

Nai Supporting Open Media in Afghanistan



نای حمایت کننده رسانه های آزاد در افغانستان
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MEDIA WATCH REPORT

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Preamble:

Among the media's most important tasks is exposing corruption, inequality and violations of the law so that violators are recognized and justice to be served, which promotes stability and economic, cultural and social development. As we've seen in the last 10 years, the Afghan political system ignores news that exposes criminals and illegal acts. Instead people are punished for reporting the truth.

In most cases Afghan reporters are missing benefits and protections that exist in the law but not in practice. Media worker are subject to violence, intimidation and sometimes, they die under strange circumstances. When journalists expose issues related to corruption and violations of the law, not only does the government pay attention, it attempts to excoriate and make a case against those reporters.

These kinds of illegal acts reduce the motivation of reporters in disclosing violations by government officials and they do serious harm to the Afghan media community.

A solution to this problem is to not remain silent. Media workers can follow up on corruption and similar stories in order to put pressure on government officials and to boost the media community in their efforts to promote freedom of speech and freedom of the press.

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Radio Voice of Qualat broadcast stopped, reporters detained for four hours

Based on the information received from Zabul province, Radio Voice of Qualat officials were detained on Feb. 27 for four hours and the station's broadcasts were stopped a day earlier by orders of the Zabul governor.

Radio Voice of Qualat Director Timor Shah Shahzada and a reporter were detained after they broadcast a report on a peaceful demonstration in which Zabul Senator and Provincial Council Member Zulmay Zabuli accused the governor of administrative corruption. Station workers were first intimidated by the provincial police commander, and the following day they spent four hours in detention.

Mr. Shahzada told Media Watch: "We told the police commander over and over again that we are reporters and based on the law he is not allowed to detain us, but he refused to listen."

Radio Voice of Qualat was established by the ISAF Provincial Reconstruction Team and is located inside the provincial police headquarter.

Local officials denied that the station's broadcasts were stopped, adding that ISAF controls transmission.

Acting Provincial Gov. Jan Rasoolyar told Media Watch: "This medium does not observe the principles and standards of journalism — the station lies and it encourages the public to demonstrate against the governor and government.

The broadcasts implied a coup against the governor just like the communists coup against Mohammad Dawoud," he added.

A public relations officer for ISAF in Kandahar acknowledged that broadcast was stopped, but he did not give a reason or source.

Provincial Police Chief Gen. Gholam Sakhi Rogh Leiwani told Media Watch he was unaware of the reporters' detention. He added that the station is funded by the U.S. government and it is not an independent station. Its reporters are managed by the Americans who prevented the reporters from going to the station.

"The governor may have instructed ISAF to arrest radio station officials," he said.

He responded angrily when asked if their detention was legal. "If reporters are free it is not ok, but not for the foreign agents who are paid by the Americans."

In a press conference held at Nai Supporting Open Media on Feb 28, 2013, Media Watch condemned the events in Zabul. Nai Executive Director Abdul Mujeeb Khelvatgar said "Whenever a medium gets its license, no one including the president has the rights to stop its broadcasts unless permitted by the law. We are calling on transmission to resume without conditions."

Media Watch Director Seddiqullah Tawhidi also spoke and said: “Based on the law, no individual or organization has the rights to arbitrary detain and stop the broadcasts of an outlet. Based on the Mass Media Law the media workers can only be detained by court order. Any actions that go against the law are an abuse of authority and perpetrators should be arrested.”

On behalf of the media community, Media Watch is calling on authorities to investigate this case and to prevent freedom of speech from being sacrificed for the desires of those who oppose it.

Author Partaw Naderi’s order of invitation is illegal

Popular Afghan author and poet Partaw Naderi refused an invitation to appear by the Attorney General’s Office in response to a newspaper article, claiming the summons was illegal. Journalists associations condemned the Attorney General’s summons.

In August 2011, Mr. Naderi wrote an article entitled “Who selects the next president” in *Mandegar*. He quoted Dawood Ali Najafi in the article, who said: “I, Dawood Ali Najafi, made Karzai the Afghanistan president.

Mr. Naderi told Media Watch: “After this article was published Mr. Najafi complained to prosecutors, claiming libel.”

Based on a letter sent by the Office of the President’s Complaints Review and Requests Commission to the High Commission of Oversight on Bribery and Corruption, there was a report that quoted Mr. Najafi, who reportedly said “I made Mr. Karzai president otherwise Dr. Abdullah would have become president.” This letter was published in several newspapers. Because there were discussion of a third round of voting, Mr. Najafi’s remarks were interesting. I wrote an analytic article and on April 2012 it was published in *Arman-e Melli*.”

