

Nai Supporting Open Media in Afghanistan



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

MEDIA WATCH REPORT

Volume: 96

May: 2013

Preamble:

The rule of law is a critical issue in Afghanistan. Illegal and extra-judicial actions, and lack of law enforcement, are widespread. Critics of the government say it has failed to uphold its own laws. One of the laws that the government has failed to enforce is the Mass Media Law, which was ratified by a Parliamentary vote four years ago. Many of the articles in the law are simply ignored.

The law requires media complaints and media registration to be settled through a mass media commission consisting of seven journalist representatives. The Ministry of Information and Culture has not established this council and continues to keep the structures established by the previous law. This is blatantly illegal.

The law states that two members of the High Media Council must be elected through media institutions, but the minister has personally chosen the members of the council. The previous law also states that the national broadcaster Radio Television Afghanistan belongs to the people as a public service broadcaster and it should not function under the auspices of the ministry or state. RTA should be managed by an independent board and have its own operating budget. RTA is still controlled by the minister and he runs the broadcasters as his private media outlet. All administrative and executive affairs are being administered by the minister, which is an obvious violation of the law. Furthermore, the registration of new media outlets is still being processed by the ministry in clear contradiction of the Mass Media Law. In order to reverse the situation a lawsuit is necessary — otherwise the government will continue with the status quo while ignoring the law on paper. Will the press follow the laws when the Ministry of Information and Culture violates them?

Law enforcement agencies has to address these issues that why MoIC neglected law enforcement and if the neglect has the intention of MoIC as autarchy factors, law violators have to be punished; and if neglect is not intentionally, Minister of IC who is the first person at his Ministry due to lack of professional capabilities has to be sacked.

1. **Journalist murdered in Kunduz**
2. **Mysterious murder of journalist in Kapisa**
3. **Nangarhar RTA reporter reported missing**
4. **Minister of Information and Culture is accused of violating law**
5. **8 AM Daily reporters humiliated, denied entrance into Parliament**
6. **Nangarhar media workers boycott coverage of local government**
7. **Media Violations and Complaints Assessment Commission being misused for censorship and intimidation**
8. **Nai marks international Media Day in Kabul, awards prizes**
9. **Media workers recognized by private university**
10. **New weekly starts publication**
11. **Analysis of Mass Media Law**

Journalist murdered in Kunduz

Muzamil, a Kunduz University student and part-time reporter for a local radio station, disappeared in Nangarhar province and his dead body found in Kunduz province 12 days later.

‘He was one of our volunteer journalist in Kunduz province who has been kidnapped first and then killed’, Engineer Homayoon Latifi head of Radio Enekaas at Nangarhar province told Media Watch.

Latifi added: “Muzamil who worked as volunteer journalist with Radio Enekaas was originally resident of Nangarhar’s Kama district. He was studying in Kunduz province and had not any personal enmity with anyone there to cause his murder”.

Mr. Homayoon Latifi, head of Enekaas Radio says that there is no reliable information that whether Muzamil’s journalism activities has had any links to his murder. He emphasized that “Muzamil” had not any personal enmity, and neither has he died naturally.

However, Said Sarwar Husaini, spokesperson to chief of police in Kunduz province told Media Watch in interview about the murder of Muzamil and his friend: “Muzamil and his friend were invited by their classmates in one of Ali Abad’s district rural villages in Kunduz province. After their disappearance for several days, their dead bodies have been found in two local areas of this district”.

Hussaini says, investigation is going on and a joint commission comprising representatives from police units, national security department, attorney office and office of Kunduz University has been established to seriously follow and look into this case.

Media watch condemns the murder of Radio Enekaas journalist and considers this as a big loss to the media family in Afghanistan and it asks security officials in Kunduz province to urgently identify the perpetrators of this murder and put them under lawsuit.

During the past ten years, more than 30 journalists have lost their lives in Afghanistan but the government have never addressed to any cases of these murders.

Lack of following of journalists' murder cases and lack of punishment to the perpetrators of violence against journalists have caused that the freedom of expression face serious challenges, and on the other hand, individuals and groups who carry violence against the journalists can darken government's complexion among world community.

