

Nai Supporting Open Media in Afghanistan



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

# **MEDIA WATCH REPORT**

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## **Preamble:**

Freedom of expression is considered one of the basic elements of democracy and World Press Freedom Day is marked every year all over the world. This is true in Afghanistan, where journalists have been celebrating this day ever since the collapse of the Taliban regime.

In Afghanistan this year, World Press Freedom Day was marked amid a climate of continuing violence, where journalists and media houses continue to encounter serious challenges. Tens of journalists have lost their lives and hundreds of others are threatened with physical violence and short and long term detainment.

Physical violence is not the only problem journalists face. Some of the powerful government officials see media as a direct threat to their power, and put obstacles in their way and impose limitations on them.

The most recent example of such limitation comes from the Ministry of Hajj and Religious Affairs which is intending to establish a unit by the name of “Promotion of Virtue”, a unit intended to pressure the media and journalists. Ministry of Hajj and Religious Affairs argues that the mentioned branch will be established in order to regulate media related affairs and prevent programs that the Ministry calls ‘unethical’. But it is crystal clear that the Afghan government is not seeking to regulate media; rather, it is seeking to limit their scope.

Although last year saw a 30% drop in the rate of violence against journalists and media, the incidents over the last three months obscured the optimism that last year inspired. In addition to the volatile provinces, even in stable provinces local authorities and influential figures can cause media and journalists trouble. Contrary to their mandate and responsibilities, the law enforcement agencies seek to create troubles for media rather than ensuring security for them.

Meanwhile, although the public is the obvious audience of Afghan local media, it has been noted that ordinary people have also attacked journalists. They have been seen to physically assault journalists like law enforcement officers do. Such incidents, though small, have caused great disappointment to journalists.

- 1. Editor-in-Chief of *Sada-e-Badakhshan Weekly* survives an attempt on his life**
- 2. Journalists beaten during violent demonstration in Takhar**
- 3. Journalist affronted and threatened by MP**
- 4. Unidentified individuals threaten *Radio Azadi* reporter**
- 5. World Press Freedom Day marked in Kabul**
- 6. Establishment of “Promotion of Virtue” unit to keep an eye on media in Afghanistan**
- 7. Afghan Mass Media Law Analysis**

### **Editor-in-Chief of *Sada-e-Badakhshan Weekly* survives an attempt on his life**

On May 20<sup>th</sup>, Dr. Sebghatullah Khaksar editor-in-chief of *Sada-e-Badakhshan Weekly* survived an attempt on his life. One of two improvised mines went off behind the gate of his house when he was leaving early in the morning. The blast superficially damaged his car but he was not hurt.

After this attempt on his life, Sebghatullah Khaksar moved from Faizabad/Badakhshan to Kabul where he is currently living. In an interview with Media Watch he described the incident: “The explosion took place at 5:30AM when I was driving my car out of the yard and only the front tires has passed the gate. I reversed my car back into the yard. My car is partly damaged but my son (who was also in the car with me) and I, survived unhurt.”

Mr. Khaksar adds that he believes he knows the persons who were behind this attack but he refused to reveal their names over concerns for his life.

Badakhshan security officials, on condition of anonymity, revealed to Media Watch that the case is under their consideration and they have identified some of the perpetrators of this incident. They added that they neutralized the second mine before it could explode.

The editor-in-chief of *Sada-e-Badakhshan Weekly* attributes the attack to the critical articles published in this publication. “There is a specific group within the local government of Badakhshan that cannot tolerate the activities of *Sada-e-Badakhshan*,” he said.

“After the last issue (dated 11 April) was published, which contained articles critical of the administrative corruption in Badakhshan local government, a mafia group that operates within Badakhshan local government reacted. They held meetings and threatened me, and even tried to put me in prison.”

Sebghatullah Khaksar says that after publishing the last issue of the weekly, administration director of Badakhshan Province Munawar Shah Akhgar contacted him by phone and told him to await the consequences of his writing.

The administration director of Badakhshan Province Munawar Shah Akhgar admits that he has talked to Sebghatullah Khaksar on phone about the articles published in *Sada-e-Badakhshan Weekly* and has told him “you will see the consequences of what you have written” but he emphasizes that these words are not meant to be a threat.

The administration director of Badakhshan Province claims that the topics of *Sada-e-Badakhshan Weekly* are unrealistic. But the chief editor of the weekly emphasizes that their articles are based on documents.

Media Watch condemns the life attempt on the chief editor of *Sada-e-Badakhshan Weekly* as an unjust action. Media Watch calls upon local and national authorities to follow up with this incident and prosecute the perpetrators. At the same time, officials both in Badakhshan and Kabul need to explain to Mr. Akhgar that when a media outlet makes a mistake, the right way to correct the mistake is not for an individual to take personal actions advising the media on phone. Rather, the law sets out that the Ministry

of Information and Culture and the Media Violations and Complaints Assessment Commission are assigned to address such disputes.

