



Journalism Freedom Report v.10 Media Watch Afghanistan

Azizullah Habibi

Media Law Mentor

March 27, 2006

Intimidation and harassment against media outlets and media practitioners continues unabated. These include beatings, insults, harassment, fines, intimidation, detention of journalists and lawsuits against media outlets.

- Afghan TV was fined 70,000 Afghani (Afs) for airing “X-rated” programs by the Public Security Court of Kabul.
- Khalil Roman, a consultant to the director of the President’s Office and a journalist for Tolo TV, resigned from his job as a consultant citing obstacles hindering him from carrying out his work.
- The chief editor of Narenj magazine was detained by U.S. forces for 23 days without being charged.
- A suspected mine explosion destroyed the Radio Television Afghanistan antenna in Khogyanaï district of Ningrahar province.
- During a riot in Herat journalists were beaten, threatened and harassed.
- A Radio Sulh (Radio Peace) journalist in Jabul Saraj, Parwan province, was detained.
- The number of audio-visual media is increasing, and their coverage area is extending across Afghanistan.

1. Fines of Afghan TV increased from 50,000 to 70,000 Afs:

A private Kabul-based television channel, Afghan TV - which previously was fined 50,000 Afs by the Media Commission for Investigating Media-Related Offences (MCIMO) for airing “X-rated” programs - has been referred to the Attorney-General’s Office and then to the Public Security Court of Kabul. The station director refused to pay the fine.

During a court session on February 27, 2006, Ahmad Shah Afghanzai, head of Afghan TV, denied the charges, saying “our programs are consistent with the standards of programs presented by other TV channels and what we broadcast is aired by them as well”. He added that Afghan law has never distinguished or identified what is X-rated or immoral and what is morally acceptable. Afghanzai accused the

MCIMO of breaching existing laws, and said that according to Article 122 of the Afghan Constitution, only the judiciary can issue punishments, while the MCIMO, which fined Afghan TV, possessed no such authority.

Afghanzai's claim was corroborated by the relevant criminal affairs authorities. Afghanzai also said he considered the prosecutor, Asadullah, as biased. He also criticized the number of prosecutors as there were two prosecutors present in court instead of the usual one. In his defense statement, Afghanzai said he considered the commission's actions to be politically motivated, suggesting that the decision was made to secure "favour with the Minister of Information and Culture and Tourism [who also heads the MCIMO]."

However, the fine was increased from 50,000 to 70,000 Afs. Afghanzai refused to accept the order of the Public Security Court of Kabul, stating it condoned the "inaccurate judgement" of the MCIMO. He requested the Court of Appeals to review the decision.

2. Khalil Roman, consultant to director of the President's Office, resigned from his position due to obstacles he believes were created to prevent him from carrying out his duties:

In addition to his job as a consultant to the President's Office, Khalil Roman is presenter of a Tolo TV program, and his articles are published on internet sites and in daily newspapers and magazines. According to Roman, his opinions and criticisms and his job as a Tolo TV host resulted in those in the presidential circles conspiring to remove him from his position. Roman said, "One day when I wanted to go to work in Gulkhana Palace in my car, my access card was taken by palace security guards at the gate. After many days, I got back my card, but a few days later, the security guards did not allow me to enter the palace and they kept me waiting for hours in the cold weather. Consequently, my patience was over and I returned home and resigned."

Media Watch interviewed Javed Ludin who was the direct supervisor of Roman at the President's office and he confirmed Roman's account. He expressed his displeasure about Roman's resignation and confirmed that there was a problem which prompted Roman to resign, but he said it was not serious enough to make Roman leave his job. He added, "Maybe Roman preferred to work for a media outlet than for the President's Office. I respect his decision and we accepted his resignation."

Media Watch contacted security guards at the President's office, but they refused to comment on the case.

3. Editor-in-chief of Narenj Magazine detained for 23 days:

Saied Ahmad Qanei was released this month after 23 days in detention at Coalition Forces prisons in Bagram and Kandahar. Saied Ahmad Qanei said, "Four neighbours and I were arrested on January 9, which was the second day of Eid, by American forces. They confiscated my computer as well as my mobile phone. I was released on February 1, but my neighbors are still in detention."

According to Qanei, he was interrogated by American soldiers 15 times during his 23-day detention without specific allegations. He added "according to Article 25 of the Afghanistan Police Law, the security forces can detain suspects for only 72 hours for

investigation. I don't know according to which law I was detained for 23 days, and finally, without telling me the reason, they released me. They warned me to not tell anyone about their behavior."