“In the analysis I said that when [Mr. Najafi] says “I made him president” it means that Hamid Karzai was not elected by the public, which implies that there was massive fraud, adding that his remark was an insult to the people and the election process. I was not the only person who wrote this analysis,” Mr. Naderi said, adding that Mr. Najafi had been making the comment for months before.

The summons came months after the original article was published.

Mr. Naderi added: “The police came to my office and took me to the Fourth District and gave me a letter to go to the Attorney General’s office. Mr. Najafi, who is the transportation and aviation minister, had written complaints from his office, which were sent to Attorney General’s Office. He has not complained to the Media Violations and Complaints Assessment Commission. The commission has never asked me or the editor about the article.”

Nai and other civil society and media organizations have reacted strongly to Mr. Naderi’s summons, which is illegal. According to the Mass Media Law, where if the case is not resolved, it can be referred to judicial institutions. This commission has not been formed yet, and the existing commission sent the case to the Attorney General’s Office.

Some legislators say the commission’s response is illegal.

Kabul MP Baktash Siawash publicly called for prosecutors to not arrest Mr. Nadiri. He also asked the Information and Culture Ministry to mediate between Mr. Najafi and Mr. Nadiri through legitimate avenues with both sides present in Media Violations and Complaints Assessment Commission.

Presidential spokesman Aimal Faizi told *8 AM Daily* “Mr. Naderi, a famous poet and writer of our country, is a very respected person to us and what has happened should have been prevented.”

Mr. Faizi said that violations should be referred to the Media Violations and Complaints Assessment Commission. “We are sorry about what has happened and we are not happy with what has been done to Mr. Naderi, he is one of the most famous figures in our country.”

There are reports that the Office of the President has ordered prosecutors to close the case.

Media Watch notes that the Attorney General Office summons was illegal and we call on the President’s Office to issue a formal decree closing the case.

***Arman-e Melli* Newspaper case re-sent to Attorney General’s Office**

Arman-e Melli newspaper published an article on Oct. 3, 2012 about the release of a person suspected to terrorism following a guarantee from a parliament member. After its publication, Badakhshan MP Nilofar Ibrahimi filed a complaint with the Attorney General’s office.

Newspaper representatives were summoned to Attorney General's office to respond, and media defense organizations included Nai reacted immediately. The case was referred to the Media Violations and Complaints Assessment Commission of the Information and Culture Ministry. Unbeknownst to the newspaper or Ms. Ibrahimi, the case was sent back to the Attorney General's Office.

In an interview with Media Watch, Ms. Irbahimi accused *Arman-e Melli* of being unprofessional, adding that the paper did not get her side of the story. When asked if she guaranteed someone's release she said: "The text of the report is not important, it's the method that was not correct. Even if I am a criminal, why didn't they make me aware of what is going on?"

Arman-e Melli Editor-inChief Mir Haidar Mutahar said the paper used security sources to confirm the identity of the legislator involved in the terror suspect's release.

Media Watch spoke with three members of the media commission. All of them said the commission was not in session and they declined to provide further comment. The commission's secretary, the only person to speak to Media Watch, said the case was sent back on Dec. 1, 2012.

Reports and media complaints of the Media Violations and Complaints Assessment Commission are growing, with media workers claiming that the commission has changed into a tool to pressure the press.

Nai Supporting Open Media in Afghanistan is asking the government to take into consideration these complains. In a press conference and via an official letter to the Supreme Court and the parliament, Nai has asked, based on the Constitution and Mass Media Law to dissolve the Media Violations and Complaints Assessment Commission and form a Mass Media Commission.

The letter also asks the Supreme Court as the highest institution for the protection of justice and rule of law in the country to overturn a presidential decree that ordered the continuation of the Media Violations and Complaints Assessment Commission based on article 120 of the Constitution.

Nai's demands are based on an interest to maintain the rule of law and to provide the media with supervision through a legitimate legal structure. Nai and Media Watch call on the Attorney General to clarify the situation with this case and review the article published in *Arman-e Melli* and to dismiss Ms. Ibrahimi's case.

Daikundi media workers complain about provincial governor

In a letter to Media Watch Radio Nasim and Radio Daikundi media representatives, have written that time to time they are subject to intimidation and abuse by Daikundi provincial Gov. Qurban Ali Oruzgani.

The letter states: In Daikundi it is becoming more difficult for media to operate, and media officials working in the name of freedom, in order to promote the democratic systems and civil society, are subjected to invective and abuse by the provincial governor.”

Radio Nasim owner Mohammad Reza Wahedi told Media Watch that being a reporter in Daikuni is difficult. “The local government consistently tries to impose pressure on the media and denies the media information access, and when reporters seek interviews, they insult them.”