### **Journalists Beaten in Takhar Demonstrations**

Journalists were beaten by law enforcement officers and demonstrators on May 18 when they were trying to report on the demonstrations in Takhar province. The protests were staged in response to international troops' attack on a house which left four civilians dead.

In a separate but related incident, journalists were affronted by deputy director of the National Security Directorate, and an MP who were both part of a delegation sent to Takhar province to investigate the violent actions there.

*Aina TV* correspondent Mohammad Ismaeel Modaber is one of the journalists who was beaten by law enforcement officers. As a result of this incident, he is seriously wounded. According to Mohammad Ismaeel Modaber, law enforcement officers shot him from behind and the bullet cursorily wounded his head. He gives the following account of the incident to Media Watch: "I was marching along with the demonstrators recording the demonstration. We arrived in a place in Taloqan city where Afghan and PRT forces opened direct fire at the demonstrators and journalists. At this time, I saw a person shot and wounded. As I wanted to take a shot of him, I was shot from behind and the bullet hit my head superficially. Later I was beaten by five persons who also broke my camera and then I became unconscious. I then learned that the demonstrators had taken me to hospital."

Shafiq Poya, reporter of *Hamsada Radio*, is another journalist who claims to have been beaten both by demonstrators and the police.

He says that the public order police hit him at a time when his journalist ID, camera and microphone were with him. According to him, police frequently opened fire at them knowing that they were journalists.

The Governor of Takhar Province, Abdul Jabbar Taqwa does not acknowledge the claims by journalists of having been beaten by police. Instead he says if the police were harsh towards journalists during the demonstration, it was due to the situation itself and their compulsion to act. According to the Governor, the situation in the province was critical at that time.

The Governor says that the police had no intention to hurt journalists. Something might have happened mistakenly. He added that the purpose of police was to save journalists from the danger posed to them by the demonstrators.

The Governor of Takhar province assured all journalists that the provincial administration supports freedom of expression and press freedom and will always strive for journalists' safety and security.



Media Watch of Nai Supporting Open Media in Afghanistan explicitly declares that violence against dedicated journalists who work with due fairness to report on events is contrary to the provisions of Afghan Constitution and Mass Media Law and the perpetrators should explain their illegal acts regardless of their position and power.

The public should also know that when they stage demonstrations, it is the journalists who broadcast their voices, faces and demands. Therefore, beating of journalists is a wild action that implies lack of respect among demonstrators.

Media Watch strongly condemns the beating of Takhar-based journalists during the anti-international demonstrations in that province and calls for proper investigation by the relevant authorities.

Law enforcement officers should cooperate with journalists on such occasions and help them obtain the required information rather than beating them and breaking their equipment.

The Ministry of Information and Culture, as a line ministry, is also hereby requested to take this issue seriously and bring the perpetrators to the court of law.

### **MP Threatens Saba TV Correspondent**

On May 23<sup>rd</sup>, when Faramarz Sina, reporter at *Saba TV*, was trying to interview Sher Khan Farnud former chief of Kabul Bank, he was interrupted and threatened by Ahmad Shah Ramadan who represents Balkh province in the Afghan parliament.

Mr. Sina says: “Had other MPs not taken Mr. Ramadan from there, he would possibly attack me.”

Sina added: “I was only one step away from Sher Khan Farnud and Ahmad Shah Ramadan when Ahmad Shah Ramadan addressed Mr. Farnud: We are supporting

you but what is our share? So, one can assume that there might be some involvement of a number of MPs in Kabul Bank fraud cases.”

When a Media Watch reporter tried to ask Ahmad Shah Ramadan about the reason for his argument with the reporter, Mr. Ramadan became upset: “How come I cannot reprimand a journalist? I give myself the right to rescue people from being teased by others.”

Ahmad Shah Ramadan claims that the journalist was forcing Sher Khan Farnud to do the interview while Mr. Farnud was not happy to be interviewed.

Some individuals, on condition of anonymity, suggested that the intervention of an MP between the journalist and Mr. Farnud gives rise to skepticism about hidden relations and deals between Mr. Ramadan and Sher Khan Farnud.

Media Watch condemns threats towards a journalist and the interruption of his work by an MP and asserts that, according to Afghan media law, no person including government



and government officers, may ban, prohibit, censor or limit the informational activities of mass media from interfering in their affairs.

Furthermore, Media Watch calls on the responsible entities to let this member of parliament know that neither he nor anyone else has the right to admonish a journalist and hinder his or her work. This MP needs to know that just as respected members of parliament represent the people of Afghanistan, journalists are also considered the nation's representatives in civil societies.

