

Nai Supporting Open Media in Afghanistan



نای حمایت کننده رسانه های آزاد در افغانستان  
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# **MEDIA WATCH REPORT**

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## **Preamble:**

Afghanistan has been one of the most dangerous countries for journalists and reporters during the past decade. In fact, an average 3 journalists have been killed every year for the past ten years.

With the spread of war into new territories and an increasing number of suicide attacks, journalists face serious risks in their line of work. In addition to the violence and threats they are subject to, their lives are not safe either. There is no journalist who wants to work in insecure environment and feel his work and his life are under threat.

Urozgan province is one of the most insecure places in Afghanistan and one where journalists do not want to work and live permanently. Omid Ikhpelwak, BBC and Pashwak news agency reporter was one of the few local reporters who was committed to reporting from Urozgan. Sadly he was killed as a result of a Taliban suicide attack on the Governor's compound, which housed RTA, the national radio and TV building.

The death of Ikhpelwak has once again alerted the media sector to the dangers journalists face and brought to life the memories of other journalists who have been killed.

Media advocacy institutions and organizations and Afghanistan's journalists strongly condemn the perpetrators of this incident and consider Ikhpelwak's death a great loss.

Afghanistan has lost 28 journalists during the last 10 years. Despite the passing these years and the reform of Afghanistan's media law, most of people and government officials are still unable to appreciate the role of a free media. Therefore, they still show little support for the free media in Afghanistan.

Meanwhile, the government has no program to protect the lives of journalists. Even the police and other responsible authorities do not seem to understand that protecting the lives of Afghan citizens is part of their fundamental duty and should not be compromised.

In war-torn countries, saving the lives of citizens is difficult work, but it should be easy to decrease violence against journalists. This is the work that has not been done in Afghanistan.

There is also a lack of focus on media outlet's internal organizational problems and the contractual issues between journalists and their employers. These are among many challenges that, like security issues, can cause problems in terms of access to information and obstruct information dissemination.

In order to develop a proper and relevant defense, journalists and reporters should work together to establish nationwide associations like the Journalists' Federation through which they can peacefully struggle and fight for their rights.

But if the situation continues as it is now, journalists will face difficult challenges every day.

With this in mind, we present the following topics in this report.

- 1. Killing of BBC and Pajhwok news agency reporter in Urozgan province;**
- 2. Two Dehkada radio station workers injured in Ghazni;**
- 3. Death of Daad Noorani, a senior Afghan journalist;**
- 4. Afghan TV Reporters' claim that they have been beaten by the Director of Kaisha health hospital;**
- 5. Threat to Ariana TV reporters in Helmand province by Taliban;**
- 6. Educational Head of Ghor Province attacks Firoz Koh publication;**
- 7. An analysis of Afghanistan media law.**

### **Death of BBC and Pajhwok news agency reporter in Urozgan province:**

At 12:15 on Thursday afternoon, July 28<sup>th</sup>, 2011, a number of suicide attackers related to Taliban group attacked governmental buildings including the RTA building in Trinkoot city of Urozgan province. As a result, Omid Ikhpulwak, a 25 year old reporter with the BBC and Pajhwok Afghan news agency, was killed.

The death of Ikhpulwak once again puts reporters and media workers in a state of grief and brings back memories of the death of other reporters. It was followed by strong reactions from media networks, journalists rights groups and advocacy organizations both from Afghanistan and the international community.



Media Watch strongly condemns the death of Omid Ikhpulwak and in addition to issuing a press release, express edits deep condolence to his friends and family members.

SidequllahTawhidi, the head of Media Watch announced three requests from the Islamic Republic of Afghanistan in a press conference which was organized after the death of Ikhpulwak at Nai office.

Firstly he called for the Taliban to face criminal and legal prosecution as war criminals because they attacked a non-military building such as RTA studios.

Secondly he proposed that one of the Trinkoot city streets should be named in honor of the journalist (Omid Ikhpulwak).

And finally he called on the government to financially support the families of the killed reporters.