Media Watch once again asks government authorities to carry their responsibility in terms of the protection of the citizens and not to let the enemies of freedom and democracy to victimize the freedom of expression as they desire for.

Mysterious murder of journalist in Kapisa

Mohammad Muhsin Hashimi, journalist of Radio Saday Nejraab who was in charge of technical unit and production of entertainment programs in this radio has been disappeared on 12 Sawr of solar year and after 18 days of absence, his dead body found 200 meters away from his home inside a well.

“When we noticed that Mr. Muhsen Hashimi has not come to office on his duty, we started searching him and despite several attempts, we could not able to make any contact to his phone numbers. So we decided to contact his home but Musin's father told us that they have learned that Muhsin was on the course of going to Kabul.” Dr. Abdul Mutalib Hamid, head of Saday Nejraab radio station told MW in an interview about his colleague's murder.

Head of Saday Nejraab Radio station added: After Mr. Muhsan, one of Saday Nejraab radio station's staff disappeared, we informed security officials. Security officials have started investigations but after 17 days of search operation and investigations, his dead body was inside a well near his own house.

Security officials have arrested father and two brothers of Mohammad Muhsan on their link to his murder, but they freed Muhsin's father at the same day, however, his two brothers are still in police captivity.

Qais Qaaderi, spokesperson to Kapisa governor told Media Watch in an interview that due to efforts put by security forces who were in charge of tracing this case, they succeed to find his death body and further investigations are going on regarding this case.

Dr. Hamid, Head of Radio Saday Nejraab told: Their employee has never had any enmity with any individual or groups and no one had threatened him until he was disappeared.

Spokesperson to Kapisa governor told Media Watch: Muhsin Hashimi's wife claims that her husband was threatened a while ago.

Head of Kapisa's provincial public relation office said, the reason for his murder is not clear yet that weather it was personal enmity or it had any link with his career in media.

Murder of two journalists during a month seriously raises concerns among media society in Afghanistan. During this month another journalist who was working in media field is killed in Kunduz province. Muzamil who was a student in literature faculty of Kunduz University, was also had cooperation with Enekaas Radio station at Nangarhar province. He was disappeared on 8th Sawr of current solar year and after 12 days, his dead body found in Kunduz province.

Media Watch at Nai supporting open media in Afghanistan seriously asks the detective organs in Kapisa province to urgently identify killer(s) of Mr. Muhsin Hashimi and overhand him to the law and justice.

It also asks security forces to ensure security and protection of all citizens and put their serious efforts in this regard, especially it has to ensure the protection of journalists' life and professional activities and consider it as their priority.

Nai supporting open media in Afghanistan had already raised its concerns on insecurity and rise of violence cases against the journalists in current year. And the murder of these two journalists has increased such concerns.

According to the reports by International Federation of Journalists (IFJ), on 24 Sawar of current solar year, another journalist whose name is Mohammad Nasim Torak also killed by unknown persons in eastern province of Nangarhar. According to investigations done by Media Watch, Mr. Mohammad Nasim Torak was working as the head of Public Relations Department in police headquarter of Laghman province who was killed by anonymous person in this province.

Nangarhar RTA reporter reported missing

Shafiqullah Khewawal, cameraman of Nangarhar's state television disappeared on 20 Sawr of 1392 in Nangarhar province and still there is not information on his whereabouts.

Mohammad Emal, brother of Shafiqullah who is cameraman of Nangarhar's State TV Station told Media Watch that his brother was working with Nangarhar's state TV station. He has disappeared from 20 of Sawr up to now.

Mr. Eimal says: There is no evidence or proof to reveal that that has kidnapped his brother. He added: “We have not received any contact or any messages from any individual or group to show the whereabouts of my brother”.

Engineer Zalmai, head of Nangarhar State Radio and TV station told Media Watch that Mr. Shafiqullah is among of good cameraman of this station. He added: “While Mr. Shafiqullah was sitting in his office, he received a phone call. Without sharing anything about this call, he borrowed a motorbike of his colleague and left the office to an anonymous place. After he left the office, neither us nor his family has any news about him yet”.

