

Nai Supporting Open Media in Afghanistan



نای حمایت کننده رسانه های آزاد در افغانستان
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MEDIA WATCH REPORT

Volume: 95

April: 2013

Preamble:

Ghazni province in southern Afghanistan was named the cultural capital of the Islamic world in a ceremony held on April 13. A number of reporters and photographers attended the inauguration, but the Information and Culture Ministry only authorized one private media network to live broadcast the event. All other media were prohibited from entering the ceremony hall. A few media workers also reported that security personnel mistreated them. Access to information is a basic right and media are central to information dissemination. The ministry lacked the capacity to conduct a live broadcast and a private media network live streamed the coverage, whose branding was part of the live feed. As a result, other private networks did not stream the event. Coupled with problems created by security forces, many reporters did not gain access to the ceremony.

Afghanistan's national broadcaster Radio Television Afghanistan is capable of live streaming. Private media often broadcast high-profile events through RTA, which should have been done in this case, and because the ministry prevented journalists from entering the ceremony hall, many media outlets were unable to report on this historic international event.

Meanwhile, despite the gains made by Afghan media over the past 10 years, violence and threats remain real obstacles to reporters. Police and security personnel are frequent perpetrators of violence, but the Interior Affairs Ministry is making attempts to mitigate attacks. Other institutions are not doing this unfortunately.

Despite the fact that the Information and Culture Ministry exists to support media and journalists, the ministry has never initiated efforts to support media or reduce violence. Quite the opposite, the ministry often facilitates legal challenges to the media and reporters.

According to the media law, the ministry is mandated to provide support to media workers, but no such initiatives exist. The ministry could support media outlets that face sustainability problems, particularly print media. The ministry chooses inaction instead. The lack of support has resulted in foreign countries funding domestic media outlets. As a result certain media promote the interests of countries like Iran and Pakistan. This is dangerous particularly ahead of the 2014 elections.

Election coverage may also be hampered by security threats to media workers. All these issues require a fair and deliberate approach for remedy. The Information and Culture Ministry must facilitate press freedoms to ensure that the Afghan public receives balanced and objective information about the elections.

This issue of Media Watch covers the following topics:

1. **Reporter injured during assassination attempt in Herat**
2. **Takhar police assault Channel 1 media workers**
3. **Two journalists injured in suicide attack in Zabul province**
4. **Asia TV Editor assaulted during kidnapping attempt**
5. **Safir TV reporters assaulted by private construction firm director in Mazar-e Sharif**
6. **Ministry of Interior and Ministry of Defense commitment to support media and journalists**
7. **Local Herat official insults reporter**
8. **Attorney General's Office summons newspaper reporters**
9. **Media outlets blocked from covering Islamic cultural capital event in Ghazni**
10. **Foreign forces in Zabul briefly detain reporters**
11. **Amended draft law on access to information submitted to Ministry of Justice**
12. **New weekly launches publication**
13. **Afghanistan Mass media law analyses**

1. Reporter injured during assassination attempt in Herat

Ali Asghar Yaqubi, a journalist for Muzhdah FM, a local radio station in Herat, who is also information unit director for the Department for Information and Culture was injured during an attempted kidnapping. Unknown assailants shot him while he was on the way from the directorate of Information and Culture (DoIC) to Muzhadah radio station, unknown armed men shot and injured him.

Mr. Yaqubi links the assassination attempt to his media activities and claims that in his reports, he focuses on those groups that oppose national interests, like the Taliban and spy networks of neighboring Pakistan and Iran. He alleges that his assassins are related to these elements.

“What I am 99% sure about is that my attacker was not a real man. He belongs to a network. It was carried out by a network, whether Taliban or Iranian and Pakistani intelligence. I do not not have any personal enemies. I haven't even had a personal argument with anyone,” he told Media Watch.

Mr. Yaqubi claims that few people dare expose facts and realities about Iran. According to Mr. Yaqubi, Iran has great influence on Herat and journalists self-censor.

The Taliban have reportedly accepted responsibility for the attack. In a release to the media they said: “Yaqubi was attacked as a lesson to other journalists.”

Officials say a complete investigation must be done before the perpetrators can be determined.

