

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:**

Increased insecurity, war and suicide bombings threaten journalists' lives and make their profession dangerous. Historically, journalists have been the victims of kidnapping and murder by insurgents; however, recently we have seen an increase in suicide bombings and attacks on government and nongovernment buildings, where journalists are among the first to arrive on the scene in order to provide news coverage, putting journalists' lives in excessive danger.

Media and journalists are required to provide immediate news coverage on incidents; therefore, they are obliged to accept the danger and go straight to the scene of the incident. Reporting on such incidents poses great dangers to journalists because they must be positioned in a location from where they can develop a fact based report about the fight. In some cases, police negligence and the lack of security measures, is one of the main challenges for journalists and occasionally prevents journalists from covering the incident altogether. On these occasions, police and other law enforcement personnel do not allow journalists to enter the scene, which is in fact, an attempt to restrict reporting on the incident. In some instances they do not take care of the journalists and allow them to approach to high risk zone, in both cases it becomes difficult for the media to record and report information.

In some cases, during such incidents journalists do not care about their life and are deeply focused on obtaining footage and information about the ongoing situation and as a result they become victims of attack for not taking security measures.

Moreover, the recent suicide attacks that injured two journalists proved that there is no place in Afghanistan which is immune from terrorists' reach.

The current report contains the following stories:

- 1. Journalist Dies as Rocket Impacts Workplace**
- 2. RTA Cameraman is Injured**
- 3. Radio Yawalai Ghag Building Damaged in Suicide Attack in Wardak Province**
- 4. Journalist's House Searched**
- 5. Journalists Beaten by Tolo TV Security Guards**
- 6. NATO Admits Responsibility for Murder of BBC Reporter**
- 7. Attempt on Life of Editor-in-Chief of Sada-e-Maimana Publication**
- 8. The Impact of Afghan Government Peace and Reconciliation Process on Freedom of Expression**
- 9. Afghan Journalist Claims to be Insulted by Iranian Media Outlet**
- 10. Establishment of Donation Box for Family of Murdered Journalist**
- 11. Analysis of Article of Afghan Mass Media Law**

## 1. Iranian TV Cameraman Dies in Rocket Attack

Farhad Taqadosi, a cameraman with the Iranian English Language Channel Press TV, was struck in suicide attacks in Kabul on September 13, and eventually passed away in hospital on September 20.

On September 13, a group of terrorists equipped with both light and heavy weapons occupied the partly constructed high rise building in Abdul Haq square close to U.S. Embassy in Kabul and launched rockets on the U.S. Embassy, NATO headquarters. There were also simultaneous attacks in some other residential areas in the Kabul.

A branch of Sada Wa Seema Iranian TV network – which also houses the Press TV regional office is located in the Wazir Akbar Khan area of Kabul city close to the U.S. Embassy. This office was hit by a

rocket launched by the terrorist group. As a result of the terrible sound of the rocket, Farhad Taqadosi went into shock. Initially half of his body was paralyzed but later he was completely paralyzed and eventually passed away a week later in a Kabul hospital.

Mohammad Amin Alimi, a Press TV reporter and colleague of Mr. Taqadosi, said: “It was around 4:00 p.m. that a rocket hit our office premises. Mr. Taqadosi was working in his office and was shocked by the sound and his nervous system somehow became disordered. His limbs gradually became paralyzed and finally passed away after 7 days of pain and agony in Ali Abad hospital.”

Some media outlets had reported that Farhad Taqadosi passed away from deep wounds but his colleagues including Mr. Alimi reject the rumor that he was wounded.

He said: “Mr. Taqadosi was not physically wounded in this incident.”

Mr. Alimi cherishes his experience of working with Mr. Taqadosi as an unforgettable memory and says his colleague would never complain about the exhaustive load of journalistic work.

Farhad Taqadosi was 23 years old and had worked with Press TV as cameraman for two years.

He was an Afghan citizen who had migrated to and studied in Iran and upon return to Afghanistan, started his career in with Press TV.

Media Watch condemns the Taliban’s rocket attack which resulted in the death of Mr. Taqadosi, and calls on involved parties to avoid killing civilians.



