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Media Watch Report

Owner Nai
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Media Watch Report

The current issue of Media Watch newsletter covers the following topics:

- A journalists got killed in a demonstration
- Beating two journalists
- Fleeing journalists from Afghanistan to Europe
- Nai criticism on media
- Civil societies protest against government` ban on demonstration
- Warsa session put preconditions for Afghan government
- Amendment draft about establishing private media regulation
- Reviewing and drafting new suggestion for amendment in access to information law
- Sending a journalist to Turkey for medication



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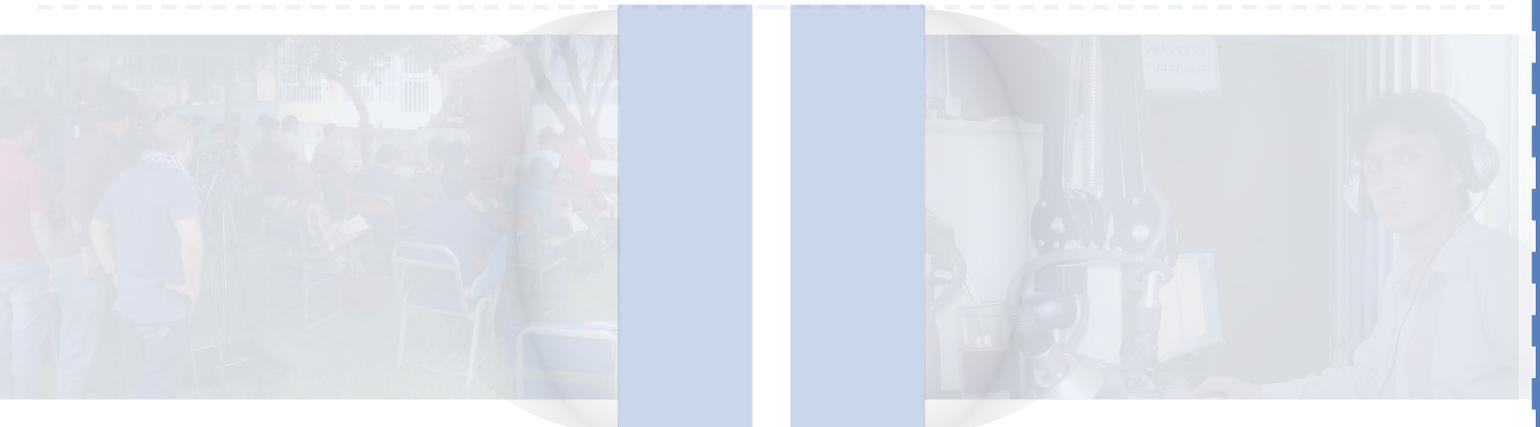




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Last month was not less worse than last ones for media family as usual. During this month one of our students graduated from NMI was killed in a bloodiest suicide attack took place among demonstrators in Deh boori of Kabul and one camera man seriously injured as well. In addition, two journalists from Tolo TV were beaten up by police while they wanted to make an interview with minister of repatriates and refugees. In another incident a local correspondent, Ahmad Shafiee is beaten with his colleague by security officers in Helmand. The security officers claim that these two correspondents had quarreled with them while police wanted to remove away the black films from the glasses of their car which is forbidden to use due to security reason.

On the other hand, the process of escaping Afghans is not ceased yet and journalists are also parts of the fugitive caravan towards Europe. Last month Arezoo TV lost one of their correspondents who joined the caravan and left his homeland, due to his concerns about present condition. Among all these sad news, there are some concerted efforts going ahead to make the media law more effective and stronger. Some existing laws and regulations like regulation on establishing private mass media and access to information law are under reviewing by civil societies and they called on the government for amendment, in order to pave the way for better activities of free media.





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A journalists got killed in a demonstration

Hussain Mohammadi, a journalism graduate from Nai Institute who had worked in three different TV channels like: Khorshid, Negah and Nai radio was killed in a bloodiest suicide while thousands of dissidents had gathered in Dehmazang square for running a rally on Saturday over a new power line, saying its route bypasses provinces like Bamian where many of them live .