Tawhidi criticized the Afghan government, saying that it had failed to protect the occupational safety of journalists, despite many appeals by Media Watch to do so.

Nevertheless, every year in the past decade, at least three journalists have lost their lives in Afghanistan. On the first day of Ramadan (August 1, 2011) Nai joined the BBC and Pajhwok news agency in holding a morning ceremony for Omid Ikhpulwak in Kabul.

Dr. Sayed Makdoom Rahin, the Minister for Information and Culture, who was speaking alongside journalists at the ceremony, said he considered the death of Ikhpulwak a tragedy.

The Minister said, "Today young Ikhpulwak is not with us. Those who are good and are killed while performing the holy duty of informing people gain the position of "martyr" and therefore hold a great place. We wish him paradise. Without doubt this deaths the source of condolences to the families of the press, his family and his friends."

Previously, an aid box was established inside the Ministry to support reporters who were killed or injured and in special circumstances. Unfortunately this box was never used for any reporter who was killed or injured.

Minister Rahin said that he “inaugurated this box five years ago, for urgent assistance to reporters; but when I left the Ministry no one supported the initiative. However, in recent days, I once again asked that this box should be opened and in special circumstances when a reporter who is present in an incident like this, and does not have financial means, this box could help him”.

A number of Ikhpulwak’s relatives were also present at the ceremony.

Reporters and journalists’ unions in the provinces of Afghanistan condemn the death of Ahmad Omid Ikhpulwak through gathering and organizing press conferences and have called on his killers to be identified.

Following the death of Ahmad Omid Ikhpulwak, contradictory reports were published about his death and consequently, the BBC has formally requested that the supporting security authorities of IASF investigate how he was killed and share the results with the BBC and his family as soon as possible.

From 2001 until now, 28 journalists have lost their lives while performing their duty of informing people.

The Taliban, in attacking the local RTA of Urozgan province, once again showed that they have no rule for fighting and they always target defenseless people and non-military compounds and buildings.

The killing of innocent people and in this case, particularly a journalist, has no lawful justification and it is a violation of human rights.

Media Watch writes that, “we, once again ask for the serious attention of both sides in Afghanistan to protect the lives of civilians; as the killing of the innocent people does not bring success and also increases people’s hate and antipathy.”

Media outlets - whether governmental or non-governmental - are not a military base and therefore to attack these places means to attack innocent people.



### **Two Dehkada radio station workers injured in Ghazni:**

On July 19<sup>th</sup> 2011, an explosion in front of Dehkada Radio building in Ghazni city killed 4 people and injured 14 others. A journalist and the head of broadcasting at Dehkada Radio were amongst injured.

As well as the injuries sustained by many staff, the radio also suffered extensive damages due to the explosion.

Said Ahmad Sorosh, Head of broadcasting, who was among the injured, said that the explosion took place at a distance of 10 meters from the radio station building and broke all the windows of the station as well as damaging the computers and broadcasting mixer and technical desks of the studio.

“I and one of my journalists were at the scene of the explosion just nearby our radio station|, Sorosh said to Nai. “It was a small explosion and had not damaged the place, but police told us that all should

evacuate the scene because of more serious explosions. We were evacuating the scene toward our station when the second explosion happened and injured me and my colleague”

Dehkada Radio management claims that their radio was targeted by the second explosion.

They say that their programs are different from other radio stations.

Ahmad Fareed Rostaee, head of Dehkada radio told Media Watch, “most of Dehkada radio’s programs are religious, and in addition to the religious programs some recreation programs were also included. He adds that since the foundation of Dehkada radio, the Imams and religious leaders have never shown opposition to it.

“We have always invited the Islamic leaders and we use them in the radio programs,” said Ahmad Fareed Rostaee in an interview with Nai. “Although our radio was broadcasting in accordance with the culture and religion of the country, it was targeted today.”

Although no one has claimed the responsibility for the explosions, Afghan security forces blamed Taliban for the incident.

Dehkada radio started its work in 2005 and has about 18 hours of radio broadcast that covers Ghazni city and some districts of Ghazni province; it is one of the private media that could continue their works independently and without any support.