Director of Nangarhar TV station told that after he disappeared, their colleagues have informed security officials and they emphasizes that Mr. Shafiqullah Khewawal had not any personal enmity with anyone or any groups.

Meanwhile, Ahmad Zia Abdulzai, Spokesperson for Nangarhar governor office told Media Watch about progresses made by security officials on this case. “Security forces have some necessary progresses on this case and further detection and investigative operation is going on to trace the kidnappers”.

Shafiqullah, the cameraman of Nangarhar TV station, has five children and have been working with this station for the past 8 years.

Media Watch considers this case a concern for journalists and asks the security forces of this province to accelerate their search operation and put all their efforts in this regard.

Media Watch once again asks the security officials and government authorities to perform their duty towards the protection of citizens and do not let the enemies to victimize ordinary citizens, especially journalists, for their evil desires.

Minister of Information and Culture is accused of violating law

Dr. Zalmai Zabuli, head of complaint commission in upper house during a joint press conference with the members of International Federation of Journalists (IFJ) on 23rd of Sawr 1392 warned the Minister of Information and Culture that if he do not pay attention to the request of Media Society and the senate, they will refer the case to courts and judicial institution and will ask the president to refer him to the special court.

Lack of the implementation of Mass Media Law and lack of prevention from the smuggling of ancient monuments are issue that Minister of IC has been accused for.

Delay in the establishment of mass media commission, obstacles and prevention of National Radio Station not to go independent and absence of journalists in high council of media are some issues that Minister of IC has never paid attention to or has not put it into practice. Based on Mass Media Law, a commission of Mass Media has to be established and National TV and Radio station has to be changed to a public and independent station.

Based on the documents which recently leaked shows that 59 items of ancient monuments which goes back to Bronze Age have been seized by London police in 2003 and it has asked the Afghan government that weather it is the asset of the government of Afghanistan. In reply, Afghan Minister of Information and Culture wrote a letter, denied its ownership and mentioned that “These monuments are not belonging to Afghan’s National Museum).

Fahim Dashti, executive director of Afghanistan’s journalist union told in this press conference: “Although the Minister of Information and Culture has never tried to regain the ancient monuments, but in reply to the letter from British government has stated that these monuments are not Afghanistan’s property, so this act can be called smuggle of Afghanistan’s ancient monuments”.

About the Commission of addressing the media complaints and violations, Mr. Dashti added: “Any kind of efforts should be put to rescue off from the illegal commission which is under the control of MoIC’s minister”.

Sediqullah Tawhidi, head of Media Watch at Nai told in this conference: “Delay in the establishment of Mass Media Commission is not the first and last illegal act of MoIC’s Minister but He has also violated several issues related to Mass Media Law”.

He said: “According to mass media law, the National Radio and TV station has to be taken out the control of MoIC and should be led through an independent board, however, still the RTA is not out of the control of MoIC and the Minister has full influence on all broadcasting affairs and programs”.

Mr. Tawhidi asked the National Assembly to assist media outlets and journalists in the implementation of the law of mass media.

In this press conference, Dr. Zalimai, chairman for complaint commission in the senate told the reporters: “Since the past month, we have been asking the Minister of Information and Culture to attend one of our regular meetings but due to some reasons, he refused to attend any meeting.

He said: “We give him one more chance to attend commission’s meeting and provide response on law breaking and smuggling of ancient monuments. If he still does not attended, we will introduce him to attorney general and it will ask the president to issue order about the formation of a special court in

order to pursue him. Secondly, we ask the Afghan Supreme Court that based on Afghan constitution, trail the Minister of Information and culture within a special court and finally if no one heard our voice, we will launch massive and public demonstration to show the power and strength of media and senators”.

Mr. Zabuli also claims that for the past three weeks, there are no TV broadcasts from the meetings of complaint commission in the senate. Senator Zabuli believes that the Minister of Information and Culture would like to boycott and put pressure on this commission.

During a press conference, Dr. Said Makhdoom Raheen refused all claims made by senator Zabuli and considers them baseless and he linked the claims to his personal obsession.