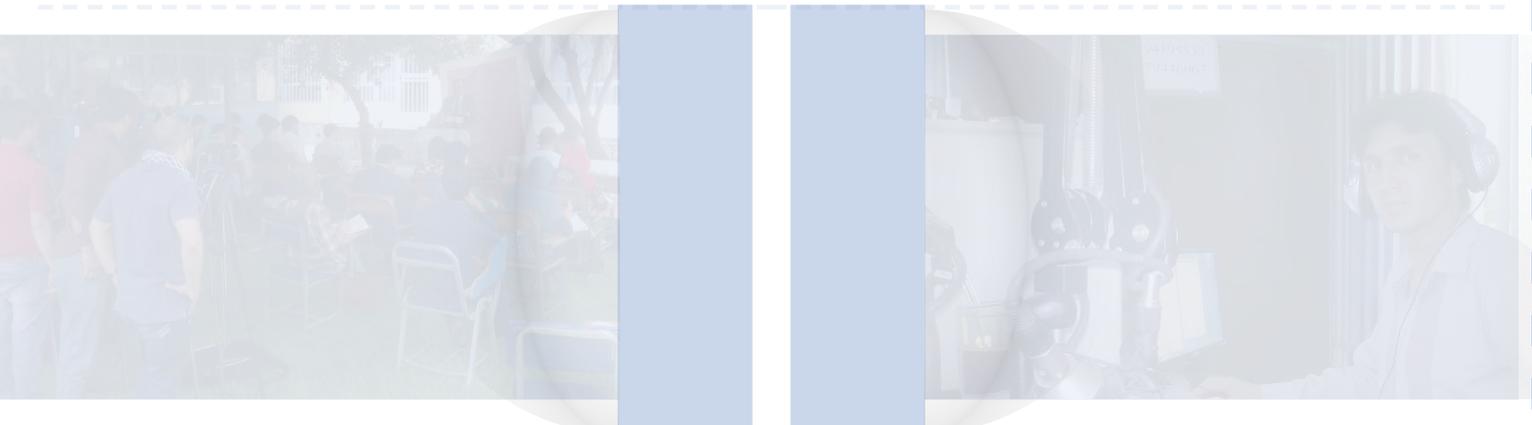
The demonstrators protested against government for following discriminating policies among ethnics of Afghanistan. The demonstrators were pushed back by police while they rally towards center of the city and as a result stopped around the Dehamazang square. Quite at the moment while the demonstrators wanted to set up some tents to stay under, showing their antagonism against government, three consecutive suicide explosions took place in the area among the mob. In this terrible explosions, 81 people lost their lives and 300 people got injured seriously. Among injured people, there was one of camera man from 1 TV channel who wanted to cover the story.

This terrible news shocked all media family. Nai condemned with strongest term this barbaric attack in a press conference and asked the authorities to investigate about it and bring justice on perpetrators.

“We hope the offices of martyred journalists will pay their pensions for their families and survivors” said Sediqullah Tawhidi, head of media watch in a press conference. He added: our colleagues always attend in all risky happening to cover the story and make the public aware about the situation. Since, they are always in front lines for covering the stories, they are very vulnerable. So, we ask the conductors of demonstrations and security entities as well to pay serious attention regarding safety of the journalists.

Beating Tolo TV correspondent

Mir Abed Joyenda who works in Tolo TV as correspondent, was beaten by security guards of the ministry of refugees and repatriates. He said in an interview with our journalist that on 20th of July 2016, he had already an appointment with one of the high ranking officials of mentioned ministry for an interview. Due to misunderstanding his driver passed the entrance gate without checkup and at this moment the guards quickly came up and started beating them, though knowing them who they are. He explained that we were waiting for long time and in that moment the gate was opened and we thought it is because of our permission that they opened the door. After going in, the guards angrily called us terrorists and started beating.





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According to Joyenda, after complaining to the authorities of the ministry, the commander of guards denied any violation made by his body guards against journalists and even claimed that journalists were the first ones who begun fighting with security guards.

