

Nai Supporting Open Media in Afghanistan



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

MEDIA WATCH REPORT

Volume: 71
April: 2011

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Preamble:

Media professionals have rarely been appreciated and recognized throughout the history of Afghan media.

Neither the Ministry of Information and Culture nor any other institutions ever took the initiative to acknowledge the work of the media, despite the dramatic expansion of independent media and the development of supporting legal grounds over the past ten years.

Today, Afghanistan has several print and electronic media outlets and for the first time independent radio stations have been established and broadcast regularly. In Kabul city alone, tens of TV and radio stations and hundreds of print publications exist. Meanwhile, the public is obtaining news and information from local media and is gaining confidence in these outlets.

At the same time, there continue to be concerning incidents that affect the media and practicing journalists. Media Watch recognized that there was a need to compile these incidents in a book to be used as reference for the purpose of research, and published the book “Journalists in Afghanistan”. It provides detailed accounts of all violent incidents that have impacted on journalists and chronicles the developments of media from 2004 to 2010.

Another issue that must be raised is that while journalists have been physically assaulted by government officials and the antigovernment forces, recently this bad habit has extended to the public as well. People have the right to stage demonstrations but some of them unfortunately resort to physical violence against journalists which highlights the bitter truth that our ordinary citizens have no knowledge of the nature of the work of journalists and that they need to be educated in this respect.

- 1. Journalist beaten by demonstrators in Kandahar**
- 2. Journalists beaten and affronted by ANA soldiers at the Ministry of defense entrance gate**
- 3. Journalist insulted by Senator in upper house**
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Four Journalists Physically Assaulted by Demonstrators in Kandahar Province

Bashir Ahmad Nadem and Sediqullah reporter and photographer from the Pajhwok Afghan News Agency, Samihullah Ghairatmal reporter of English service of Aljazeera TV and Allahuddin photographer of associated press were beaten by demonstrators in Kandahar city and their equipment was damaged on 2 April 2011. They were providing coverage of the demonstration staged to condemn the burning of a copy of Holy Quran in the US.



In Kandahar city, like in other cities of Afghanistan, some demonstrations were staged to condemn the burning of a copy of the Holy Quran by a priest in Florida State, but these demonstrations became violent.

According to the reports of some media, the demonstrators had sticks, stones and even weapons with them.

Among the journalists who were beaten by demonstrators, Bashir Ahmad Nadem the reporter from the Pajhwok Afghan News Agency was injured the worst, as he had one of finger broken.

Bashir Ahmad told Media Watch in an interview: “The outraged demonstrators attacked journalists with sticks and stones. They hit us severely and broke our cameras and other equipment.”

Nadem added: “When we started filming and photographing the demonstration, a number of demonstrators who had sticks in their hands, attacked us and wounded me as a result of which one of my fingers was broken. We tried to escape from them but they (the demonstrators) followed us. They took my camera and other equipment and broke them on the spot. They were behaving so violently that we thought they were going to kill us. They might have killed me if I had not sought sanctuary in a house.”

Although demonstrating and is the right of demonstrators and coverage of demonstrations is the right of the journalist, but most Afghan citizens are not aware of the duties and responsibilities of journalists and as a result, journalists face serious threats.

According to Bashir Ahmad Nadem, the main cause of violence against journalists in this demonstration was, in addition to poor knowledge among citizens about the journalists’ job, the presence of armed individuals among the demonstrators.

Correspondent from the English service of Aljazeera TV, Samihullah Ghairatmal is another one of the journalists who was badly beaten during the demonstration in Kandahar province.

In his interview with Media Watch, Samihullah said: “I was trying to take footage of a group of demonstrators who were carrying a dead body but they assaulted me ruthlessly. I managed to seek shelter in a house in Kandahar city but the house owner expelled me from there. Having no other choice and worried for my life, I climbed a wall, jumped into another house and from there to a street that leads to the Kandahar Information and Culture department. I was again attacked by furious demonstrators in the street, but I finally arrived in the building of Kandahar information and culture department.”

Kandahar press club has issued a press release in which it has strongly condemned the beating of journalists by demonstrators.