Herat Governor spokesman Muhaidin Noori told Media Watch that the attack was “complicated” and required further investigation. He added the the provincial government would provide support and security assistance to journalists.

“With our available resources, we are prepared to assist any journalist who feels at risk. This includes hiring security,” Mr. Noori said.

Two weeks after the attack, the bullet was still lodged in Mr. Yaqubi’s chest. He has received no support from his government office, he said. But Herat Department of Culture and Information Director Aria Raufian said his office offered financial support for Mr. Yaqubi’s treatment. Mr. Yaqubi said he has not received any money or offers of aid.

Media Watch is shocked about the attempt on Mr. Yaqubi’s life and we call on Herat officials to launch a serious investigation to identify and prosecute the perpetrators.

Incidents of violence against journalists have been on the rise in recent months. Nai and Afghanistan’s journalism community are very concerned. In many cases the origin of the violence is government officials, and the impunity of recent years has contributed to self-censorship.

We ask the Afghan government to identify and punish perpetrators and criminal groups, otherwise the major achievements of free speech and a free press will be reversed.

2. Takhar police assault Channel 1 media workers

Channel 1 correspondent Nasir Sadiq, who is based in Takhar, claims he has beaten and mistreated by local police, who also smashed his car window.

Mr. Sadiq told Media Watch: “I was crossing a street in Taloqan, the capital city of Takhar province, when I noticed that the police were removing the dark tint from car windows. I wanted to produce a report on this. The police stormed my car and shattered the glasses even though it was not tinted. Police also damaged my microphone and camera.

Mr. Sadiq blame the provincial police chief. He claims the police chief is aggressive with media and has ordered police to mistreat reporters.

Media Watch has received numerous complaints from various sources about Takhar police.

A few days after the incident involving Mr. Sadiq, a number of reporters were harassed by police while they were walking in the city.

Aye Khanum FM Director Ataullah Obaid told Media Watch: “I was preparing a report on seasonal flooding with some colleague and the same police officer stopped us and told us that the only power we have is through television or radio and they can do what they want to us.”

Media Watch has reported these cases to the Interior Affairs Ministry. Ministry spokesman Sediq Sediqi told Media Watch: “The disputes between the Takhar chief of police and journalists are under investigation and the ministry will report on its findings soon. We are following the situation there closely because have received numerous complaints from serious organizations like Nai. If the police chief indeed ordered his men to mistreat journalists, we will take action.”

Mr. Sediqi added that the ministry supports freedom of expression and press freedoms. The police serve the public, including reporters.

Media Watch condemns extrajudicial behavior by police and we call on authorities to prevent acts that damage the image of the police and increase mistrust between the police and security agencies.

3. Two journalists injured in suicide attack in Zabul province

Among the casualties of a suicide attack in Zabul province on April 5 were two Shamshad TV employees. Reporter Ahmad Zia Abid and Mohammad Khoshal, a cameraman, were in Qalaat province to cover the a school inauguration. They were embedded with foreign forces when a suicide bomber hit their convoy. Both media workers were injured, but have recovered since.

Mr. Abid said they were shadowing U.S. Embassy diplomats and residents on their way to deliver books to a local school in Qalat city when the attack took place. The reporters were transferred to the Zabul PRT for treatment and they were later transferred to a local hospital in Qalat. They said they did not receive adequate attention from foreign forces. They are currently under medical supervision at home.

Afghan media workers are often vulnerable to suicide attacks during coverage of foreign forces and diplomats. In past cases, reporters have died.

Media Watch calls on foreign and Afghan forces and others who want coverage in high-risk areas to protect media workers. It is their responsibility to protect and provide care in the event of injuries to media workers that they have invited to cover their events.

Media workers must take precaution during high profile events or events involving foreign dignitaries and forces. No story is worth your life and risks should be avoided, if necessary.

4. Asia TV Editor assaulted during kidnapping attempt

Asia TV editor Nazir Reha escaped an attempted kidnapping on April 12. On his way home from accompanying a friend to a local police station masked men attempted to stop his car and tried to kidnap him. He resisted and was assaulted by the attempted kidnappers, who then fled.