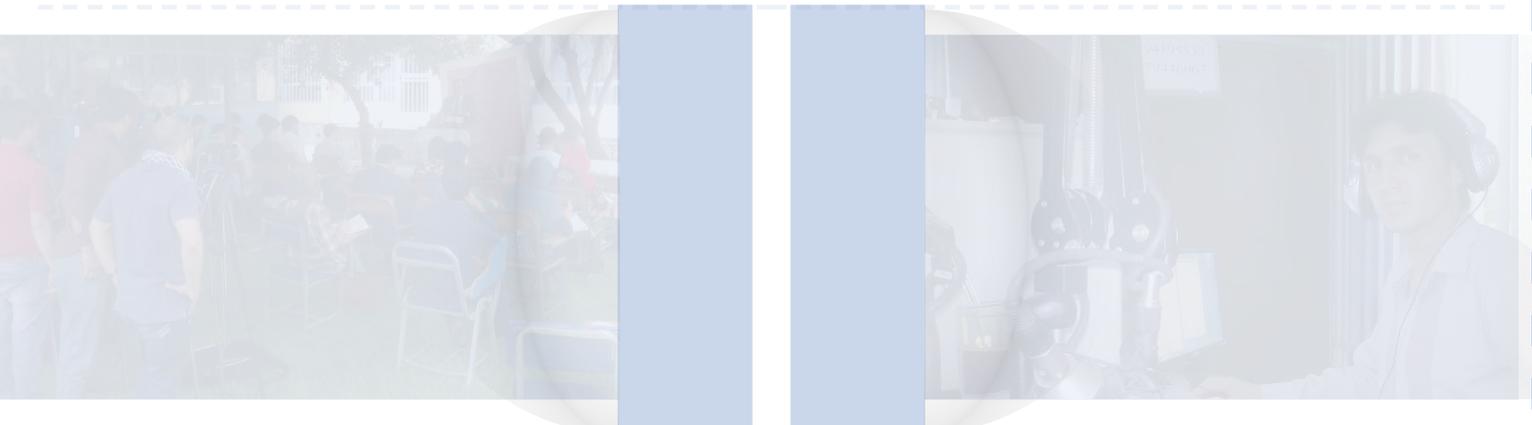
“I think it is far beyond of violation against journalists while they wanted to make slander against us for the purpose of concealing their own faults. So, I want profound investigation by higher authorities of ministry of interior”.

Nai`s efforts to make some contact with mentioned ministry was failed over and over and they did not respond about this case. Nai deny this reaction of the security guards and their commander and ask the ministry of interior to specify the perpetrators of the violation and behave with them lawfully. The indifference moral and position of the government authorities towards those who make violation against journalists, caused that the graph of violation have gotten ascending.

Local correspondent beaten in Helmand:

Aziz Ahmad Shafiee a local correspondent who works part time with BBC claim that he was beaten harshly by security officers. According to him, on 02nd July he was busy with an interview with a policeman, within this period a car with some people on board, intentionally made an accident with his car. While he wanted to speak with them, they started beating him. Shafiee complained to the governor and he has ordered to his personals to investigate about the case but later on they did not follow it seriously. As a result, Shafiee has made a claim officially against the violators to their offices.

On the other hand, the security commander of the province Agha Noor Kintoos ascribed the main reason of the incident to the address of Shafiee and according to him, he was asked to remove away the black films from the glasses and they had only oral discussion and no one has beaten him. “I have emphatically stressed on this matter with my personnel that they should respectfully behave with journalist and help them always to access to information easily” Said the security commander. The violation against journalists have been declared as crime according to the effective laws in Afghanistan but procrastination with violators caused that sovereignty of the government getting weakened gradually and roiled its face in international level