About the claims for not accepting 59 items of ancient monuments that was smuggled to Britain, Minister of Information and Culture said: “In the letter, I have not mentioned that these ancient items are not belong to Afghanistan, but indeed I had written that the ancient items were not registered with Afghanistan’s National Museum. These 59 ancient items are currently available at the Afghanistan’s National Museum”.

According to Media Watch, no intention for the establishment of Mass Media Commission by MoIC, which has explicitly stated in Mass Media Law, is an illegal act and continuation of the current scheme which was created by the Minister of IC can be only considered law breaking and represents personal interest of government officials.

If Dr. Said Makhdoom Raheen would like to not give the title of law breaker for him, based on current law for mass media, has to create the commission of mass media and has to annihilate the current commission which is active for the past four years.

8 AM Daily reporters humiliated, denied entrance into Parliament

Akbar Rustami, a journalist working for “Hasht Subh” daily paper wanted to enter into the Parliament campus and interview two representative who are also members of Cultural Commission in the lower house, when he was humiliated and insulted by security personnel of the parliament.

Rustami, in an interview told Media Watch: “Security personal at the National Assembly campus did not notice my ID card or the card which I hold from the National Union of Journalists and did not allow me to enter into the National Assembly’s campus”.

Meanwhile, Parviz Kawa, chief editor of “Hasht-e-Subh” daily told Media Watch: “Despite that our journalist had his ID card and card of his membership at Union of Afghanistan’s Journalists, he was not allowed to enter into the Parliament campus.”

Mr. Kawa added: “Security personnel at National Assembly treated our journalist like they had personal problem with our media organization”.

Rustami continued: “Another problem that parliament creates to the journalists is that the public relations department of the parliament treating some journalists violently or based on their personal interest”.

However, Mr. Kamawal, head of security personnel at the national assembly told Media Watch: Journalist from “Hasht Subh” daily paper did not hold his special ID card so that the security personnel did not allow him to go inside”.

Akbar Rustami is one of those journalists who produce effective investigative report. A while ago, by publishing such reports, “Hasht-e-Subh” disclosed massive corruption at the Ministry of Mines. The report attracted attention of media supporting institution and it was appreciated by many journalists and their unions.

Media Watch at Nai Supporting Open Media in Afghanistan condemns the treatment of parliament’s security personnel against the “Hasht – e – Subh” journalist and considers it against the law. It asks the members of parliament to solve the problems and address to the challenges the journalists face within the law making institution.

Nangarhar media workers boycott coverage of local government

The Provincial correspondences of Nangarhar have reacted over in response in lack of information provided by the Governmental agencies since the 12,05,2013 and decided to avoid broadcasting Governmental news and reports until the local Governmental officials re announce their strengthen commitments providing information about correspondence in Nangarhar Province.

In the letter of format which has been published by the union correspondence and local writers of Nangarhar province a number of the correspondences who have signed the paper have complained that local correspondence and media are kept an aware when the high ranking officials come to Nangarhar for official trips by the local official in their province though all the international and central media publish the events or the officials trips to Nangarhar Province.

The letter format also added that, the local Governmental official in Nangarhar Province has been questioning the rights of access to Information through there has been the same challenges experienced in the past and the local officials had promised to resolve the issue still based on this letter the Provincial Governor have stayed still silent and no positive action was taken yet.

At the very last part of the letter the local correspondences have written: "based on have no access to information provided by the local Governmental officials with the unique voice we say that we would cut off our carrier relationships with the local Government of Nangarhar Province this situation would stay stable until the Local Governmental officials write us an officials letter to negotiate over the issue and both side of the case must stay committed in its implementation".

During the interview with Media watch the secretary of the Journalist and local writers Rahmatullah Zairmal said, "local correspondences did have access to information from the past and faced a lot of challenges during this time the Governor and related officials in different departments have not only provided the information in its right time but also have prevented some of the reports due to different excuses not to be published".

Mr. Zairmal said, "the information which is given to the local correspondences are just the achievement of the Governor and his related personnel and if we demand more details they make excuses and denying giving the details for us".