He told Media Watch: “Asia TV recently produced and aired programs that revealed corruption related to the Herat Provincial Council. It has created controversy. We also aired investigative programs on the execution of Afghan citizens in Iran and their court cases, as well as reports on the state of education in the province.”

Mr. Reha believes the attempted kidnapping is linked to the education story because after its broadcast he received threatening phone calls from the Herat Department of Education.

Department Director Basir Ahmad Arween Taheri denied this allegation. He told Media Watch: “If the head of Asia TV has claims against anyone, he should refer them to the judicial institutions and courts.”

Mr. Taheri criticized Asia TV’s report and said it was a “prejudice act” and if there is mismanagement, it is for judicial institutions to investigate, not media outlets.

Herat Governor spokesman Mahyuddin Noori told Media Watch: “Until the results of investigations of Mr. Reha’s case are not finished, we cannot connect this case with his media activities.” He added that more than 500 journalists who work in Herat province and travel within the city and between its districts for works do not face any serious security challenges or obstacles”

He also said that there are 15 radio stations and 20 TV stations operating in Herat that regularly criticize local government in Herat and jihadi leaders and none of those journalist have been threatened and that the education department case is minor in comparison to other reports.

Media workers across the country are regularly attacked for their critical reports on the government. It’s clear that critique is not institutionalized. If a media outlet wants to produce and report on mismanagement or corruption in government, they are are frequently threatened.

Media Watch strongly condemns the beating and kidnapping attempt and calls on local authorities to conduct a robust investigation and punish the perpetrators. A lack of attention and response in these situations creates a culture of impunity and threatens freedoms that are essential to governance and Afghan society.

5. Safir TV reporters assaulted by private construction firm director in Mazar-e Sharif

Said Islam Balkhi, who directs the program “Baaz Tarin Panjara” (Open Window) for Safir TV, a local station in Balkh province alleges that he was assaulted by the owner of a construction firm that was featured in a report on road construction.

Mr. Balkhi said that on March 17 he was producing a story on the poor road quality in the province. He requested an interview with the owner of the firm, Ajmal Achekzai, who assaulted him. Mr. Balkhi said before the attack he had also been threatened by Mr. Achekzai, who told him, ‘You are an immature boy and these issues are none of your business, stay away from it.’

Mohammad Jawad Mosawee, chief editor of Safir, was informed about this issue and reported it to Media Watch. He said that the case has been reported to local prosecutors with evidence.

“We request the relevant authorities to punish the people who assaulted our reporter so that it sets an example and deters future attacks on reporters,” Mr. Mosawee said.

Media Watch strongly condemns the attack and we call for a thorough investigation and justice in the case.

6. Ministry of Interior and Ministry of Defense commitment to support media and journalists

There has been an alarming rise in cases of violence involving journalists since the beginning of the solar year in comparison to past years. Media workers, activists and others, including Nai Supporting Open Media in Afghanistan are concerned about this trend. Armed attacks, threats, verbal assaults, intimidation and physical violence are among the incidents recorded since the beginning of the Afghan year.

Media Watch Director Sediqullah Tauhidi held a joint press conference with Interior Affairs Ministry Spokesman Dawlat Wazeri on April 29 at Nai. Both acknowledge the rise in cases.

Mr. Tauhidi said: “A lack of investigation into these incidents by the government will result in more self censorship by the media. Journalists, reporters and other media workers are in need of serious support from security agencies.

Mr. Sediqi said: “Afghan journalists should have easy access to information. We try to reduce the challenges they face.”

Mr. Sediqi told the media about the establishment of a special committee within the MOI to address the recent violence and a letter has been issued to provincial police chiefs. The letter calls on local police forces to pay attention to attacks on media workers.

Defense Ministry spokesman Dawlat Waziri also spoke at the press conference. "I assure you that whenever you face challenges anywhere, in addition to contacting the police, contact us too. We will support you anywhere for any type of problem."

The recent violence has been highest in Kabul, Herat, Takhar, Badakhshan and Farah.

Freedom of expression and freedom of thought are inalienable rights of the Afghan people. The Afghan government is mandated to protect and serve the public, which includes media workers.