Media Watch calls on Kandahar officials to identify and put on trial the persons who physically assaulted journalists during the demonstration. No follow up of such cases will result in journalists losing their interest in covering such events and in turn, the people of Afghanistan will be deprived of their right to know.

A Number of Journalists Insulted and Beaten Before Ministry of Defense Entrance by ANA Soldiers

On April 18th 2011, journalists had come together before the main entrance of Ministry of Defense in order to report on the terrorist attack that had targeted the Defense Ministry, but they were denied entry into the premises of the Ministry by ANA soldiers.

In that terrorist attack, a suicide bomber entered the Ministry in ANA uniform, killed one officer and two soldiers, injured six more, and was finally killed before detonating the explosives he had on him.

A number of journalists claim that they were insulted and physically assaulted by ANA soldiers at the gate of the Defense Ministry.

Reporter from Azadi radio, Masoom Maiwand is one of the journalists who claim to have been beaten by ANA soldiers. He says: “I and a number of other journalists went to Ministry of Defense to provide coverage on the terrorist attack in that Ministry, but we were beaten by ANA soldiers.”

Mohammad Mujtaba Jabbarkhel, cameraman with “1” TV station, also claims to have been affronted and beaten by ANA soldiers on the same day: “Journalists and cameramen from various media outlets had come together before the main entrance of the MoD. Mohammad Daud, security officer in the public relations department of MoD, called a few media outlets by name and allowed them to go inside but the name of Channel “1” was not on his list. When I tried to get inside, a soldier slapped me in my face and used abusive language against me.



Jabbarkhel adds that as the security officer witnessed the soldier's violence against him, and he was allowed to enter into the Ministry.

MOD Spokesman General Zaher Azimi considered inappropriate the behavior of ANA soldiers with journalists and extended his apologies to the media. However, he underscored that the reason for not allowing journalists to go inside the Ministry was that they did not want to expose journalists to danger.

Mr. Azimi added that journalists' efforts to get into the Ministry was only for taking some pictures and footage and not information because they were already provided with information on the incident.

On the day of the terrorist attack on the Ministry of Defense, only a few local and international TV stations were chosen to go inside, while the rest of the journalists were not only denied permission to enter into the Ministry but also they were insulted and beaten.

Azadi radio reporter Masoom Maiwand believes that the officials of Ministry of Defense demonstrated a double standard on that day.

But, General Zaher Azimi, MoD spokesman, dismisses the claims of double standard behavior of MoD officials and says although the security officials did not agree with him to allow journalists in, still he managed to get some journalists into the Ministry to take pictures and share them with the rest of the media outlets and journalists.

It should be mentioned that, after this incident, Reporters Without Borders (RSF), a French international journalism advocacy organization, accused Afghan security officials of double standard behavior.

Meanwhile, Major General Mohammad Zaher Azimi confirmed in a news conference that Mohammad Daud, security officer of public relations department, was dismissed for the inappropriate behavior of security forces on that day.

Media Watch considers illegal the abovementioned behavior of ANA soldiers and wants the perpetrators to be put on trial.

It also holds that the public relations department of Ministry of Defense had demonstrated a double standard on that day and therefore Media Watch calls on them to avoid such behavior in the future.

Reporter of Killid Radio Station Claims to Have Been Insulted by a Senator

A reporter from Killid Radio Station, Noor Aqa Sultanzoi claims that he was insulted by Senator Zalmai Zabuli on April 11th and expelled from the office of the mentioned Senator.

Sultanzoi says he was preparing a report on people's problems with electricity bills and wanted to interview Zalmai Zabuli, a member of the upper



house, but he was insulted and expelled from the Senator's office.

He said: "I waited into Mr. Zabuli's office for one hour to interview him but as soon as his office manager introduced me to him as a reporter of Killid radio station, the Senator suddenly became furious and ordered his men to get me out of his office. Furthermore, he called me a spy."

Sultanzoi says he had never faced such a 'disgusting' situation before in his career as journalist.

Senator Zalmai Zabuli denies use of the word 'spy' but admits that he expelled the journalist from his office without interview.

Zalmai Zabuli stated that the reporter of Killid radio station was inexperienced and added that "the deputy ministers of foreign affairs and higher education and a delegation from UNAMA had a meeting with him, but the journalist was insisting to interview me."