### **Death of Daad Noorani, senior Afghan Journalist:**

On Thursday morning, July 14, 2011 we learned that Daad Noorani, Afghanistan’s famous journalist passed away as a result of heart attack at the age of 55.

This news was greeted with sadness as he was a great analyst and critic, who was conscious of the current situation and committed to the national interest. He was an advocate of freedom of speech; he also has endeavored to strengthen democracy in his speeches, interviews, and writing.

The late Noorani was an impartial political commentator and was greatly respected by the media community. For this reason, his interviews and speeches about current issues in Afghanistan were published and broadcast by a range of media in Afghanistan. Noorani enjoyed the support of both the people and intellectuals.

Daad Noorani was the managing editor and chief of the Rozgaran publication and 3 years ago founded another publication by the name Peshraw. He opened a discussion in Rozgaran weekly under the title of “Kabulians write with blood”. By including memories of unpleasant events related to Afghanistan’s unjustified internal wars, he sought to remind people that the long term internal wars in Afghanistan has offered nothing to the people of Afghanistan except sorrow and sadness, particularly Kabulians. By showing hatred for war and describing its terrible legacy, Noorani was in fact guiding and inviting people toward accepting each other, and seeking peace, love, and a life without hatred in the society.

Noorani had a great talent in the field of analysis and writing which he shared with his colleagues. A great number of articles were published under his name and his pseudonyms. He also was one of the active members of the “Kaleed group” a radio network that has programs in Kabul city and other provinces.



Najeeba Ayobi, the head of Kaleed radio who was working with late Noorani for a long time expressed her feelings this way. “All at once I lost my friend, my colleague, my advisor and my supporter. His dying day was my hardest day.”

Mrs. Ayobi also commented on Mr. Noorani’s beliefs about freedom of speech saying “he truly believed in freedom of speech; he said whatever he wanted and if there was any criticism addressing him, he accepted it easily and was not offended when people directly criticized him.”

The late Noorani was the operator of an investigative historical program “Afghanistan in the last four decades” which was broadcasted through Kaleed radio and was an important radio program covering the country’s recent history. On this program, Noorani clarified different angles, especially on the current crisis in Afghanistan since 40 years ago. He provided a focus on a new idea, that by utilizing the bad experiences of past, particularly the failures, Afghans can prevent the society’s failure in the future.

There is no doubt that the death of Mr. Noorani is an irreparable loss for the whole of Afghan society. Among all his mourners, the media people especially feel his absence.

Media Watch expresses its condolence for the death of Mr. Noorani to his family, friends, and his colleagues and wish paradise for him and patience for his family from Allah.

Daad Noorani was born in 1956 in Farah province in the west of Afghanistan. He entered the medical faculty in 1970s but has never completed the course. Daad Noorani left the country with the start of “Democratic people party of Afghanistan” in 1978 and from 1980-1988 lived in Iran. He was the head of the Afghanistan students’ association in Iran for some time.

Noorani immigrated to Pakistan in 1988 and lived there until the collapse Taliban regime in 2001. During those years, he returned many times to Afghanistan and delivered social services within schools, management and hospitals in Farah, Kuner, and Nooristan provinces.

Daad Noorani was threatened many times as a result of his strong criticism of the government and warlords. In April of 2005, he was warned and called by the investigators. Mr. Noorani criticized Mujahedeen groups for nominating themselves as political parties in the parliamentary election of 2005.

Meanwhile, he was also a strong critic of Karzai’s government and like other Afghan democrats, he supported the presence of Western forces at the beginning but, 3 years ago, changed his approach. Noorani briefly stated his political view as being “not American, not Talib and warlord; just the third power.”

Daad Noorani’s passing is remembered after an era of political and social service.

### **Afghan TV Reporters' claim that they have been beaten by the Director of Kaisha health hospital:**

Ismael Mashal, Afghan TV reporter and Najeeb, cameraman was preparing an investigative report about private hospitals. They claim that they were beaten and their camera was destroyed by Engineer Mesbahuddin Safi, head of Kaisha private hospital in Kabul, on July 25, 2011.