Interior Ministry spokesperson, Mohammad Yousuf Stanizai said according to Afghanistan Police Law, security forces don't have the authority to detain suspects for more than 72 hours.

Mike Cody, a coalition media relations officer, said Afghan and U.S. forces searched a compound in Kandahar suspected of housing people making improvised explosive devices (IEDs). During the compound search, they found possible IED components and other materials that "warranted further investigation."

"They held five people, including the young man you mentioned, for interviews regarding the IED components that were found. Following the interview process, the young man who had associations with these other suspects (Saied Ahmad Qanei), was found to be innocent and released," said Cody.

But Qanei rejects the allegations regarding the IEDs saying that this detention took place based on malicious misinformation given to the American forces by local and regional enemies of his. According to Qanei, the four other suspects are also innocent.

Saied Ahmad Qanei told Media Watch "this arrest has seriously affected my prestige. When I was released from detention I asked for the restitution of my prestige, but they refused to give me any documentation and redress the punishment."

4. RTA's antenna destroyed in Khogyania district of Nangarhar:

The RTA broadcast antenna in Khogyani district of Nangarhar province was allegedly destroyed by an explosion. According to Nangarhar TV Director Engineer Zalmai, an explosion on February 7 completely destroyed the newly-installed generator and antenna.

Nangarhar TV broadcasts 8 hours a day via satellite and covers seven districts of the province. The antenna was built by an Indian company at a cost of 35,000 USD, but it had not been activated yet. The government footed the bill.

However the Minister of Information, Culture and Tourism, Saied Makhdom Raheen, told Media Watch that the antenna was not destroyed by an explosive device. According to Raheen, the antenna fell without any outside interference.

Security officials in Kabul told Media Watch they were unaware of the case.

5. Beating, insults and harassment of journalists in Herat:

During a riot which took place between Shiite and Sunni groups on the 9th of February in Herat province residents were attacked and killed. Many reporters were beaten up, insulted and had their lives threatened.

Mohammad Reza Shir Mohammadi, a reporter for Tolo TV, said he was beaten up by a police officer in Herat province.

According to Tolo TV Director Saad Mohseni, Mohammedi was forced to report in favour of one group and his life was threatened.

But Interior Ministry spokesperson, Mohammad Yousuf Stanizai, rejected Mohammad Reza Shir Mohammadi's allegations, saying he had not been assaulted by anyone.

Ehsan Sarwaryar, a Pajhwok Afghan News reporter, claims that he was beaten up by a high-ranking Herat police official after taking pictures showing the behavior of the police with the protesters. He also said his car was shot at four times by gunmen wearing police uniforms, but that he survived. Currently he is living in Kabul to avoid any further attempts on his life, he said.

When Media Watch asked the Interior Ministry spokesperson, Mohammad Yousuf Stanizai about the case, he replied "Ehsan Sarwaryar is a dishonest person."

"We have had repeated complaints from people, and have filed and completed the documents about him and sent them to the judicial authorities. He was neither beaten up by anyone nor has there been any attempt on his life," Stanizai added.

Sarwaryar said he's surprised by Stanizai's reaction. "I came under attack within 50 meters of the Herat security police department and this issue was also confirmed by the chief of the Herat police department in a press conference which he had. The criminal-technical department of the anti-crime branch of Herat police also confirmed that four bullets were fired at my vehicle, but I don't know how the Interior Ministry spokesperson calls this inaccurate."

Massood Hassan Zada, the Dari section reporter of Radio Ashna was also threatened during the Herat riot.

Sharafuddin Stanakzai, a reporter for the Pashto service of Radio Azadi, was beaten up by security officials and his vehicle damaged by protestors.

In addition, similar incidents were reported to Media Watch. But when Media Watch contacted the sources they denied the incidents or said it was not important enough to report and that they didn't want to comment.

6. Radio Sulh's Jabul Saraj reporter arrested in Kabul:

Abdul Qudoos a reporter for Radio Sulh (Radio Peace) in the Jabulsaraj district of Parwan province was arrested in the third district of Kabul by officials of the Parwan security department. They said it was related to an attempted murder.

