behavior of the officer and promised that there would be an investigation, and if the officer was responsible, he would be reprimanded. Gen. Waziri added that an individual officers actions should not be attributed to the entire ministry, which he says, respects and values the press and media workers.

Nai Supporting Open Media in Afghanistan strongly condemns the offensive behavior of the officer and urges his censure. The incident is far from the first time that a Defense Ministry official has insulted a reporter — assaults and threats have also been recorded.

Etefaq Islam newspaper in Herat shut down for five days

Etefaq Islam newspaper based in Herat province stopped publishing on July 8, but resumed work five days later in response to lobbying and support from journalists and media defense institutions. Herat Information and Culture Department officials say Etefaq lacked funding, citing embezzlement by its former manager.



Information and Culture Department Director Ahmad Ehsan Sarwaryar told

Media Watch: “In consultation with management of the newspaper and the Information and Culture Department, the financial problems of the newspaper were partially resolved and the paper started printing again.” He added that efforts were underway to find permanent solutions and increase the print papers in Herat.

An Information and Culture Department source told Media Watch that the paper’s accounting process was not properly monitored and shutting down the paper was the only way to bring some transparency to the situation. Reaction to the closure of an historical newspaper was swift in Herat and Kabul. When Nai Supporting Open Media in Afghanistan was learned about the

paper's closure, it contacted Herat authorities requesting their assistance. The government spends millions of afghanis on a daily basis and can allocate funding to a newspaper.

Nai considers the shut down of a newspaper like Etefaq Islam equivalent to the closure of a university or the opening of a prison.

Etefaq Islam newspaper began 93 years ago in Herat province it was the only paper published on a weekly basis during the Taliban regime. It is one of Afghanistan's oldest newspapers with a long history.

Media Watch praises the support provided by the Herat Information and Culture department and asks government officials, particularly the Information and Culture Ministry, to provide serious attempts in maintaining Afghan media institutions, particularly historical ones.

Balkh National Union of Journalists director passes away

Abdul Basir Babai, director of the Balkh National Union of Journalists, died on July 22. Mr. Babai was also an employee of Radio Television Afghanistan Balkh. He was a talented newsman and Nai extends its condolences to his family and the media community.

Mr. Babai was once censured by former information and culture minister Abdul Karim Khoram [currently chief of staff of the President's Office] for using words in his mother tongue, but he continued to work with enthusiasm and honesty.

Nai Supporting Open Media in Afghanistan expresses its deep condolences again and we consider his death a true loss for Afghan media. We pray that he achieves a place in Paradise.



Afghan Mass Media Law Analysis

Article 51: “Self-published books and booklets should be registered with the Information and Culture Ministry, and their authors are obligated to present 2 copies for submission to the Ministry and 2 copies to the Public library.”

Analysis: Intellectual property rights gives a creator the right to use for his/her moral and material interest. This right is one of the human rights as it is recognized in Article 27 of Universal Declaration of Human Rights. In order to support this right universally, an organization entitled World Intellectual Property Organization (WIPO) was founded.

Indeed, there are some conventions that support intellectual property rights of person and a committed government is obliged to include it in their domestic laws and support the human rights of its citizens. Fortunately, Afghanistan is member of the World Intellectual Property Organization, and according to Article 7 of the Afghan Constitution, the government must respect and regard the relevant conventions of intellectual property rights.

According to Article 47 of the Constitution, the government must ensure and guarantee the intellectual property rights of its citizens. “The government plans effective programs for improving knowledge, culture, literature and art. The government ensures the rights of writers, inventors, and discoverers and encourages and supports academic research in different area and will generalize the effective use from its results based on the provision of law.”

Based on the referenced articles of the Constitution, intellectual property rights are divided into two main parts — industrial / commercial property rights and literary and artistic property rights. Publishing books, booklets, and any literary or cultural work is part of the literary and artistic rights or copy rights. The government through the Information and Culture Ministry should maintain this right of the citizens.

In relation to the above Mass Media Law it should be said that this article makes authors and artistic creators, particularly writers, researchers and author register their books and provide two copies each to the public library and the Information and Culture Ministry. This article has been written as a matter of rules, but legally registering scientific work is not compulsory and is optional. In support of literary and artistic work, the general theory is that support should be provided automatically and should not require any formal administrative process. Fortunately, copyright in Afghanistan follows this legal principle. That is, it works without the formalities of registration and when it meets all other criteria. Article 7 (1) of copyright states: “(1) writer can

register his/her work, name, title, and special logo of his/her work at the Information and Culture Ministry. How to apply for registration and other related matters in a separate bill that is enacted by the Information and Culture Ministry shall be set.” The word “can” in the above article shows that registration is not a condition that protects creators ipso facto. Given the above mentioned points it should be said that attention should be give to this article and an amendment should be made according to the above rights.

Unfortunately, the Information and Culture Ministry has not taken serious measures to prevent plagiarism and loss of intellectual property. The Information and Culture Ministry must establish a specific strategy to secure the human rights of its citizens and it must act accordingly. Without intellectual property rights, the advancement of science, literature and arts in a society is hampered.

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>

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,*