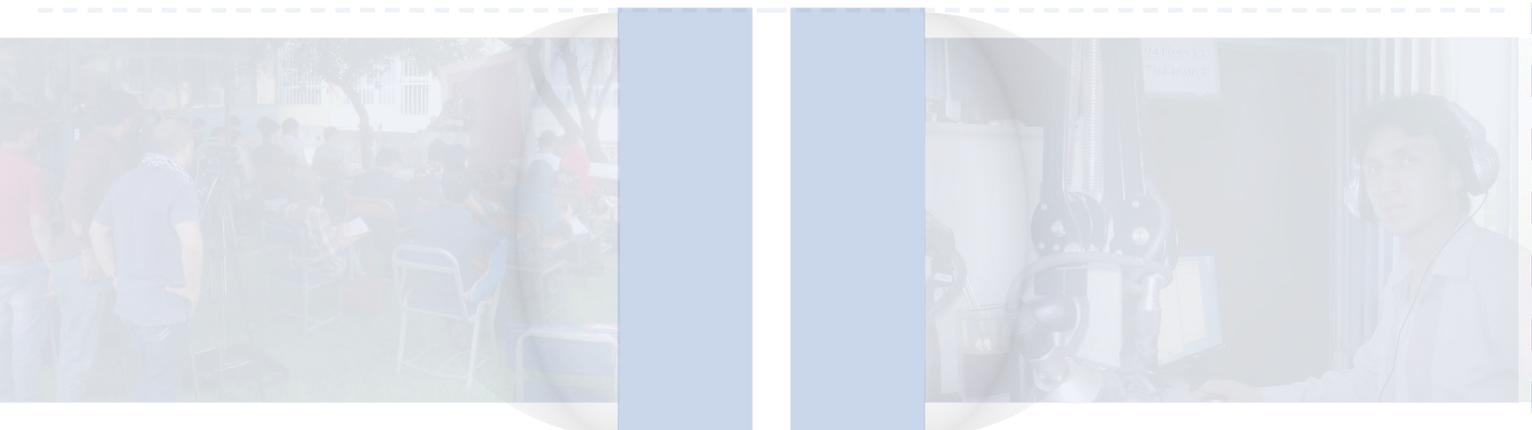
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Immigration of journalists from Afghanistan:

After a long array of immigration and European decision regarding closing their border towards Afghan refugees, there were some believes that the process of illegal immigration will be stopped, but unfortunately as we see some of Afghans including journalist go and leave the country whenever accessing to some minor opportunities. Amir Shah Joya, a correspondent of Arezo TV approached to our office and informed us about his decision that he wanted to leave the country because of constant pressures he suffer in the area of security, economy and so on. “None-availability of job opportunities, insecurity, and violation against journalists etc made me to leave this country along with my family” said Amir Shah Joya. He added that taking decision about leaving the country has not been so simple and easy for him but feel very unhappy for leaving his homeland. The 30 year old journalist who has worked for seven years in the area of journalism shared with us one of his interesting experiences that he had never ever found an opportunity to provide any report about peaceful events but always war, explosion and suicide attacks and he had to reflect them anyway. He also believes that existence of supporting organizations like Nai is very crucial for advocating and maintaining the rights of journalists and media. During last years, more than 400 journalists have left the country seeking refuge in European countries. The main reason of their departure is called their suspect and pessimism about future in this country, since day by day the measure of violations scaling up. It is upon the present government to restore the trust and confidence among people and make sure that the security of journalists and media workers are fully guaranteed. It is very pity that Afghanistan loses its experienced journalists who lots of money have been spent for their training.

Media do not observe national mourning

After bloody suicide attack which caused killing 80 people the government declared the following day as national mourning. Based on the declaration the Afghanistan Embassies had to keep the flags flown at half-staff for one day. Also, based on the decree, the praying and mourning ceremony was held in all 34 provinces. Contrarily, some TV channels did not observe the national mourning in their program and reaction infuriated people as a whole. Nai’s reaction was very direct and criticized them within a press conference. “The private media should respect always the status of their audience whether they are sad





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or happy and accordingly should broadcast their program”. He added: “We have full right to write and produce based on our agenda but our works should be within the framework of rules and ethical codes. In such a grievous day we never expect from our media to be indifferent by broadcasting injuring program”. At the end, he asked the commission to investigate about their unprofessional and unethical behaviors.