## 2. RTA Cameraman is Injured

In related news, RTA cameraman Abdurrahim was shot and wounded when he was trying to videotape the battle between terrorists and security personnel on September 13<sup>th</sup>.

Abdurrahim, who was taken to Wazir Akbar Khan hospital after being shot, told Media Watch: “When the Taliban attacked, my colleague and I were tasked to videotape the incident and develop a story on it. We started videotaping and around 4 p.m. I was shot and I fainted. When I



woke up two days later, I found myself in Wazir Mohammad Akbar Khan hospital in Kabul.”

A month after the incident, Abdurrahim is showing no signs of improvement. The bullet has entered his body at his right flank and has gone all the way till left thigh from where it has come out. His doctor, on condition of anonymity, said: “His treatment is impossible in Afghanistan because his right leg nerves and urinary bladder are seriously damaged resulting in the paralysis of his right leg.”

RTA Deputy Director Jalal Mahmoodi says the government of Afghanistan intends to send Mr. Abdurrahim to Turkey for further treatment in the near future.

Mr. Mahmoodi said: “After this incident, RTA sent a proposal to Office of the President and the first Vice President approved it ordering that RTA TV cameraman be sent to Turkey for further treatment and the medical expenses should also be covered by Afghan government.”

RTA Deputy Director says that as the salary of that employee is very low, RTA, the Ministry of Information and Culture, an anonymous Afghan businessman and some other government organizations have provided cash donations to him.

The donations by Afghan government and especially by RTA to this cameraman are appreciable and Abdurrahim also appreciates them.

Media Watch strongly condemns the incident resulting in injury of the cameraman, and expresses concern over the deteriorating security situation in Afghanistan.

It is important to note that with the recently deteriorated security situation in various parts of the country especially Kabul city, civilians and journalists constitute the majority of the casualties.

## 3. Radio Yawalai Ghag Building Damaged in Suicide Attack in Wardak Province

A suicide bombing against U.S. army base in Sayed Abad district of Wardak province on the 10<sup>th</sup> of September resulted in the injury of a guard of Radio Yawalai Ghag and completely destroyed its building. The station was off-air for three days.

In a phone interview with Media Watch, Hazratuddin Nasrat, the proprietor and editor-in-chief of Radio Yawalai Ghag said: “On September 10<sup>th</sup>, a truck loaded with explosives was detonated next to the U.S. army base. Radio Yawalai Ghag is also located close by. The explosion

destroyed the station building completely and all the station's equipment was dumped under debris. We have so far been unable to find a 1KW transmitter that ended up under debris.”

He says he was able to resume programming at the station by using a small transmitter he had at home.

Mr. Nasrat criticized the Afghan government, international forces and organizations working in the field of freedom of expression, for not cooperating in ensuring the reactivation of Radio Yawalai Ghag.

He said, only Internews sent two engineers from Kabul to deal with the technical issues due to the explosion, but he asserts that he has not received any financial assistance from any organization for purchase of the equipment and the reconstruction of the building. He hoped to receive funds for reconstruction of the radio station to help people of Sayed Abad district to continue to enjoy their community radio station.

Editor in Chief of Radio Yawalai Ghag estimates the loss incurred by this station at around \$50,000 US.

Media Watch sympathizes with the wounded guard and the radio station manager for the destruction of the station building in Wardak province, and strongly condemns such attacks by the Taliban resulting in injuries to civilians and destruction of residential areas and the radio station building.

Media Watch also calls on international forces to avoid establishing military camps in cities and residential areas in order to make sure such incidents are not repeated.

Media Watch encourages international forces to compensate the loss incurred by this radio station otherwise the people of that community will be deprived of their right of access to information.

#### **4. Afghan and U.S. Forces Search Journalist's House**

In the evening of 27 September 2011, Afghan and U.S. forces searched the house of Abdul Manan Arghand, a journalist who works for several national and international media in Kandahar province. The forces (as claimed by Mr. Arghand) took away two computers from his house and hit his younger brother.