But the local officials have called the claims for the local correspondences baseless media and freedom is the biggest achievements in the country and the local Government of Nangarhar has always tried to keep the balance.

The Governor spokesperson Ahmad Zai Abdulzai during an interview with media watch said, "the Provincial Governor has paid more respect the rights of for having access to information of the citizens and understand it the basic rights of the people, based on this the provincial Governor has shared news information, with correspondence in Nangarhar Province".

The spokesperson said, related to the recent trips of Governmental officials due to Goshta district of his province, "the Minister of interior affairs and some other high ranks have visited Goshta district to review the security condition they have had some correspondences from Kabul alongside and they did not have plan to have media conference according to their agenda which have shared it with our local media."

Also one declaration has been published by the Provincial Governmental which is written "the local provincial Government get information about the working schedule of the Senior officials who have

trips to Nangarhar if they have media conference with delays inform all the local media for more coverage and in case they don't have plan to have media conference we also let the local media know that".

One more time the provincial Governor Office would like to assure that from now on wards the all correspondences would have access to all type of information written in the declaration letter.

Rahmatullah has claimed that the provincial Governor office is trying to put more pressures over the correspondences to withdraw their decision and recover the Governmental news, reports through their channels.

He said the suicide attack which took place 3 days after the correspondences boycotts in Jalalabad city the correspondence have tried to have access to victim,s numbers of the incident but could not get it.

But the Governor spokesperson has rejected their allegations said that all the media have been informed based what the responsible provided the information.

Finally after 2 weeks of correspondences boycotts in Nangarhar province the Provincial Governor office during a written commitments "written undertaking"to the correspondences has stressed over the rights of access to information and the correspondences also ended their boycotts.

Now we wait and watch how could the Provincial Governor of Nangarhar stay tuned to its commitments made with local correspondences all the challenges have come after that the Afghanistan constitution and mass media to Afghanistan have definitely insisted and supported on having access to the information.

Having no access to information is the biggest challenge for the work of correspondences which the correspondences have experienced since one year in the past, still the issue is getting expanded and is felt much more than past time. Though having access to information has been confirmed in one of the constitution of Afghanistan articles 50 still the correspondences and media watch, defender institutions stress to have clear and specific law for the issue in the country the draft plan has been made and ready to be sent to Council Ministers , minister of justice and lower house of the parliament for approval hope after approving the current law media family could get rid of a huge challenge in the country.

Local Governmental officials special the Nangarhar local officials have to provide the information based on the constitution of Afghanistan with no delays for the correspondences, having no access to information has not only challengeable for the media family in the country but also ignore the Afghan citizens from their basic rights to have the information.

Media Violations and Complaints Assessment Commission being misused for censorship and intimidation

The International media day was held by the cooperation of UNESCO , UNDP, Ministry of Cultural and Information, Journalist federation of Afghanistan, and NAI the supporting open media in Afghanistan and some other organization in the country.

In the Conference the National and International organizations, Wolesi=Jiga members, civil society activists, Free correspondences with the slogan of safety of the speech,(securing of speech in all media) attended.

The deputy of broadcasting of Ministry of Cultural and Information Din Mohammad Mubariz Rashidi during his speeches said,” the future of Afghanistan images in hidden in mics of the journalists and pens of the writers”.

Mr. Rashidi said, No specific law over having no access to information has damaged badly our media in the country he stressed that he would not understand that how media would have activities to find their rights having access to information without specific law he said that during this time if the officials did not response no one could investigate about it.

Also the head of religious cultural of higher education commission in Wolesi Jirga Miss Helaiy said,” freedom of speech is one of the achievements of one past decade which is costly to us we have lost a lot of citizens instead, its our duty to protect this legal rights”.

Meanwhile responsible media watch in supporting open media Nai sediqullah Tawhidi talked about reviewing of the complains and addressing the media violations commission said, since 2005 despite of repeatedly requests to Ministry of Culture and Information to cancel the activities of illegal commission of reviewing and addressing of the media violation in the country still this commission continues its illegal activities.