Zalmai Zabuli says since this action of Killid radio reporter was in contradiction with principles and ethics of journalism, he had no other choice but to expel him from his office. Mr. Zabuli did not explain what he meant by journalism principles and ethics and their connection with this matter.

But Noor Aqa Sultanzoi says, I was kept waiting for one hour behind the door until Zabuli's guests left. Then the office manager of Mr. Zabuli introduced me to him and I faced that reaction.

Media Watch condemns the insulting of journalists by any individual or party. Using abusive language against individuals is against ethical principles and civilized and well behaved persons pay caution in their interaction with others and avoid insulting others.

Journalist Claims to be Threatened by Head of Labor and Social Affairs Department in Jawzjan Province

Mohammad Sharif Razaqiar, a reporter with Armaghan radio station in Jawzjan Province claims that on 26th of April 2011, he produced a report on young people's problems especially unemployment. For this report, he had also interviewed Shahabuddin Shahab head of Jawzjan labor and social affairs department. According to the journalist, after airing the report he received a phone call from Shahab threatening him that their next meeting would be in court.



Shahab said: "Razaqiar interviewed me on youth's problems and I also admitted their problems and stated their underlying reasons, but the journalist altered my speech and aired it only parts of it." He dismisses Razaqiar's claim that Shahab had threatened him.

The head of labor and social affairs provincial department considered such reporting as instigating and provocative of young people against the administration.

He says that Mohammad Sharif, is a teenager who is a student of 11th grade at school and does not have enough knowledge of journalism. Sharif admits that he is a student of 11th grade at school but emphasizes that he has knowledge of the media law and principles of journalism.

The issue of unprofessionalism from a number of journalists has been a topic of discussion for a long time now. Senior journalists are of the opinion that if decisive measures are not taken in this regard, Afghan media and journalists will continue to face such problems.

Dastgir Huzhabr, an Afghan media activist, says: “This situation is the result of poor knowledge of the journalism profession on the part of Afghan journalists themselves, especially junior journalists. In different parts of the country including Kabul, we witness some media trying to alter the news or message. This action is against the principles of journalism.”

Media Watch calls upon all Afghan independent media to observe the law in their programming and be extra cautious about the authenticity and accuracy of what they broadcast. Also, Media Watch believes that journalistic activities require knowledge and observation of journalistic principles and ethics; otherwise, the work of a media outlet may be classified as unprofessional.

If a journalist or media outlet fails to pay the required level of attention to what they are doing, they will ultimately be discredited before the public.

Head of Badghis RTA Threatened and Insulted by Prosecutor

Habibullah Morghabi, head of RTA in Qala-e-Naw the capital of Badghis Province was threatened and insulted by the prosecution department of the same province.

According to Mr. Morghabi, on April 24 when the news on the visit of Minister of Rural Rehabilitation and Development to Badghis Province was broadcast on an RTA news bulletin, the prosecutor of Qala-e-Naw city called and threatened him and used abusive language against him.

According to Mr. Morghabi, prosecutor Ghaws Mohammad threatened him because his name was not mentioned in the news on the Minister’s visit to Badghis. He also complained that no mention of the prosecution department of Badghis Province was made in the news item.

Mr. Morghabi adds that although he tried to convince the prosecutor during the same telephone call that the news was written by Bakhtar News Agency and submitted to RTA and it was not the fault of the news presenter because the name of the prosecution department or the prosecutor was not included in the news in the first place, but these reasons did not convince the prosecutor and in fact, made him more aggressive.

Mr. Morghabi says, the mentioned prosecutor has threatened to dismiss him from his job and suspend his programs in Badghis RTA for not mentioning his name in the news item.

Meanwhile, the local authorities of Badghis province said that the threatening and insult of the head of Badghis RTA was merely a misunderstanding of the prosecutor and that the dispute was settled at a meeting attended by both parties as well as some provincial officials.

According to one of the participants at this meeting, which was held in the provincial governor's office, the provincial authorities promised to support freedom of expression and prevent insult and intimidation of journalists in the future.

It should be stated that threatening, intimidating and insulting another person are considered as crime under the current laws of the country. Hence, the perpetrators should be prosecuted accordingly.