Mr. Abdul Manan Arghand told Media Watch: “On Tuesday evening around 6:00 p.m. when I was in my office, Afghan police and U.S. soldiers entered our house located in district nine of Kandahar city and searched the house. The operation went on for four hours and they even did not allow me into my house.”

According to Mr. Arghand, the security forces performed the search operation based on false intelligence, stating that explosives and ammunition were hidden in his house, which were transported from other parts of the city.

One day prior to the search, there was explosion in a police post within district nine close to Mr. Arghand's house. According to Mr. Arghand, one of the reasons for the search was police's suspicion that the explosives were kept in his house.

Meanwhile, the spokesman for the Kandahar Governor, Zalmai Ayubi said the reason for searching Abdul Manan's house by US soldiers and Afghan National Police was the suspicious movements around his house.

The Governor's spokesman says the Afghan government knew about this search and is conducting further investigation into the case.

Mr. Ayubi added: “In our meeting with the NATO commander in Kandahar and police representatives, they asserted that the investigation is ongoing and that they will share the results of the investigation with media at their earliest.”

Media Watch tried to talk to NATO about this but NATO officials refused to express their viewpoint on the matter.

Media Watch asserts that searching the house of the journalist in Kandahar without a search warrant is against Afghan and international law, and considers this a great threat against journalists and freedom of expression in Afghanistan. Media Watch calls for a stop to such operations within journalists’ houses and requests Afghan and NATO senior officials verify the validity of the intelligence they receive before they launch such raids on journalists’ houses.

#### **5. Cameraman of “1” TV Channel and Reporter of Pajhwok Afghan News Beaten by Tolo TV Guards**

A cameraman with “1” TV, Mujtaba Jabarkhel and reporter with Pajhwok Afghan News, Ataullah claim to have been beaten by security guards at Tolo TV.

An official letter from “1” TV channel to Nai – Supporting Open Media in Afghanistan reads: “On September 13<sup>th</sup>, 2011, during the terrorist attack on U.S. Embassy and other targets in Kabul city, Mujtaba Jabarkhel “1”TV reporter, was videotaping the school bus hit by a rocket, when he was hit and insulted by Sayed Abdullah - one of Tolo TV security officers. Ataullah, reporter with Pajhwok Afghan News, who was present at the scene, recorded the attack by the Tolo TV guard, but he was also forced to discard the video.”

In the letter, “1”TV calls on Media Watch, the Ministry of Information and Culture, the Afghan Independent Human Rights Commission and journalist unions of Afghanistan to follow up the case and see that justice is served.

Mujtaba Jabarkhel said in an interview with Media Watch: “I was busy recording footage of a school bus hit by rocket when a Tolo TV security officer started beating me and when he noticed the logo of “1” TV channel on my camera, he hit me even harder.”

Mr. Jabarkhel says, initially I was thinking they were Afghan security officials beating us, but later I realized it was the security officer of Tolo TV who hit me and also forcibly deleted the footage on camera of Pajhwok reporter.

In response to the letter from “1”TV, Tolo TV expressed regrets on the act of its security staff and extended apologies to cameramen of “1” TV and Pajhwok Afghan News network.

The letter from Tolo TV reads: “Operating under Afghan Constitution and Mass Media Law and committed to supporting freedom of expression and the public’s right to access information, Tolo TV expresses profound regrets about this incident. Any act of limitation of the process of dissemination of information and news coverage of events, is a blow in the face of journalism and the public’s right to know. Expressing regrets on this incident, Tolo TV extends its sincere apologies to all respected media outlets and journalists especially to the cameramen of “1” TV and Pajhwok Afghan News.”

Media Watch condemns any act of violence against journalists including humiliation and beating by any individual or entity. The respected senior management of Tolo TV is advised to advise their security personnel that no one has the right to hinder journalist’s work, and also no one has the right to hit or insult a journalist for any reason whatsoever.

## 1. NATO Admits Responsibility for Murder of BBC Reporter

Forty days after Ahmad Omid Ikhpewak reporter of BBC and Pajhwok Afghan News in Urozgan province was killed, NATO has admitted that the journalist was killed by the gunfire of American soldiers.