Mr. Wahedi added: “Whenever government officials are criticized by the public and the media, they try to stick sectarian or political labels on their critics. They want to defame us so we can’t do our job.”

Because these attacks come from the top, all government offices attempt to avoid the media, he added.

Radio Daikundi Manager Sayed Mohammad Anwar Shahab told Media Watch: “Once we started reporting on the weaknesses of the government, the governors attitude changed.”

He added: “The leader of a province should be the one implementing the law and representing democracy. If they behave with media like this, its clear that media will stop operating in the province.”

Gov. Uruzgani denied the claims when Media Watch spoke to him, calling the media representatives liars.

“In the first 16 month of its broadcasts, Radio Nasim broadcast without a license and the news was always false. This radio had numerous deficiencies and many complaints were made. Radio Nasim has partisan affiliations, that are affecting social and political relations,” he said.

He added: “Partisan persons do not belong in the press. The media is like a university.”

In a voice clip received by Media Watch, Gov. Uruzgani is heard accusing local media of spreading corruption.

Radio Nasim has received dozens of letters of complaint and threats from various entities, which radio managers believe is being encouraged by the government as a means of pressure. One of these letters is a complaint by a provincial council member, which has been referred to the Media Violations and Complaints Assessment Commission.

The second letter was sent by the Department for Information and Culture, which accuses Radio nasim of promoting personal interest and biased reporting. The Criminal Investigative Department has also demanded a copy of Radio Nasim’s operating license.

Media Watch is looking into the the complaints made by the Daikundi media workers and we have forwarded the letters and our own official letter to Independent Directorate for Local Governance and the Information and Culture Ministry for further investigation. Media Watch has asked the IDLG and ministry to investigate the case and to mitigate threats to free speech in Daikundi.

Media Watch reiterates that complaints against any media outlet should be referred to the Mass Media Commission, which has not been established yet. The Media Violations and Complaints Assessment Commission is performing similar function.

Mysterious death of a female media employee in Parwan

A 16-year-old girl, Samani Dunia Zakeri, who was once employed by Elham Radio in Charikar, Parwan died under unknown circumstances in her home on Feb. 14.

In an interview with Media Watch, Free Union of Afghan Journalists representative Ahmad Hanayesh alerted Media Watch to her death: “Her death seriously affects reporters particularly girls and women.”

Parwan Police Chief Brigadier Abdul Rahman Sarjang told Media Watch the reasons for her death are suspicious. There were no overt signs of trauma, and the family denied criminal investigators from taking a sample of her blood for autopsy.

Sarjang said the investigation would continue and questions could be referred to the police.

Reporters in Charikar say the timing of her death is suspicious. One person, who requested anonymity, told Media Watch: “Ms. Zakeri’s family was not happy with her media activities and about month ago they made her to stop working for Radio Elham.”

Ms. Zakeri’s family told reporters that she died due to gas poisoning.

Radio Elham representatives would not speak with Media Watch.

Media Watch asks officials in Parwan to seriously investigate this case and provide conclusive information to media workers and Media Watch.

The mysterious death of a media worker, especially a young woman, damages the morale of media workers and those who support freedom of speech.

Six years ago, Zakia Zaki, who managed Radio Peace in Jabulseraj, Parwan, was gunned down in her home in the middle of the night. Her murderers have not been identified.

The editor and chief of *Jawanan e Faal* Weekly has been intimidating in Kabul

Hamid Obaidi, editor-in-chief of *Jawanan-e Faal* and a Kabul University professor, claims he has been intimidated after publishing a report in his newspaper. In an interview with Media Watch, Mr Obaidi said: “On February 18 a person who said he owns a parking structure in Shahr-e Nau, Kabul called and said he’d shut down my paper.

Earlier, *Jawanan-e Faal* had published a report about extortion in Shar-e Nau parking areas. The report was published due to rising complaints, Mr. Obaidi said. The story, he added, was prepared in accordance with journalism standards. If parking lot managers think the report has caused them damage they should complain to the Information and Culture Ministry

But Mohammad Dawood, owner of Shahr-e Naw parking, denies that he was behind the threats. Mr. Dawood said: “The only thing we have done is told responsible person in the newspaper that due to financial and reputational harm we will complain to the Attorney General’s Office.”

Mr. Dawood added that the newspaper should apologize and issue a retraction.

Media Watch condemns threats and intimidation of media workers, which is illegal. If media reports result in harm to citizens, based on the Mass Media Law, citizens cannot intimidate and abuse reporters. They can lodge official complaints with the Information and Culture Ministry.

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 .

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

Mohammad Saber Fahim
Media Watch Senior reporter
saber.fahim@nai.org.af
saberf4@gmail.com

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

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

Note:

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