Saaqi TV Presenter Beaten by Unidentified Individuals in Herat Province

Abdurrazaq Pedram, a reporter and presenter of Begah TV show in Saaqi TV station of Herat Province was badly beaten and injured by four unidentified individuals.

At 12:30 A.M on April 25th 2011, when Abdurrazaq Pedram and his family were sleeping at home, he was attacked by unidentified individuals who hurt him badly.

According to Mr. Pedram, the intruders hit him and then escaped without saying anything while two other invaders were in the yard observing the situation.



Mr. Pedram told Media Watch in a telephone interview: “After the situation returned to normal and the attackers escaped, I wanted to contact my friends and relatives but I noticed that the attackers had taken away all the four mobile handsets I had at home. After a lot of troubles I was able to inform one of my friends using my neighbor's phone who then took me to hospital. On the way to hospital I informed the nearby police post of the incident and also the criminal branch of Herat regional hospital recorded my report and asked me not to reveal this to anyone until the case was investigated by the government.”

Mr. Pedram was wounded in several parts of his body due to the blows he has received from the attackers.

According to Abdurrazaq Pedram, the perpetrators of this brutal action were the religious fundamentalists who criticize his TV show which contains discussions about freedom of expression, democratization and plurality of religions. He does not point out any specific person or groups but says that religious extremists were behind this attack.

Herat officials say they are conducting investigation on this case. Noor Khan Nekzad, spokesman for Herat police command said in his interview with Media Watch that the case is under investigation.

At the same time, a number of journalists and journalists' advocacy organizations in Western Afghanistan condemned the attack on Abdurrazaq Pedram, complained about government's indifference towards follow up on cases of violence against journalists and called for the arrest of the attackers.

Media Watch calls on law enforcement bodies of Herat Province to identify and put on trial the perpetrators of this brutal attack and says that without pursuit and punishing of criminals especially those who commit violence against journalists the gap between government and the public will widen, which will, in turn, give rise to more problems.

It has been experienced frequently that cases of violence against journalists, through initially taken up for investigation, are later on dropped or forgotten. Media Watch hopes that this time Mr. Pedram's case will not be forgotten as has been the case in the past.

Publishing of the First Reference Book on the Situation of Media in Afghanistan and Recognition of Senior Media Workers

On April 11th, 2011 Media Watch of Nai Supporting Open Media in Afghanistan published the book titled "Journalists in Afghanistan".

The book provides a detailed account of the violent incidents that happened to Afghan journalists and media between 2004 and 2010. It compiles the Media Watch monthly reports, thus serving as a reference for students and researchers of independent media in Afghanistan. This book is made available for journalists, media houses and journalism students free of cost.



Abdul Mujeeb Khelvatgar, Chief Executive Officer of Nai Supporting Open Media in Afghanistan, said in the ceremony held on this occasion: "Today, we are publishing a book that can be used as a reference material –the lack of which was sorely felt in Afghanistan."

Abdul Hameed Mubarez, Head of Afghan National Journalists' Union, finds this book of extreme importance. He believes that after this book is published no government officials will dare to commit violence against media and journalists.

Prior to this, journalists and students of journalism faculties in Afghanistan had problems sourcing information about Afghan media and journalists and their frequent requests for

briefings from Nai made the shortage of such a reference material evident. It prompted Nai Supporting Open Media in Afghanistan to publish this book.

Furthermore, on the day of the launch, Media Watch of Nai Supporting Open Media in Afghanistan recognized the media related achievements of three media activists by awarding trophies and letters of appreciation to them.

Furthermore, trophies were awarded to Head of Afghan National Journalists' Union, Abdul Hameed Mubarez for his support to journalists, Deputy Information and Culture Minister (for Publications) Din Mohammad Mubariz Rashidi for friendly interaction with journalists and giving interviews to local media, and Tolo News TV Correspondent Shakeela Ibrahimkhel for professional reporting.

Abdul Mujeeb Khalvatgar, Chief Executive Officer of Nai says this is the first time that media activists have been recognized by an Afghan institution.

After receiving his trophy, Head of Afghan National Journalists' Union Abdul Hameed Mubarez expressed his feelings as follows: "I extend my gratitude to Nai for recognizing my journalistic activities. In fact, this is the first time in my 45 year career that my work has been acknowledged by my own colleagues and independent journalists. I thank them from the bottom of my heart for this."