### **Journalist Threatened for Taking Footage of Poppy Fields in Kapisa**

Mohammad Zarif Darayee, reporter of *Radio Baian*, claims that reporting on poppy cultivation in Kapisa province has put him in trouble.

Darayee says he has been receiving telephone threats from unidentified individuals ever since he attended the poppy eradication campaign in Kapisa province and took pictures of the poppy fields. He did so upon the request of the counter narcotics commission of Kapisa province.

Darayee said: "They told me on the phone that if myself and my family members wish to remain alive, I should hand over my camera to them which I had used to take pictures of the poppy fields."

*Radio Baian* reporter says he is still concerned even though he has talked to Kapisa law enforcement agencies about the threats he had received from unidentified individuals.

Meanwhile, General Abdul Hameed, the police chief of Kapisa province, assured journalists that law enforcement agencies are striving for safety and security of journalists and that they are cooperating with journalists.

"Thirty years of war has caused many problems in Afghanistan. Those who have been deprived of literacy skills and do not have ethical values sometimes resort to violence. But law enforcement agencies endeavor to identify and prosecute such individuals so that society gets rid of them."

Now the question is, what type of story ideas should journalists select so that they do not face problems? Journalism experts are of the opinion that no story is worth a journalist's life. Therefore journalists need to take due caution in working on their stories.

Media Watch comments that it is the responsibility of the authorities in the country to ensure the security of its citizens. They should therefore do their best to make sure journalists are safe and that those threatening journalists are identified and punished.



## Celebration of World Press Freedom Day in Kabul

On May 3<sup>rd</sup>, Nai – Supporting Open Media in Afghanistan held a press gathering. It was attended by journalists, representatives of journalists' unions, and the Deputy Minister for Information



and Culture (publications), to mark World Press Freedom Day. In this gathering, Media Watch Manager Sediqullah Tauhidi sent a message to the Government of Afghanistan demanding:

1. Include World Press Freedom Day in the official state calendar;
2. Make every effort to facilitate journalists' access to information until such time that a Freedom of Information Act is enacted; and
3. Bring violence against journalists to an end.

At the same time, there are concerns that in some cases, contracts between media houses and journalists are inconsistent with provisions of Afghan labor law.

Talking about this concern, Sediqullah Tauhidi said that the draft version of a regulation on contracts between media houses and journalists has been prepared but the outcome is not clear yet. He expressed a wish that the regulation will soon be approved by National Assembly and endorsed by the President.

However, Din Mohammad Mubarez Rashidi, the Deputy Minister for Information and Culture, commented that the delay in the proceedings of the parliament was the cause for the delay in approval of the mentioned law and some other laws.

The Deputy Minister underscored that in some cases the contracts between media houses and journalists are in contradiction with the Afghan labor law. He said that a large number of journalists have complained to him that some media outlets – especially TV stations – have signed unfair contracts with them exploiting them.

It is worth mentioning that from March 21st to May 3rd 2011, Media Watch of Nai – Supporting Open Media in Afghanistan has recorded 15 cases of violence against

journalists in Afghanistan including physical assault and affronting of journalists. In most of these cases the involvement of Afghan government is evident.

Also at the gathering, the Media Watch Manager expressed his concerns over the increasing violence against journalists and said that if violence against journalists will continue at its current pace, undoubtedly Afghanistan will have recorded a sharp increase in such violence.

This press gathering offered journalists who have been somehow maltreated by the government the chance to talk face to face to the Deputy Minister for Information and Culture about their problems and demand that the government to address their problems. It was an unprecedented opportunity.



Reporter of *One TV* Naheed Nazari, who was insulted by Afghan National Army soldiers a while ago, talked face to face with the Deputy Minister about her problems and requested him to pay attention to journalists' problems.

Meanwhile, Shah Hussain Murtazawi, deputy chief editor of *8 AM Daily*, who had complained about lack of access to information, expressed his views to the gathering. He said that investigative stories required more sources but the government and other sources do not share information with journalists and as a result, investigative journalism is not thriving in Afghanistan.

Abdul Hameed Mubariz, head of Afghan National Journalists Union, said that journalists' expectations of those who do not believe in freedom of expression will not yield a positive result. Therefore, he said, journalists must continue their fight until those who do not believe in freedom of expression are overcome.

After hearing journalists' complaints and problems, the Deputy Minister assured them that Ministry of Information and Culture decisively supports journalists and media outlets.

Sayed Makhdoom Rahin, Deputy Minister of Information and Culture, touched upon the importance of media development in a society and admired the talent of the young journalists. He said: "I have always defended freedom of expression."

Also in this ceremony UNESCO Country Director in Afghanistan Shegero Oyagi read the UN Secretary General Ban Ki Moon's message written for the occasion of World Press Freedom day.