After conducting an investigation into the murder of Mr. Ikhpewak NATO announced that he was mistakenly engaged by American soldiers.

Ahmad Omid Ikhpewak was killed in a complex attack launched by the Taliban on governor's office, RTA provincial office and police headquarters in Trinkot, the capital of Urozgan province on July 28<sup>th</sup>. 21 people were killed in this attack, including the Pajhwok reporter, and another 37 wounded - including women and children.

ISAF Chief Commander General Allen appointed an independent officer to investigate the situation that led to murder of Ahmad Omid Ikhpewak. After the investigation was complete, it was revealed that the journalist was killed as a result of misidentification.

The investigation found that Mr. Ikhpewak was shot dead by an ISAF soldier who believed that he was an armed anti-government agent who was posing a threat and was about to detonate his suicide vest.

The investigator concluded that the concerned ISAF soldier had taken logical action at the moment, given the situation and observed the armed conflict and engagement law.

However, Jawid Ikhpewak brother of the murdered journalist Ahmad Omid Ikhpewak asserts that his brother had shown his journalist ID to the soldier prior to being killed: "When suicide bombers detonate their vests, a wall falls on 8 U.S. soldiers and this is exactly the time when Omid Ikhpewak who was hiding in a bathroom waves his BBC and Pajhwok ID to soldiers but the soldier engaged him without thinking. We have the bullets and also Ministry of Public Health has confirmed that he was shot by 11 bullets and the serial numbers of these bullets show that they belong to Americans."

According to the investigation by ISAF, insurgents used a vehicle load of explosives to blow up the entrance gate and part of the wall and enter the premises. Two insurgents with light arms and suicide vests entered the building and engaged Afghan security personnel from a close distance.

The investigation report indicates "We (ISAF) were notified of presence of two suicide bombers inside the building by Afghan uniformed commander. We had no information about presence of civilians in the building."

During the operation, an American soldier detected movement of a young man from a cracked wall inside the building, the report states.

A soldier was assigned to climb the cracked wall where the suspicious movement was detected. When the soldier approached, he saw a young man with beard who was clinching something in one hand and reaching for something on his person with the other.

Then the young man was killed and Afghan forces brought his dead body out of the building. This man was Ahmad Omid Ikhpewak. He was not armed. No weapon was found close to him. It is believed that the bullets that were coming from his direction were indeed fired by American soldiers.

The last part of ISAF investigation reads: "In short, Ahmad Omid Ikhpewak was killed as a result of misidentification. He was killed by American soldiers who believed he was an anti-government agent who was opening fire at them and was trying to detonate his vest."

NATO conducted this investigation at the repeated request of the Afghan journalists' community, including Nai – Supporting Open Media in Afghanistan, BBC and Pajhwok Afghan News network.

Two days before publishing of results of the report by NATO, Nai emphatically called on the Afghan government and NATO forces to declare their results of the investigation of Mr. Ikhpewak's murder.

Abdul Mujeeb Khalvatgar, Chief Executive Officer of Nai – Supporting Open Media in Afghanistan, said in a press conference: “Concerned authorities of the Urozgan local government, the regional and national Afghan judicial and investigating bodies, and also international forces including press and investigation branches in Afghanistan should put the results of their investigation, in full, at our disposal as soon as possible. Nai and other agencies will review the results of their investigation fully and critically.”

Since 2001, around 28 journalists have lost their lives on duty in Afghanistan but this is the first time one of the international parties involved in Afghan war has claimed responsibility for murdering a journalist.

Media Watch condemns the murder of an Afghan journalist by international forces in the strongest possible terms and calls on foreign troops to take maximum caution and precision in their operations to avoid harming the civilians.

Although Media Watch considers the Taliban as the main cause for Mr. Ikhpewak, because they started suicide attacks in the scene, but the direct fire of American soldiers on the journalist shows lack of accuracy in their operations in Afghanistan, and calls on NATO senior officials to put the concerned soldier on trial and compensate the journalist's family in accordance with the international protocols.