During the conference a message from the Secretary General of United Nation Organization and the General Manager of UNESCO Miss Irina bokwa was read on the occasion of the world press freedom day.

In the message has been written: the rights of freedom of speech, which is one of the basic rights for human beings which underlines protections and promotion of other related rights of Human Beings.

In the message has been said, the freedom of speech is not being secured but it needs a safe environment for more negotiations a place where all the individual to speak free away from any fears , taking revenge and retaliation actions.

The world freedom press day celebration comes after all media family members experiencing security challenges across the country every year. Based on the media watch records, violence against media family is getting increased day by day and with getting closer to the dateline 2014 and withdrawing of the International troops from Afghanistan and coming our both Presidential and provincial elections probably violence against correspondence is expected.

Nai marks international Media Day in Kabul, awards prizes

The world freedom of speech day was held during a huge gathering in Nai office and on this occasion a number of the correspondences and practitioners of media also have received some awards.

The Nai award which is being given to correspondent aspect since 3 years this year also has been handed over to six sections th(best News reporter, best investigative reporter, best director of TV program, best cameraman, best film shooter, best web blog writer, and best photographer) the monitoring process was done by the committer of Media veterans family members such as correspondences, writers, Photographers, web blog writers of Afghanistan the nominated persons have been chosen and received awards.

In best News reporter award has been presented to Miss Vida Baraki Pajhwok News agency, in investigative report the award was earned by Akbar Rustami 8subh Newspaper, in best photographer , the award was received by Ali Afzal Rahe Farda TV station, and best web blog writer award was given to Mrutaza Miraj.

And also in the above mentioned sections in correspondences aspect those who have been nominated as second and third position have been praised and given appreciation letters.

The officials in NAI also expressed their concerns over the increasing of violence against correspondences during the gathering.

The executive manager of Nai Abdul Mujeeb Khilwatgar has called the increased numbers of violence against correspondences un-acceptable one and demanded the Government of Afghanistan to prevent bad behavior and violence against correspondences in the country.

The responsible for media watch in NAI Sediqullah Tawhid during the gathering insisted that if the violence against correspondences and media workers continues, the condition of correspondences in total especially freedom of speech in Afghanistan would be damaged.

Mr. Tawhidi said, "since 5 months in 2013 we have recorded more than 40 cases of violence against correspondences in Afghanistan comparing with last year we have had 22 cases of violence recorded at the same time last year which shows 100 percent of increasing of violence against correspondences".

The world press freedom day is being celebrated in all countries in the world annually after Taliban falls the Afghan Nation also celebrate this day and pay respects for it.

Media workers recognized by private university

The Private Dunya University and UEMF Swiss during their very first graduation ceremony have appreciated the media officials and correspondences in the country.

The acting manager of Dunya University Ahmad Shah Sangdil said to media watch, "we do admire and appreciate the day and nights efforts done by the correspondences in providing information in the country, that's why we wanted to appreciate some of the correspondences.

Mr. Sang dil also reported the financial supports for 4 correspondences in his college said, "the heads of his University are intended to pay the education costs for 4 correspondences who are interested in education in the country."

Jawid Rastapur is one of the correspondences who has been appreciated by Dunya Private University he told to media watch that a low numbers of the correspondences have been appreciated though a huge number of the correspondences are trying their bests to provide information to the public.

Rastapur said, "if a correspondent is being admired for his efforts there he gets more involve in his carrier to provide more information.

The Media watch officials understand the correspondences and media workers who are being appreciated is effective in correspondent aspect and demanded the Governmental and Private institutions to appreciate and encourage correspondences in their scope of work.

Correspondences have missions to reveal the poor and weak points from the society and draw the attention of the responsible for sure providing information is full of challenges and efforts to face with, no doubts admiring and appreciating of the correspondences is a spiritual rates which this process must continue.

New weekly starts publication

Parsi, a new weekly which specializes in history and literature, published its first paper consisting of page. In the first edition published 22 May 2013, the paper said: “We will cover events and incidents that take place in the geographical map of our country called Afghanistan and we are also trying to reveal the un-said, un-recorded aspects of our society.” The paper also states that its second mission is to cover recent history of the last few decades.