The Afghan TV reporter explained the course of events to Media Watch. “ When the interview started and after a couple of questions, Mr. Mesbahuddin behavior changed. Then other doctors who were next to him were reacting very badly towards us physically as well and as a result of their beating, our video camera was destroyed.”

Ismael Mashal, the Afghan TV reporter added that after this, Afghan TV has found new evidence in the form of documents from Kaisha hospital for their investigation. But when Mashal wanted to talk about these documents with the head of Kaisha, Mr. Mesbahuddin’s issued a the



Afghan TV authority with a death threat, if they published these documents.

Engineer Mesbahuddin, considered all the claims in the documents baseless and denied any kind of beating, threat or insult towards Afghan TV reporters by his colleagues or himself.

He said that the person who has slapped the reporter was one of the clients, not hospital staff. He said that the interview and behavior of Afghan TV reporters were offensive.

Both sides accuse each other and each is ready to present evidence in their own defense.

Both the authorities of Afghan TV and Engineer Mesbahuddin stated that they have referred to the related authority - the Media Offences and Complain Commission of Ministry of Information and Culture - and are demanding compensation.

Reporters encounter violence from traffic officers, pharmacies, and demonstrators in addition to government authorities. Media Watch seeks that the Afghan government to secure the occupational safety of reporters in provinces and in the capital.

Attacking reporters and representatives of the media reveals indicates that the violators and attackers want reporters and the media itself to hide the facts that challenge their position or benefits.

Hiding facts and the prevention of broadcasting information is against the law. Any influence on Afghan law is a crime and the culprit should be sentenced accordingly, based on law.

### **Threat to Ariana TV reporter by the Taliban in Helmand Province**

Ariana TV reporter in Helmand province, Nematullah Zaheer, has told Media Watch that he got a death threat via phone from the Taliban.

He told Media Watch that “someone who did not say his name called me and I asked him who he wanted to talk to. I asked him what is the problem, but he said you should come where we want you. I asked him that we should solve the problem via phone, but he refused and told me that I should go out of the city and where they want to meet me and then he would tell me the problem. I told them that I cannot simply go anywhere people call me and ask me to come. He told me that I should change my news

and do not broadcast anything about Mujahideen. He added that this is the first time we tell you this and if you do not change your work, then you know what we will do with you.”

Mr. Zaheer has been very concerned since receiving the threatening call from the Taliban who he was in contact with them through phone calls several times for his other reports and stories. He says: “I prepare reports the same as before but I am concerned and afraid for my safety.”

However, Daud Ahmadi, Helmand province Governor’s spokesman told Media Watch that “he believes that some of these threats are not from Taliban”. He said “I do not believe that this would be the work of Taliban as he also said this and I think somebody might joke with him.”

Helmand Governor’s spokesman added he thought that some of the threats that journalists report might have other reasons behind them, including getting a chance of going abroad, getting more benefits from the media or a transfer to Kabul.

On the other hand, the Helmand Governor accepts some of the threats that reporters say they receive and he believes that the Taliban as well as the people who are involved with the drug trade really do threaten the journalists.



He says that there is no doubt that in disclosing the profits of drug traffickers, their benefits are in jeopardy. Therefore, in such circumstances, there is no doubt that drug traffickers and the Taliban threaten the reporters for the sake of protecting their profits.

Journalists in Afghanistan are always threatened and mistreated by powerful people and Taliban and they are even exposed to violence by governmental authorities.

Nematullah Zaheer, the Ariana TV reporter in Helmand says that freedom of speech is not properly applied in this province and reporters still cannot prepare and broadcast reports about security and the discovery of drugs.

While Daud Ahmadi, Helmand province Governor's spokesman, says that although there are drug traffickers in Helmand province and without doubt reporters are threatened by them, he assured Media Watch that reporters will not be threatened by the government officials.

Media Watch seriously requests that the government authorities in the provinces provide support to reporters based on law and ensure security and pave the way for reporting work.