Mr. Oyagi said: "More than 500 journalists have lost their lives all over the world in the past decade. In 2010 alone, 60 journalists were killed. Weekly reports indicate violence against journalists. This calls for a universally coordinated effort to support and protect

journalists.” It is worth mentioning that world World Press Freedom day marks the anniversary of the Declaration of Windhoek, a statement of free press principles put together by African newspaper journalists in 1991.

The declaration called on all parties to support and respect the basic principles of freedom of expression as stipulated in Article 19 of Universal Declaration of Human Rights.

It is worth mentioning that this year, World Press Freedom day was also marked in Badakhshan and Kandahar provinces. In Kandahar, the ceremony celebrating world press freedom day was organized by Kandahar Press Club.

### **Ministry of Hajj and Islamic Affairs to Establish ‘Promotion of Virtue’ unit to control the Media**

Officials of Ministry of Hajj and Islamic Affairs report their intention to set up ‘Promotion of Virtue unit’ to control what they call unethical and vulgar media programming.

Minister of Hajj and Islamic Affairs, Dr. Yosuf Niazi said in a press conference on May 1<sup>st</sup>: “Some media outlets do not make proper use of freedom of expression. They broadcast unethical and indecent programs that deviate young people from the right path.”

He added that they have some programs on hand that will prohibit the broadcast of unethical programs in a number of media outlets, and they are in the process of setting up a so-called “Promotion of Virtue” unit, the members of which have already been selected. According to Mr. Niazi, Ministry of Hajj and Islamic Affairs has started preaching to some media outlets to refrain from broadcasting programs that are against Islamic ethics, national interests and humanitarian values.

But, this decision of the Ministry of Hajj and Islamic Affairs was met with strong reactions from journalist associations and the media.

Abdul Hameed Mubariz, the Head of Afghanistan National Journalists Union, considered this decision a direct interference in media independence by the Ministry of Hajj and Islamic Affairs.

He said that “the government of Afghanistan does not have the right to interfere in media affairs and Afghan journalists do not allow the government to hinder their work.”

The Head of Afghan National Journalists Union said that “even if a journalist or a media outlet commits a mistake, the Ministry of Information and Culture and the commissions that have been set up for addressing media related issues are responsible for scrutinizing the issue and taking appropriate actions. It is not Ministry of Hajj and Islamic Affairs’ job. This Ministry should address its own issues and eliminate corruption in its own administration.”

Furthermore, the establishment of a “Promotion of Virtue” Unit under the Ministry of Hajj and Islamic Affairs has astonished officials at Ministry of Information and Culture.

Din Mohammad Mubarez Rashidi, Deputy Minister of Information and Culture, said that the “Ministry of Hajj and Islamic Affairs can play a key role in resolving the big

problems of Afghanistan, so it should pay attention to those priorities first, rather than establishing a “Promotion of Virtue” unit to regulate the media.”

The Deputy Minister said that the Ministry of Information and Culture, and the mass media law are there to address media related issues and provide oversight; thus, Ministry of Hajj and Islamic Affairs does not need to be concerned with the media.

Importantly, some time back the Ministry of Information and Culture had warned media outlets to refrain from broadcasting immoral and indecent programs. At the time it did not make it clear what type of programs they referred to.

Media Watch states that the establishment of a “Promotion of Virtue” unit with a mandate of media oversight, is an illegal act and believes that this action of Ministry of Hajj and Islamic Affairs is a limitation for media.

Mass Media Law, the Media Violation and Complaints Assessment Commission and Ministry of Information and Culture are responsible for the support of the media and provide the required oversight. Therefore there is no need for other ministries or agencies to interfere in media affairs. Media Watch calls upon the Ministry of Hajj and Islamic Affairs to abolish at its earliest convenience the unit it has established for media oversight and instead focus on more serious issues which are identified in its terms of reference.

## **Afghan Mass Media Law Analysis**

**By: Mohammad Qasem Rahmani**

### **Article 37:**

Mass media and the institutions mentioned in article (27) of this law shall have editors-in-chief.

### **Analysis:**

In order for media outlets, as legal persons, to carry out their media related affairs smoothly, they need to appoint a professional person to be responsible for publications. This person is called editor-in-chief. The main difference between owners of media houses and editors-in-chief is that owners can also work as editors-in-chief at the same time, but the opposite is sometimes not possible. Furthermore, editors-in-chief are responsible for broadcasting affairs of the media while owners of media houses or proprietors, although sometimes in charge of broadcast affairs, are also in charge of non broadcast affairs such as financial and administrative operations.

Under this law an editor-in-chief is defined: “editor-in-chief is a person who is responsible for broadcasting affairs in mass media and institutions mentioned in Article 27 of this law.”

As stipulated by both articles of Media law, having an editor-in-chief is a requirement not only for media houses but also for printing houses, film production centers, publishing entities, journalism training institutes, translation centers, news agencies and companies for publicity and advertisements.

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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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