Ten days ban on demonstration:

After the deadliest attack, the government put ten days ban on demonstration that due to insecurity no group has the right to rally again. The main reason was fear of more explosions and suicide attacks. The decision of the government faced with unsatisfied reaction of civil societies. Nai called this decision of the government an illegal action against constitution. The 36th article says that the demonstration and rally are the legal rights of every Afghan citizen. Qasem Rahmani a master degree of law graduate believes that this decision of the government is against law to prohibit people from their rights. Because, if there is some menacing problem about security, it is the responsibility of the government to solve rather than cancel it and putting ban. He counts the reason as in the following:

- 1- Based on 36 article, to rally and demonstrate have been recognized a right and this right can not be suspended except at the time of emergency.
- 2- According to the constitution, article 144 the president can only suspend the demonstration at the time of emergency that is confirmed by the heads of parliament and Senate. As far as the emergency state was not approved by the senate and parliament, so this ban was an illegal decision.
- 3- The security settlement is the direct responsibility of the government. If there is no security, it is not a reasonable justification for the government. Therefore, Nai supporting open media wants the government to avoid breaking law.

Warsa session put preconditions for Afghan government:

The session of NATO held on 8 and 9th of July for extending their cooperation with Afghanistan. The session was held in Warsa targeting two main topics: how to extend the cooperation and how much the amount should be until 2020. Nai, asked from all donor countries to stipulate their assistances with pledging of the government about supporting freedom of speech and access to information. Likewise, holding the parliamentary election, provincial and district elections and other indicators like struggle against cor-





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ruption are the main assignment of the government to do them. The government should do all its best to help the private media for better access to information. In this regard, the head of media watch said that unfortunately, some attendants of Warsa meeting are those who themselves in many cases put pressures and curbs on media. “Those entities who have key roles in this session, indirectly pressuring private media to censor some information”. Said Tawhidi.

The media watch asked the government to observe all international conventions and treaties which have joint to and turn all its promises into reality in the area of brining reforms about election, struggle against corruption and terrorism.

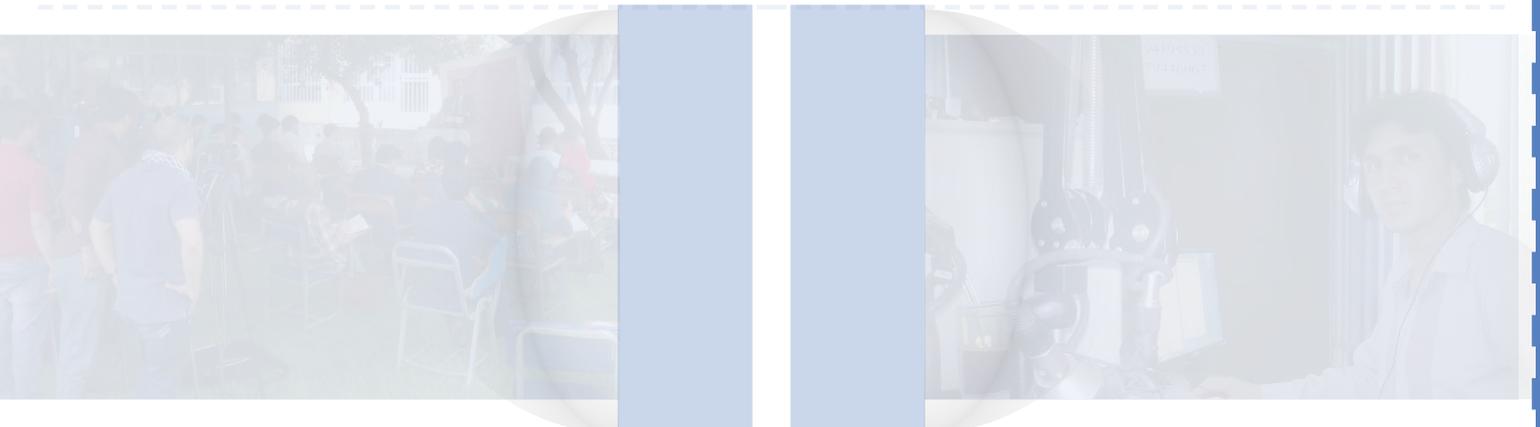
Amendment in the regulation of establishing private media:

The regulation of establishing private media which is officially finalized and got effective since November of last year, still need some amendments. From legal view point, Nai has forwarded some suggestions to relevant authorities and ministry of information and culture has started reviewing them within a commission in which civil societies and other organizations are parts of it. So far, the commission have held some meeting among themselves and painstakingly got through all articles which need amendment in details.