The Afghan government has a responsibility based on the constitution to secure the occupational and life safety of reporters. Otherwise freedom of speech (which is one of the few achievements of the decade of Afghan government) might be damaged and the citizens of Afghanistan will be deprived of their right to be informed and have access to information.

### **Ghor province education director is violent towards the head of Firoz Koh publication**

The owner of Firoz Koh publication claims to be insulted by the educational director of Ghor province.

Abdul Qayoom Shadaab, owner of Firoz Koh publication in Ghor province told Media Watch by phone that “the day after I published an article about the problems of the education directorate, I was met with insult and curses as well as a violent reaction from Ahmad Tawab, the head of education directorate of Ghor province.” The article was published in the Firoz Koh publication Tuesday, 26 of July.

Shadaab says that when he met Ahmad Tawab the man attacked him. “First he told me bad words and then he beat me.”

According to Abdul Qayoom Shadaab, the article was about the situation in Ghor province education directorate and was critical of the situation, which is the reason the head behaved violently with him.

However, Ahmad Tawab told Media Watch that he has denied any kind of physical action. “Firoz Koh started writing propaganda about the education directorate and myself and tried to show my personality as weak,” he said.

He also told Media Watch that if the media publish false information in Ghor province and their attentions are on education in Ghor, then he would stand against them.

While Abdul Qayoom Shahdaab says he has “enough evidence to show that the education directorate of Ghor province is in a poor situation and proving everything which has been published in Firoz Koh.

Media Watch condemns anyone who insults and beats reporters and considers that behavior to be against religious and moral values and all laws, particularly the media law.

According to the mass media law of Afghanistan, freedom of speech is safeguarded from aggression and reporters and the media should not be insulted and violated by various sides or government authorities.

Any kind of unlawful and violent action towards reporters and the media is condemned and is unforgivable.



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him. “First



Media Watch asks the Ministry of Education to investigate this issue and share its findings with the public through the Media Watch newsletter.

### **Analysis of an article of Afghanistan media law:**

#### Article 29

The managing editor, based on article 27 of this media law, is responsible for the publication of issues, contents of program and production of artistic, educational and advertising programs.

The responsibility for media content and its regulation in media law and criminal law varies between countries. If we compare these laws, we see three major themes emerge. In the first idea only writers; according to second idea, the writer and managing editor and according to third idea only the managing editor is responsible of what is published and broadcast.

In getting clarification from the article of Afghanistan media law, we find the lawmaker chooses the third idea and considers the managing editor is responsible for the publication of articles, programs contents, and production of artistic, educational and advertising programs.

Regarding the responsibility of people over committing press errors, there are certain provisions in our criminal law as the first item, article 237 of criminal law clarifies: “if the mentioned crimes of article 236 of this law is committed through newspapers or magazines, then the managing editor and the writer will be sentenced to the anticipated penalty after publication.”

As it is clear from the content of this article of criminal law, the managing editor and the writer are the main subjects and are considered to be responsible in relation to the publication and production of unlawful programs. As we mentioned above, the criminal law has followed from the second idea.

By comparing these two laws (media law and criminal law) we infer that there are some contradictions between the two laws because based on the Afghanistan media law as mentioned above only the managing editor is considered the main subject in press violations. From the content of the article we understand that the writer and reporter are partners in the violation; but according to the criminal law, both the managing editor and the writer are considered to be the main subjects of violation.

Actually this contradiction causes that Article 39 of Afghan media law cancels the decree of Article 237 of criminal law.

In this article, the listed organizations of 27<sup>th</sup> article which includes press, production organization, film, publication, journalism training, translation services, news agencies, advertising companies, are also specified and the managing editor of these unions is responsible for the content of their programs.

To conclude, we should clarify that the managing editor of a media outlet or the organization mentioned in article 27 are considered responsible for publishing their programs. It is written in some the print media that “apart from the editorial, other written articles are the responsibilities of writers.” But, according to the media law, it does not decrease the responsibility of the managing editor and the managing editor should know the limitation of freedom of speech based on accepted criteria. In regards to other responsibilities such as administrative responsibilities of the media, we should refer to the owner of the outlet who should be responsive.

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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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