Media Watch appreciates the commitment of cooperation provided by the Interior Affairs and Defense ministries. We call on other government agencies and non-governmental institutions to stand with us in support of freedom of expression and a free Afghan press. We also request that security forces stand behind their commitment to protect media workers.

7. Local Herat official offends reporter

Herat-based Channel 1 TV reporter Atefa Ghafoori claims she was insulted by Shogofa Beheshti, director of the training and reform center in Herat province.

Ms Ghafoori told Media Watch: "I tried for two weeks to receive permission to visit the juvenile training and reform department. The permission was issued by the head of the justice directorate of Herat province. On April 20, when I went to the center, Ms. Shogofa Beheshti claimed the authorization was illegal and when I tried to challenge her she started insulting me."

Ms. Ghafoori said Ms. Beheshti also broke her mini DV from her camera because her verbal assault was recorded.

Media Watch was not successful in reaching Ms. Beheshti for comment. The director of the justice department also declined to be interviewed. He said a misunderstanding occurred and the media was making it a bigger issue.

Media Watch regards the threat and insults illegal and calls on perpetrators to be punished according to the law. Access to information is a basic right that is clearly stated in Afghan law. Those government institutions that hide information deprive the Afghan people from their basic rights. Hiding creates suspicion and undermines the credibility public service institutions.

8. Attorney General's Office summons newspaper reporters

The Attorney General's Office summoned editors of *8 AM Daily* for publishing an article entitled, "*8 AM Daily's findings: Afghan mines are being looted,*" which was published on April 30. The report details allegations of corruption by the Ministry of Mines and Petroleum and accuses senior ministry officials of being involved in illegal contracts and other illegal practices involving mining contracts.

Newspaper officials say they have copies of hundreds of documents from various government administrations to prove their claims. The report alleges that an illegal contract worth \$36 billion was awarded to two foreign firms. Editor-in-chief Parwez Kawa has received a summons to present the newspaper's documentation.

Mandegar Daily editor has also received a summons for a report that alleges that platinum is being smuggled through Kabul International Airport.

Editor-in-Chief Mir Haidar Mutahar told Media Watch: "I was also summoned by the AGO on April 30 and I gave the required explanation." The summons was issued after complaints made by KIA officials. Mr. Mathar says: "According to the Mass Media Law, we have not committed any violations because we have also published comments from airport official. Instead of launching an inquiry into me, prosecutors should investigate the actual story."

After the 8 AM report was published, copies of the paper were collected from across the city, according to Shah Hossain Murtazawee, a senior newspaper official. He did not name names, but he said a "specific network" of individuals who collected the issue.

Media Watch was unable to speak to the AGO about these cases. Nai Executive Director Abdul Mujeeb Khilvatgar said the AGO summons are illegal and that media complaints must be investigated through appropriate and relevant channels.

The AGO's actions curb media freedoms. Nai believes that a country that stands on democratic pillars must arrest and prosecute violators of the law, not the media who report on these offenders. Nai believes that democratic societies not only recognize freedom of expression as a principle, but value the contributions of the media in helping to bring offenders to justice.

Based on paragraph 2, article 7 of the penal code for detection and investigation, the publication of reports by the media on corruption in government administration is a tool for initiating prosecutions.

The AGO should vigorously investigate the reports in 8AM newspaper. By questioning the media, the AGO is encouraging corrupt officials to continue with impunity because the media, not they, will be punished. This also serves to discourage the press.

Nai Supporting Open Media in Afghanistan vehemently calls on the Afghan government to prevent acts that create concern for journalists and not to permit circles within the government to act against the government. This undermines the public trust in state institutions.

9. Media outlets blocked from covering Islamic cultural capital event in Ghazni

The Information and Culture Ministry failed in providing access to the coverage of a historic ceremony held in Ghazni to inaugurate the province as the capital of Islamic culture.

Media Watch Director Sediqullah Tauhidi told a press conference on April 14: “Media coverage of the ceremony, which was held to inaugurate Ghazni as the capital of the Islamic world, was one of the most important events to have taken place in Afghanistan. But the ministry failed to adequately broadcast and provide coverage and access to the event.”