Furthermore, there is no article to assign the private media to observe their social responsibility. Thus, they broadcast the advertisements only for receiving money without discriminating between their effects among people and charge all of them equally.

Our suggestion is to add a separate title under the name of social responsibility to deputize all private media to broadcast all advertisements belong to health, anti-drug and public awareness regarding harms of violation against women by discounting 60% .

The media which broadcast this rule, will send one copy of their program to the ministry of culture. Nai, legal advisor Atiqullah Saket says one of the biggest challenge in this regulation is the royalty, collateral and paying taxes which are very expensive and inappropriate. The amount fixed in the regulation is unaffordable for TV owners and it will cause they give up running their channels. Similarly, the executive director of Nai believes if these parts of the regulation remain in the same shape without amendment, more private media will face stoppage. “Therefore, to change these articles of the regulation which put hurdle on media owners is an urgent need that should be taken into reconsideration in a soonest possible time”. Said Khelvate addressing to 7th article of the regulation. The regulation includes four parts and 41





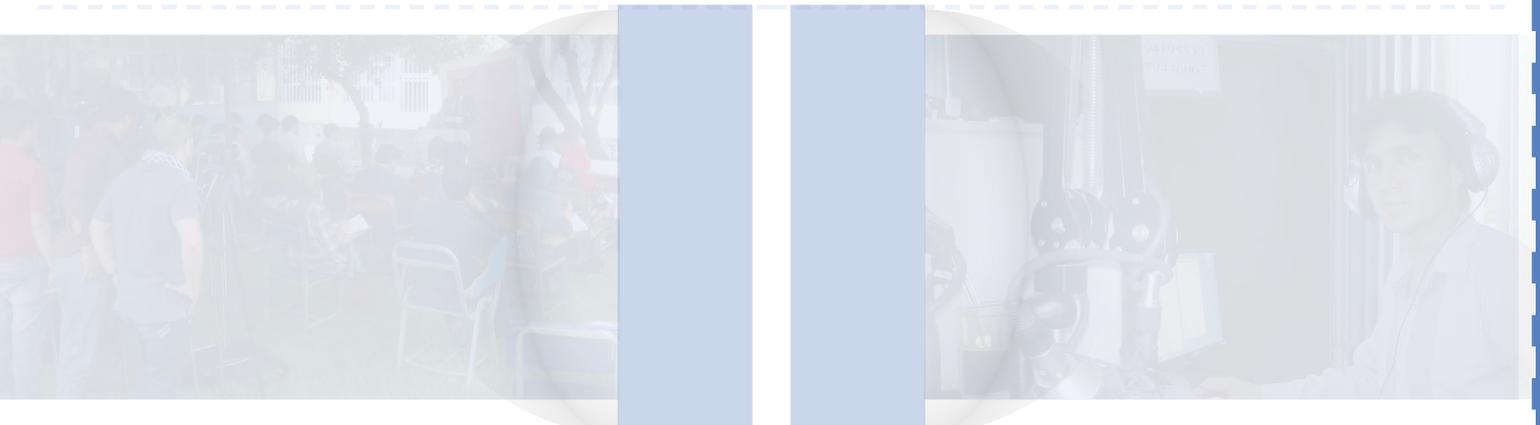
articles. The establishing private media regulation was a needful document enacted based on requirement since after toppling Taliban and legitimizing Afghan constitution the pluralism and multi-media have been recognized based on mother law. This regulation determine the responsibilities of editors, owners and media as a whole. Also, in many aspects, there is no similarity between working time of media institutions and none-media organizations. On the other hand in the situation of no such a regulation on hand, the owners of media had long hands to exploit from the efforts of workers and journalists and they were being just used as daily workers. Therefore, there was an urgent need to codify this regulation to specify the roles and responsibilities plus explaining the rights media workers. So, look forward and at the same time do some advocacy to accelerate this process.