## **6. Attempt on Life of Editor-in-Chief of Sada-e-Maimana Publication**

Editor-in-Chief of Sada-e-Maimana publication, Mohammad Kazim Amini was attacked and wounded by three men with knives on the evening of August 27.

Mohammad Kazim Amini, who lives in Maimana city of Faryab province, says he was sitting at home with his family when suddenly men armed with knives knock the door and as he steps out, the armed men attack him with knives.

He said: “Those men attacked me with a knife. As my wife intervened, the knife fell down from one of their hands and meanwhile we were able to shut the door so they could not stab me hard. I just had a superficial wound as a result of the knife blow and I was taken to the hospital.”

The Editor-in-Chief of Sada-e-Maimana claims that he was stabbed by the men of the governor of Faryab, Abdul Haq Shafaq's. He says one year ago he published an article critical of some of Maimana roads named after the Faryab governor. After the article was published, the Faryab governor promised before representatives of civil society and regional head of human rights commission to change the name of those roads but now, after ten months, still he has not fulfilled his promise. Thus, he says, “recently I published a follow up story in Sada-e-Maimana publication on the six roads named after Faryab's governor. This time the governor became furious and threatened me indirectly.”

But, Abdul Haq Shafaq, the governor of Faryab province dismisses Mohammad Kazim Amini's claims as baseless.

Governor Shafaq says: “I was not in Afghanistan when this incident took place, and I personally emphasize that those involved in the attack on this journalists should be identified.”

Mr. Shafaq added: “This is a totally baseless allegation. I invite all journalists to investigate the case. I will take this matter seriously to find out who those individuals were.”

As for naming of a road after him which is believed to be the cause of friction between him and the Editor-in-Chief of Maimana, Mr. Shafaq said: “Only one road was named after me at the request of local people. I was not happy at that time and I am not happy now.”

The governor of Faryab also claims to have been insulted in articles written by Mr. Kazimi but still he shows respect for him: “I am also a cultural activist and I never allow anyone including myself to insult a writer or say a bad word about him.”

Media Watch condemns that attack on journalist in Faryab province and calls upon Faryab government and judicial bodies to identify and prosecute the perpetrators of this attack.

Meanwhile, Afghan journalists are advised to take caution and precision in blaming individuals when they become targets of malicious intent, so that on one hand the actual perpetrators are identified and on the other hand innocent people are not unduly defamed.

Journalists are also advised to avoid defamation, humiliation and libel in their writings because such a behavior obscures the image and reputation of media outlets and also gives opportunists, who do not believe in the principles of freedom of expression and see media as a threat to their personal interest, the opportunity to pose serious threats to media and journalists.

## **7. The Impact of Afghan Government Peace and Reconciliation Process on Freedom of Expression**

Addressing a press conference held at Nai Supporting Open Media in Afghanistan on September 12<sup>th</sup>, Media Watch Manager Seddiqullah Tauhidi called on Afghan government and the international community not to sacrifice freedom of expression in peace deals with the Taliban.

These statements were made after the Upper House (Meshrano Jirga) summoned the Afghan Information and Culture Minister Sayed Makhdoom Raheen on September 11 and asked him to impose restrictions on media activities.

In reaction to the Upper House’s statements, the Media Watch Manager said that certain individuals in government, the National Assembly and Peace High Council are bent on restricting the activities of media outlets. He added: “Once again we openly declare that neither the President nor State nor any other body has the right to make deals on the freedoms stipulated in Afghan Constitution as well as press freedom and freedom of speech. We want peace, but we want the kind of peace that will guarantee our prestige and dignity and ensure the rights and freedoms of media and journalists.”

He also stated: “Occasionally, some of our friends working in the government claim that press freedom has resulted in increased insecurity all over Afghanistan.”

Mr. Tauhidi acknowledged that press freedom and freedom of expression are among the major achievements in the past ten years and urged the Afghan government and the international community to defend it: “We, as carriers of messages and information from all involved parties, work with due impartiality to publish facts about incidents, but we will not accept any restrictions on our freedom as a result of political compromise by government, the Taliban or any other group.”