He said it was the ministry’s responsibility to arrange for live streaming of the event.

“The ministry had invited all media outlets to attend the coverage, but when they came to the event they were refused entry into the ceremony hall.”

Information and Culture Minister Said Makhdoom Raheen spoke to journalists in a press conference. He said: “Because of technical problems, Radio Television Afghanistan was unable to transmit live feed of the ceremony in Ghazni and only Channel 1 TV was able to step in and provide live coverage.”

He said if there was a problem accessing the event, it was not because of the ministry, but rather individual problems related to journalists. He said no media were barred from the event.

Meanwhile, Ghazni Department of Information and Culture Director Bismillah Sharifi told Pajhwak News Agency that the minister told him only Channel 1 received permission and all other stations were not authorized to broadcast the event.

Media Watch calls on the Afghan parliament to investigate and identify the ministry’s negligence.

Media Watch received a copy of a resolution prepared by the National Union of Journalists based in Ghazni province that states: “The act of not allowing journalists to enter the primary ceremony of Ghazni in 2013 is offensive to journalist and is unfair to the Ghazni local government. To make a national, international and public program exclusive to one private television network is against the interest of Afghan people and the opposite of freedom of expressions. If local authorities in Ghazni do not take our suggestions into account, we will boycott provincial meetings.”

The resolution also states that the absence of a qualified person to head the press department of Ghazni province has resulted in problems for reporters and they call for swift resolution.

Private media can transmit from RTA, but private media will not transmit the feed from a competing private broadcaster whose logo is featured. The ministry is directly responsible for preventing private

media from covering the live event. It should be noted that the ministry was preparing for this event for two years.

10. Foreign forces in Zabul briefly detain reporters

Following a suicide attack on April 5 in Qalat, Zabul, local reporters and journalist rushed to the scene of the attack. International forces detained two journalists for three hours and their equipment was kept and returned two days later.

Rana Production reporter Lal Jan Afghan and Quadratullah, who works for a local radio station in Zabul, were questioned by Nato forces.

Lal Jan Afghan told Media Watch in an interview: “Despite the fact that we stood far from the scene, were arrested by the Americans, and even though the translators told them we ewere journalists, the Americans said we have to go to their base and be questioned.”

Mr. Afghan was concerned and informed other journalists about his detained for self-protection.

He said: “I deleted some pictures and photos from my camera so I don’t get in more trouble. If I hadn’t reported my arrest to Afghan authorities and other journalist, my life may have been put in danger.”

In many events, when reporters and journalists rush to scene of attacks and incidents, they are mistreated by security forces and authorities. In recent attacks in Kabul and Jalalabad provinces, many journalists were insulted and/or assaulted by security forces.

Media Watch condemns illegal acts that prevent journalism activities and we condemn the illegal arrest of journalists by foreign military forces. We also call on media workers to focus more on such events and to seriously avoid any unnecessary act or move that can create doubt and hesitation among security forces.

11. Amended draft law on access to information submitted to Ministry of Justice

Nai submitted its comments on a draft access to information law to the Ministry of Justice with 16 suggested amendments. During a press conference on April 1, Nai Executive Director Abdul Mujeeb Khilvatgar said: “Although there are positive elements in the draft law, in some cases journalist’s access to information was limited. Concepts and terms were not defined in the draft and there were some shortcomings in the appointment of members of the commission for the oversight on the right to access information.

According to Mr. Khilvatgar, the minimum age of commission members was set 35. Nai suggested this to be changed to 24. Mr. Khilvatgar called on the law to be ratified soon, ahead of the presidential elections, otherwise election transparency would be questioned.

Dr. Abdul Raof Herawee, acting director for the inspection directorate of the MOJ said: “This directorate’s performance is professional and specialized but not political. Doubts about the delay in the ratification and signing of this law is not acceptable for us. This law has been prioritized.”

The MOJ sent the draft law to Nai, which collated the views of journalists and civil society institutions. Last week, Nai held a meeting of activists and media workers to collect comments and suggested changes to the draft law.

The drafted recommendations were supposed to be presented to a representative of the Justice Ministry at Nai’s offices, but according to the representative, based on the minister’s directive, the representative was told not to attend.