Parsi Managing Editor Mohammad Haroon Majidi told Media Watch: “There has been limited space for Mr. Haroon said, our vision is to look in big civilize scope in order to introduce our weekly newspaper in its proper way of it to the public that’s why we have picked this name *Parsi* for it.

Meanwhile the responsible for Media watch who attended the ceremony said, weekly newspaper have to try to publish the analyzed News and try to observe to publish those points which are not being covered by the Electronic media.

The weekly Newspaper currently being published within 4 pages 1000 pcs at the same time it is being distributed to the provinces of Kabul the capital, Panjshir, Parwan, Kapisa and some other cultural centers.

Analysis of Afghanistan’s Mass Media Law

4th article: (1) every single person has the right to think express free.

Seek, obtain and disseminate the information, information and comments in an order firm based on the law with no interfering, and threats from the Governmental officials is included this right. This right contains of free activities, broadcasting equipment, disseminate and finding information.

Government supports, improves, and guarantees the freedom of mass media.

No factual or legal persons including the Government and its departments could prohibit, boycott, or limit the activities of the News media or informational institutions, or kind of interfere into the broadcasting affairs of mass media unless legally or based on the law.

Analyze:

Freedom of speech is the infrastructure of all freedoms especially media freedom. The meaning of freedom of speech has been to disclose the thoughts, beliefs and thinking. This type of the freedom gives legal rights to the individual, which through the speeches and press could explain his/her books, works, conference, research, investigate, thought and beliefs to the public.

The 4th article of media law dice to 34 article of Afghanistan constitution and 19 International covenant on civil and political and 19 article of Universal declaration of human rights has been stated that freedom of speech is one of the basic and human beings rights accepted, and on the re-action has made the Government to support and guarantee the right. using the word for each person includes the factual and physical persons that means institutions. In the following article there are enough guarantees for the freedom of speech and having access to information, despite of mentioning the rights for accessing to information has been stated in article 5th of this law in the current article also pointed out about the freedom of speech and freedom of media which shows the importance of the subject. And the article 34 of Afghanistan constitution the word each Afghan has been used which does not only belong to Afghans, it was better like the media law to talk generally (each persons) preferred to be used instead.

In the article the access to information has been mentioned as conditions.

Obtaining the information and transferring it must be done based on the law firms.

Having this right must be away from the Government and persons interfering.

The rights owners must have access to information without any limitations or threats from the Governmental officials the rights of freedom of speeches and access to it is not only includes free activities broadcasting equipment, and dissemination of information but also without those two the rights of media is ignored and media could not do their jobs.

In the second part of this article the Government is obliged to regard the freedom for media, and from other hand the goals is to support the free thoughts, and media activities, the Government has to provide the right path for expressing free thoughts, and activities of media beside mentioning having no interfering of persons and Government the articles 2-4-5 of media law also not only limit the Government interfering but using the words of supporting, improvement, and guarantee in the 2 part of the this article has put more pressures and insists on the Government, Government has to be supporter of

media and defend from media, improving media in both quality and quantity is the one of the responsibility of the Government, and also has to guarantee the freedom of the public and try to remove all the obstacles.

Freedom of speech is one of the rights , no rights is 100 percent based on the International covenant civil and political rights there are 2 limitations for freedom of speech such as paying respects to others dignity and securing and protecting the National security and as National collateral the Afghanistan constitution in 24 articles has predicted generally on those two limitations specially for freedom of speech freedom is the natural rights of human beings this right has no limitation unless interfering others affairs.

In the second part of this article persons including Government in limiting and preventing the media from their activities or censorship within the media has been devastated by the article just in case media violate or ignore the law or misbehaving of media which should be written within the law, in constitution the limitation of article 24 and 59 in media law article 45 the information which are not permitted to be used within media even in international covenant civil and political rights also has been mentioned this law only meets the condition where correspondents or media ignore freedom of speech commit a violation there the executive power would interfere.

Where the problem comes that Government does not perform its commitments against media in its proper manner and sometimes interfering causes violate human beings rights.

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:

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,*