According to him, the Taliban are trying to reinstitute their “Islamic Emirate” in Afghanistan which will mean depriving women of their political, social and economic rights, as well as stopping their participation in media activities.

Meanwhile, journalists consider freedom of expression the main achievement of the government in the past decade, and are expressing concerns over violation of laws by government officials.

However, a member of High Peace Council, Ismaeel Qasemyar has said in his interview with BBC that freedom of expression will not be harmed by peace with the Taliban.

Mr. Qasemyar has said: “We appreciate the concerns of (Nai and media outlets) and we also give assurance that these rights (press freedom) will not be compromised.”

Previously and several time by Council of Islamic scholars, it was said that TV and Radio programs which seemed to be against Afghan culture made some people joining to the insurgencies, that is why the main concern is that now the peace process will be dealing on the TV and Radio programs, but Media Watch is of the opinion that concerns about TV and radio programming are not at a level that will prompt deals made on press freedom.

Such concerns can be addressed and the government as administrator of all affairs is obliged to facilitate media activities in the country.

The Afghan government should help media outlets produce good quality programs and make less use of foreign programs.

Media Watch reiterates that private TV stations work as legal persons and deserves the help and support of the government and not unlawful and illegitimate restrictions and limitations.

## **8. An Afghan Journalist Claims to have been Insulted by an Iranian Media Outlet**

On 29 August 2011, Fazel Rahman Orya, in charge of political programs on Afghan News TV, was invited by the Iranian Shabaka-e-Khabar TV station to a live talk show in its Kabul office to discuss the current situation of Afghanistan and the region. Mr. Orya says he was supposed to talk for 20 minutes but after some three minutes talking in favor of Afghanistan’s national interests, his voice was muted.

Mr. Orya criticized the muting of his voice during a live TV program and considered it against journalism’s code of conduct. He said: “Shabaka-e-Khabar TV station violated the international code of conduct of journalism and in addition, the presenter did not observe fairness during the show.”

Mr. Orya criticizes the staff of the mentioned Iranian TV station and says it should operate in accordance with Afghan laws because it is operating in Afghanistan.

He is claiming for restitution of prestige by staff of the Iranian Shabaka-e-Khabar TV station. Orya said: “I demand the restitution of my prestige and rights – I have talked for 2 minutes and 28 seconds, thus that TV station owes me another 17 minutes and I should be given 17 minutes time to speak through that media.”

Meanwhile, Editor-in-Chief of Hasht E Sobh Daily, Qaseem Akhgar described this act of the mentioned Iranian TV as transgression of freedom of expression and called it ‘unjustifiable’.

Mr. Akhgar said: “No person or authority, regardless of their position, has the right to restrict or abstain the right to freedom of expression,” he added: “On the other hand, we should not have any different expectation from totalitarian countries like Iran whose stance against freedom of expression is clear.”

In reaction to what he called ‘journalistic misconduct’ Mr. Akhgar said: “Given the situation of freedom of expression and media in Iran, and understanding that they are by no means

independent, we should never accept to be interviewed by their media and we should sanction them. This is the only measure we can take against Iranian media.”

Media Watch states the opinion that everybody, whether he/she is a journalist or another citizen, has the right to hold and express opinions in accordance with the law and no one has the right to stop others from expressing their viewpoints, or restrict their freedom in this way. Foreign media outlets operating in Afghanistan should observe Afghan laws and follow the journalistic code of conduct which is accepted worldwide.

### **Establishment of Donation Box for Family of murdered Afghan Journalist**

The family and children of Sultan Munadi, who was killed during a rescue operation of a western journalist in Afghanistan, will enjoy the generous donations of The New York Times readers.

According to a report published in The New York Times, the family of Sultan Munadi has received donations that satisfy their primary subsistence needs.

The New York Times report reads that friends and colleagues of Sultan Munadi have raised funds through the donations of The New York Times readers to enable Munadi’s children to continue their education.

Sultan Munadi strongly believed that education is the key for restoring peace and stability in Afghanistan. Munadi’s friends and colleagues believe that facilitating education opportunities for Mr. Munadi’s children is the best way to commemorate his memory.