Two years ago, a draft “right to access information” law was prepared by civil society and human rights organizations, which was then edited by the Information and Culture Ministry and after several iterations of edits, the final draft was submitted to the Media High Council and finally the Justice Ministry.

This draft, which features 51 articles, obligates the government and non-government authorities to deliver information, and the provisions would be monitored by a national commission.

Six months ago Nai also submitted a recommendation package to the Justice ministry. The ministry was widely criticized for the delays in finalizing the law.

12. New weekly launches publication

The first issue of *Kaar Weekly* was published on Saturday April 2, 2013 with the slogan, “Hopes for a brighter economy.”

Kaar is a 4-page paper that aims to promote youth employment and cover economic issues.

Owner Umid Hesar told Media Watch: “Given the unemployment issues facing our youth, we planned to publish this weekly to address those topics.”

Mr. Hesar said print media provide usefule job announcements and classifieds.

Media Watch is pleased to hear about this new publication and its mission.

Analysis of the provisions of the Afghan Media Law

Part II

Terms:

Article three:

The following terms have these concepts in Media Law.

1. Media:

Means of conveying messages and information such as:

Electronic media: radio, TV, cable network and internet

Print media: newspaper, magazine (weekly, monthly, periodicals, yearly, posters and news journals)

2. Public media used in this law is of the following division:

General media: is a media belonging to all people that is usually funded either by the government or advertisements

Private media: the media established and funded by individuals, political, economic, social and cultural organizations.

3. Journalists;

A professional person whose job is to prepare and systematize materials and contents of programs through the media is a journalist.

4. Printing press: an economically technical device for providing press services

5. Printer: a real or legal person (entity) who because of either proprietorship or proxy runs a printing enterprise.

6. Publisher: a real or legal person who authorized to print and publish non-periodical works

7. Publication: the act of conveying message or news through media.

8. Film production organization;

An institution that produces documentaries, cinematic film, slide and photos in the light of its charter is a film production organization.

9. Publication agency: is a legal entity publishing the programs of electronic media and periodical and non periodical press media in accordance with their objectives.

10. Journalism training institution: an institution that provides short or long training courses for professional journalism.

11. Translation office: a legal enterprise that is authorized to translate materials across the languages.

12. News agency: a legal enterprise operating in the field of communication and information gathering services.
13. Publicity and Add corporation; a legal personality working in the field of advertisement and publicity in the light of a charter.
14. Copy right; the right of a registered intellectual proprietorship regulated by an independent law according to the accepted norms and criteria.
15. concessionaire: a legal or real person (entity) who establishes and runs an electronic or printing media, a journalism training institution, a printing house, a publication enterprise, a translation office, a new agency, and a film production enterprise, or a corporation of advertisement and publicity.
16. editor-in- chief: a person who is in charge of a publication unit belonging to the organizations enshrined in article 13.
17. Radio: an audio public media.
18. an audio-visual public media.
19. Cable network: an audio-visual media that offers various programs related to national and international educational, cultural and entertainment programs.
20. Ads: an audio-visual service provided by electronic or printing media for real or legal persons in exchange of money or the like.
21. funds: the donation of any sort of fund for media by real or legal persons in return of intellectual or material purpose (fame, trademark, production activities and the like)

Analysis:

In codifying any law, the legislator is supposed to define legally the terms used in that particular area. There are twenty one terms in the Media Law, which are of prominent significance in the field of media, and each conveys a separate concept. The journalists and media should know who journalists legally are, and which device is media; otherwise, they are likely to commit mistakes.

The literal meanings of these terms are doubtlessly known by many people; however, the definition the common people have is never exactly the same as those meant by law; for example, someone may claim to be, say, journalist who makes the news to public. He is literally true but not legally. We cannot identify all the devices as media because media is a legally defined entity.

Moreover, the definition of the media nomenclatures guarantees specific legal rights; for each of these terms represents particular rights for legal or real persons.

The journalists and those in charge of media should be familiar with the legal concepts of Media Law; for no real or legal media person can reconstitute his/her rights unless they are able to present a legal definition of themselves.

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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