This arrest took place when Abdul Qudoos came to Nai media organisation in Kabul for training. The Parwan police officers intended to arrest Abdul Qudoos, without letting the 3rd Kabul district police know. But according to Article 6 and 7 of the Afghanistan Police Law, one region's police cannot arrest suspects outside his specified region of responsibility, except in special cases. In this case there were no special conditions. When Media Watch explained the law to the Parwan police officers in question, they warned the Media Watch researcher that if he obstructs them from their mission, he will also be detained.

Nai Executive Director Abdul Mujeeb Khalwatgar commented to Media Watch "when the anti-crime branch of the Parwan province police asked us to hand over the suspect, we contacted the spokesperson of the Interior Ministry, Mohammad Yousuf

Stanizai and the secretary of the ministry. The secretary quoted the deputy director of security saying that Abdul Qudoos must be handed over to the police officers”.

The chief of Parwan’s security department Mulana Abdul Rahaman Saied Khaili told Media Watch Qudoos was a suspect in an assassination attempt on a female parliamentarian, Samia Sadat. He said Sadat was fine but her driver was injured. Stanizai told Media Watch that Kabul’s third district police station had to be informed before the arrest took place.

Qudoos is currently detained and has been questioned by the security department of the attorney’s office in Parwan province. Media Watch is monitoring the case closely.

7. Radio Nawa and Shamshad TV start broadcasting:

The past month has seen the establishment and development of both radio and TV.

The private radio station Nawa, owned by Sabah Publishing, launched its programs in Kabul city on 103.1 FM and in four other provinces on February 15, 2006. This radio had test broadcasts for the last four months. According to Radio Nawa Director Mohammad Waqfi, their radio covers Afghanistan’s five main cities: Kabul, Kandahar, Herat, Balkh and Nangarhar. He said that Nawa plans to extend its coverage to other cities in the near future. Sabah Publishing will also establish a TV channel by the name of Bakhtar soon. According to Waqfi, Nawa is a cultural and social station with the main aim of developing Afghanistan’s culture and the growth of goodwill between Afghan groups.

Radio Nawa was established by donations from the European Union and Dutch funders.

Shamshad private TV has also launched test broadcasts in Kabul city. Fazel Karim Fazel, director of Shamshad TV said, “I have established this TV with my own investment and initiative. My target is to serve the people and remove the distance between people of the urban areas and villages by sharing issues with them. Our pivotal theme is developing civil society, increasing people’s awareness, Islamic education, human rights education, explaining marriage issues, and we will also have entertainment programs.” He added that they will also extend their coverage area to other provinces.

Additionally, Radio Arman and Tolo TV have extended their coverage to Ghazni and Helmand provinces recently. Previously, these two media outlets covered Nangarhar, Balkh, Herat, Qandahar, Kunar and Kabul city. According to Radio Arman and Tolo TV Director Saad Mohseni they plan to reach Zabul and Kunduz provinces in the near future.

Nai media organisation signed a six-month cooperative contract with Radio Sada-e-Haqiqat. Radio Sada-e-Haqiqat was launched with the support of Internews December 31, 2005 in Aibak, the capital of Samangan province. Radio Sada-e-Haqiqat broadcasts on 98 FM.

According to Nai Radio Senior Support Officer Mir Abdul Wahed Hashimi, this agreement includes technical and financial support, as well as training for capacity building. Nai Executive Director Abdul Mujeeb Khalwatgar said “during the next six months Nai will be paying the salaries of a number of radio staff in addition to

providing technical support. We will also provide them training in Nai's main office and will also send our trainers to the radio station for in-house training. Khalwatgar added that Nai will also try to support Radio Sada-e-Haqiqat in the field of business development to make it sustainable when the contract with Nai ends.

For any queries or information please contact:

Azizullah Habibi

Media Law Mentor
Nai- Supporting Afghanistan Open Media
Mobile: + 93 70293970

azizullah.habibi@internews.org

OR
Jawid Ahmad, Media Monitor

Nai- Supporting Afghanistan Open Media

Mobile: +93 799340831
jawid.ahmad@internews.org

www.nai.org.af

Note: To maintain the confidentiality and to protect sources it was not possible for Nai to corroborate the incidents by carrying out additional investigations. None of the material herein may be reproduced without permission from Nai.

This newsletter was made possible through support provided by the U.S. Agency for International Development, under the terms of Award No.HAD-A-00-03-00119-05 and by the European Commission, under project ASIE/2005/16775/106772. The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of the U.S. Agency for International Development or the European Commission.