The report explains that since late 2009, when Mr. Munadi lost his life, his friends and colleagues have been contributing to this donation box, and then requested The New York Times readers to contribute to the mentioned box.

Sultan Munadi, was a reporter with The New York Times in September 2009, when he (along with a British journalist) was kidnapped by the Taliban in northern Kunduz province. During the rescue operation by British Special Forces, the British journalist was rescued but Sultan Munadi was killed.

To date, his death remains a mystery and no party claimed the responsibility for murdering Mr. Munadi.

Media Watch appreciates and supports the act of The New York Times and its readers in this matter.

It is important to add that this is the first time a donation has collected for a victim of freedom of expression in Afghanistan in a regular and systematic way. Media Watch hopes this will set a positive precedence.

### **A note from Media Watch:**

In August, Nai Supporting Open Media in Afghanistan’s Media Watch Advocacy Unit in partnership with Internews and US company Development Seed established a website based on years of Nai data tracking violations against Afghan journalists, resulting in a highly visual and easy to digest mapping website that drew international attention, international press coverage and which received 3,458 hits during the past three months, with 64% new users and 36% return users.

Please visit the violation data map at: [www.data.nai.org.af](http://www.data.nai.org.af)

## **Afghan Mass Media Law Analysis**

### **Article 41:**

(1) For purpose of developing media policy, a High Media Council comprising of the Culture Minister, Technical Deputy of Communication Ministry, one representative from the Supreme Court, one representative from the Ministry of Justice, two representatives from Upper House, ( Meshrano Jirga), two representatives from Lower House ( Wolosee Jirga), one religious scholar from the UlemaShura, two experienced professionals in the field of journalism and two representatives of the civil society, proposed by them, shall be established for a period of (3) years.

(2) One person shall be chosen through free election from amongst the members of the High Media Council as chairperson.

(3) The mechanism for the election of four people, 2 journalists and 2 civil society reps, as members of the High Media Council and the functions of the council shall be regulated by separate rules of procedure [or code of conduct].

(4) High Media Council shall have the following duties and authorities:

1. Planning and approving of long-term media policy;
2. Propose appointment of chair and members of the Mass Media Commission and Commission of National Radio Television from amongst the professional, independent, and reputable personalities to the President.
3. Proposing National Radio TV's budget to the government and submitting annual activities report to National Council.

### **Analysis:**

There are institutions in every country to defend press freedom and supervise media activities. In some countries these institutions are fully independent and established by an initiative of journalists' community. However, in some other countries these institutions are "hybrid"- meaning that their members should be elected consisting of people from civil society and have representatives from government, civil society and the journalists' community.

According to Afghan mass media law, the legislator has adopted the hybrid system and the High Media Council is comprised of 13 members each, representing triad power of the government, civil society and particularly journalists' society.

The legislator has established a separate procedure for electing a representative from journalists' community, and civil society. It has to be pointed out that selection of representatives from journalists and civil society has not got a definite description here and is prone to the preference of the State-- chiefly the executive branch to select them.

The current structure of the High Media Council revealed instances to appoint representatives from journalists' and civil societies regardless of a suitable procedure – which is a breach of media law.

The tenure of representatives from these societies is three years. However there is no article to deal with cases when a member resigns, the tenure of an MP ends in the parliament and the impact of both on the High Media council.

According to provision of this article, the head of the High Media Council is elected by members of the Council while the article states nothing about his/her tenure.

The polling system and the quorum for members of this council is also unclear – because ordinary functions should have been separated from extraordinary functions in this system and

extraordinary functions which are included in working agenda of the High Media Council should have had a distinct polling system. All abovementioned points regarding the High Media Council should have been accordingly and appropriately explained in the form of a provision in this article. They have not been explained.

According to this article, duties and authorities of the High Media Council are as follows:

(1 Design and approve long term media policies.

(2 Propose appointment of chair and members of the Mass Media Commission and Commission of National Radio Television from amongst the professional, independent, and reputable identities to the President.

(3 propose National RTA's budget to the government and submit an annual activities report to National Council.

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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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