According to the officials of Nai Supporting Open Media in Afghanistan, this recognition of top journalists will continue in the future.

The Fourth Anniversary of Ajmal Naqshbandi's Murder

On 10 April 2011, the Afghan National Journalists' Union and the family of Ajmal Naqshbandi marked the fourth anniversary of Ajmal Naqshbandi's murder. He was beheaded by the Taliban four years back.

Addressing the ceremony that was held to mark this occasion, Media Watch Manager Sediqullah Tawhidi said: "When Ajmal Naqshbandi was in the Taliban's custody, the journalist advocacy organizations made every effort to release him but the government of Afghanistan, in a secret deal which still remains ambiguous, released the Italian journalist Daniele Mastrogiacomo who was also abducted by the Taliban with Ajmal Naqshbandi. Ajmal was left to be beheaded by the Taliban."



The Deputy Information and Culture Minister, Din Mohammad Mubarez Rashidi also condemned the decapitation of Ajmal Naqshbandi and also talked about the overall challenges of media and journalists in Afghanistan.

He said: "Media has always faced challenges in Afghanistan. In some instances, unfortunately, journalists have been mistreated by government officials. The withholding of information by government officials and not sharing it with journalists is yet another

permanent problem. The law should guarantee people's right to know what is happening around them.”

Family members of Ajmal Naqshbandi also attended this ceremony. They criticized the government for not revealing the details of the deal as a result of which Ajmal's Italian colleague was freed.

Four years ago, Ajmal Naqshbandi was kidnapped by the Taliban and was then beheaded by Mullah Daadullah, a Taliban commander, on April 8, 2007 leaving Ajmal's family and the entire journalist community in deep grief.

Ajmal Naqshbandi was kidnapped by the Taliban along with an Italian reporter Danielle Mastrogiacomo and driver Sayed Aqa March 6, 2007 in Nad Ali district of Helmand Province.

The Taliban released Danielle in exchange for release of their five seniors who were imprisoned with the Afghan government, but beheaded Ajmal Naqshbandi who was an Afghan journalist.

Given the above, Media Watch believes that by creating an atmosphere of terror and panic the Taliban want to make reporting difficult for journalists so that they do not dare report the truth.

With the murder of Ajmal Naqshbandi, the lack of security and urgency of the situation became quite evident. Not only was the Afghan government held responsible by the public in this incident, but also the Taliban were deeply discredited as once again as a party that is not committed to any ethical and religious codes. While they call themselves Muslim, they released a non-Muslim journalist but killed a Muslim journalist without any charges.

If the government of Afghanistan does not perform its duties under Afghan constitution and media law, and does not assure journalists of their safety, young people will not dare to become journalists.

Other News on Media Development in Afghanistan

Workshop on Research Methods for Herat Journalists

On April 3rd 2011, a workshop on research methods for 20 journalists and chief editors of Herat local media outlets was held by the Afghan Journalism Center.

Gulam Mohammad Barez Hussaini, a professor at Herat University, was the teacher on research methods. This workshop helped participants understand the principles and academic methods of research and practice the relevant skills.

Establishment of Joint Committee to Support Journalists in Herat Province

Finally, after six meetings held over the past two months, the Joint Committee to Protect Journalists was established in Herat Province on May 7th, 2011.

Members of this joint committee include representatives of journalism advocacy organizations in the west zone, and journalists from local and international media and all managers of Herat local media.

This joint committee was formed as a result of the idea of a number of journalists and media managers who believed that all local media would benefit from such a body. One of the characteristics of this joint committee is that it does not have any permanent chairman. Rather, its chairperson/spokesperson is selected from among its members on a periodic basis.

Herat Based Afghan Media Group Organizes a Gathering on the Right of Media and Journalists to Access Information

Herat's Afghan Media Group organized a one-day discussion forum on media and journalists' right to information. The forum was held in Herat city and attended by more than 80 journalists and media managers from Herat, Badghis, Ghor and Farah Provinces. The forum was held at Commerce International Hotel in Herat city on April 24th and discussed journalists' right to information, ways to exercise this right and overcome the obstacles that compromise journalists' access to information.