Another law demands amendment:

The mass media law of Afghanistan was codified six years ago and published officially. This law from the early beginning had some problems and therefore put under review and amended four times. The latest amendment was in three years ago that was due to suggestion of predecessor minister of culture Mr Raheen. One of the amendments was assigning the minister of culture as head of commission provoked the dissatisfaction of journalists since it denotes giving more authority for the government. With an eye to these shortages in the law on mass media, a commission established for drafting the amendments. Sediqullah Tawhidi, pointed to some specific area which need amendment as hereunder:

- 1- There is no indication about social pages and websites in this law.
- 2- Appointing a high position staff of the government in the top of the commission make it unreliable with no independence for civil societies and people.
- 3- An article which denotes about prohibition of the program is somehow ambiguous and need clear explanation.

It is mentionable that the deputy minister of culture ministry, Mojghan Mostafawi also stated her idea about necessity of amendment regarding the law. After completion the draft of amendment by the commission, it will be submitted to the legislation section of ministry of justice for proofing and after that they will send it to the parliament for approving. The mass media law includes 11 parts and 54 articles. This law as other rules and regulations will be transpired in the course of time, whether need some amendment or no but this fact will be cleared while implementing based on needs and requirements. So, if the cur-



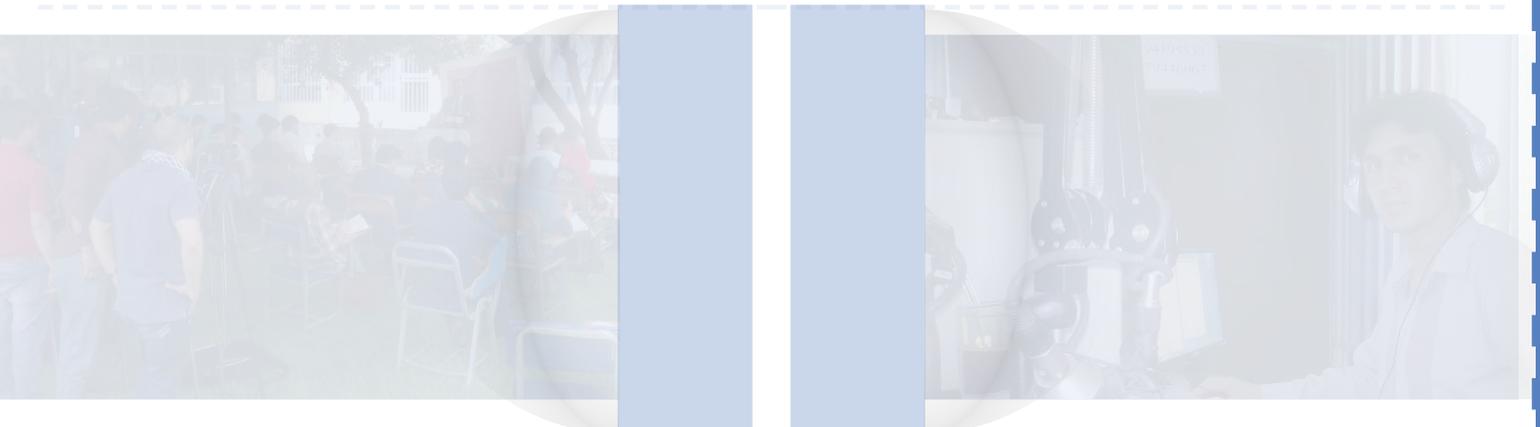


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rent suggestions regarding amendment are due to needs, that is something that we should welcome and support it.

A sick journalist sent to abroad for curing:

Farooq Faizi a local correspondent of Voice of America in Herat province suffers from a painful disease. According to him, he has travelled to Pakistan and India several times for curing but every time his health condition had no improvement. Right now, he suffers from anemia and several times have passed surgery operation in India and Pakistan. Unfortunately now he is pressed for money to pay the doctor fee for further medication. In an attempt made by Nai, he could receive recently some assistance from generous people and was sent to Turkey for higher treatment and surgery. Thanks to executive office of Dr Abdullah that they facilitated his travel to Turkey for free surgery and donated some money as well.





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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/Media-watch.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.

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