This forum provided the participants from Herat, Farah, Ghor and Badghis provinces with a platform to share their thoughts and views as separate groups, on a draft Freedom of Information Act and the challenges ahead of enforcement of such a law.

Similar forums are planned for the next four months in Balkh, Nangarhar and Kandahar provinces which will be attended by participants from the nearby provinces. After a compilation of the inputs of all participants, a draft Freedom of Information Act will be prepared and submitted to Ministry of Information and Culture and the parliament for consideration.

Basic Journalism Training Course Held in Badghis Province

A one-week training course on basics of journalism was held for 13 participants in Qala-e-Naw the provincial capital of Badghis Province. Funded by US embassy and organized by the provincial agency of Afghanistan Sisters Association, this course was concluded on April 23rd 2011.

According to Anita Rafhat, head of the provincial agency of Afghanistan Sisters Association, the purpose of this training was to train the participants on the primary principles of journalism to enable them to communicate news events effectively with journalists and government administrations in district level.

This is noteworthy for many reasons. It is the first time that journalism training has been held in this province and the journalists there have not received training before. Also Badghis Province a remote rural area, which is difficult to reach by road and air due to security concerns. It is also the first time that a women's association is providing such training.

Afghanistan Mass Media Law Analysis

Article 36:

1. Transfer of ownership and rights (sale, donation and inheritance) of the mass media and organizations set forth in article (27) of this law is permissible.
2. The ownership and rights may be transferred to a person who meets the criteria established by this law.
3. In case of sale or donation of assets or right of the mass media and above-mentioned organizations to another person, the procedure established by this law shall be reapplied.
4. In case a proprietor dies or ceases to have the required legal qualifications, the material and intellectual ownership shall be determined in accordance with the provisions of the Civil Code and this law, and shall be transferred to the person agreed upon by the heirs and meeting the criteria established by this law.

Analysis:

Under article 34 of the Afghan Constitution, every Afghan citizen has the right to establish and run private media outlets independently. Private media outlets are considered the personal property of natural persons. Given the role and importance of media in a society, the law has provided for certain other conditions in order for natural persons to become the owners of media outlets. From a legal point of view, owners of media outlets can practice any kind of possession in respect to the media under their possession including transfer of their property to others. Under this article, transfer of ownership and rights may take place in three ways – by sale, donation and inheritance. They are discussed separately as follows:

1: Sale: Media is a combination of a corporeal and incorporeal property which in real life works as a single property. According to article 1035/Afghan Civil Code, selling and buying is ownership of a good sold by a seller and purchased by a purchaser against a price. The proprietor can sell his private media as well as his other private properties to another person. From a legal perspective (or as per Afghan media law and other laws) the proprietor can only sell his/her proprietorship to an Afghan citizen, but not to a foreign citizen.

Also a proprietor cannot sell his/her real estate (immoveable assets) to a foreign citizen. They can only sell their moveable assets.

According to this article, in the case of a proprietor - sells his/her media taking into account the abovementioned terms, the person buying it should be eligible for proprietorship and resume registration and license process under his own name.

2: Donation: Donation is defined as a free exchange of goods between two people. Legally there is a difference between sale and donation in the case of selling a media institution. Sale is an exchange of money or something else as to be agreed, but donation is completely free of cost. Nevertheless other conditions applicable on sale apply on donation too.

3: Inheritance: One of the reasons for transferring proprietorship is proprietor's death when his/her entire property is transferred to his/her heir/Heiress. Under this article when a person dies his/her corporeal media property is distributed among his/her heirs based on principles of inheritance rights. And the incorporeal property, in other words, the proprietorship of the media is transferred to the person agreed upon by the heirs and meeting the criteria established by provisions of this law. Person receiving the proprietorship is required to reapply all procedures for registration and taking license set up by this law.

In the case where a proprietor loses his legal competence (mental disorder, etc) his/ her incorporeal property is not transferred to heirs because legal incompetence ceases only right of occupation, whereas right of possession remains unchanged as it was in the past. However, replacement can be assigned in order to carry out duties.

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To obtain a soft copy of the report, please visit the following link: <http://www.nai.org.af/Mediawatch.htm>

Note:

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