



## **Journalism Freedom Report v.13**

### **Media Watch Afghanistan**

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In the past month, there has been an increase in discussions around “the media” and “freedom of thought and speech”. These discussions were partly propelled by the issuance of unofficial orders by government agencies. If the current trend continues, and government agencies continue to interfere in media affairs through unauthorized activities, the media will face great difficulty in the near future.

This Newsletter covers a collection of issues which have been affecting the media in both positive and negative ways over the past month:

- National Security Directorate NSD seeks restrictions on media outlets’ activities.
- Yawali Ghag Radio receives anonymous threats
- Broadcasting policy of the Afghan Islamic Press (AIP) criticized by Taliban.
- Once again Journalists were denied access to the site of an accident involving the Coalition Forces.
- Establishment of two new radio stations in Khost and Paktia province.
- Two day workshop evaluating Afghanistan media convened by Internews and Nai - *Supporting Afghanistan Open Media*.
- Members of the Bamyan provincial council learn how to communicate with media outlets.

#### **1. National Security Directorate (NSD) seeks restrictions on media outlets’ activities**

On June 19, 2006, a letter was delivered to almost thirty media outlets in Kabul. The letter, which contained guidelines on thematic restrictions for media outlets, was neither stamped nor signed.

According to Saeed Sulaiman Ashna, Director of Shamshad TV, on the 12<sup>th</sup> of June, a handful of journalists were invited to NSD and a similar letter was presented to them with almost exactly the same content. At the end of the meeting, the letters were collected from the journalists, to ensure they did not distribute them publicly.

On the 22<sup>nd</sup> of June 2006, during a press conference, held by the President of Afghanistan on a diplomatic visit to China, confirmed the contents of the letter. The Pashto version of the minutes issued by the President's spokesperson office state "the content of this letter is about issues concerning terrorism and the media should follow some principles for the sake of national interests". However the English translation of the minutes omits this sentence and makes no mention of the letter.

In a news bulletin, on 22<sup>nd</sup> of June, 2006, Tolo TV also reported on the press conference and on the President's comments that he believes in freedom of thought, speech and freedom of the media and that the letter was aimed only at media outlets actively supporting the "enemies of the people of Afghanistan". A range of journalists have speculated that the President's Office omitted this sentence in the English version of the minutes, in order to minimise international media and community scrutiny of this issue.

Najeeba Ayubi, manager of radio Killid in Kabul, said "when I received the paper which contained no official stamp and signature, the person who brought the letter asked me to provide him a receipt carrying my signature. I refused to take the paper. I later called the 74<sup>th</sup> department of the security and asked them whether this document was sent by them. The answer was "yes we have sent that instruction letter and you should take it." Najeeba added "since the source of this letter was unclear, I refused to take it, but the person left a copy of the paper in my office and left".

Though the content of this letter is, to some extent, similar to the Media Law, some articles are contrary to the principles of freedom of expression enshrined in both the media law and the Afghan Constitution.

The first paragraph of the letter concerns the significance of media and mentions that the Mass Media Law has determined the direction of media activities, but that in the current circumstances "*it is important that media must ban or restrict broadcasting those materials which deteriorate the morale of the public, cause security problems and which are against the national interests*".

The letter proposes firstly that "*Publication and broadcasting of provocative statements of armed organizations and terrorist groups.....must be banned or restricted*". Second on the list for banning is "*broadcasting and publications of reports which cause irritation, any exaggerated reports against national unity, or against peace throughout the country and those reports that cause intolerance of language, religious, ethnic and local diversities.*"

But there is no guidance in the letter about how judgements would be made about whether published material fits the above criteria or not. According to Noorani, Chief Editor of the Kabul based weekly newspaper Peshraw "this letter is so general that if its content is to be enforced, the government will not only be able to create problem for media outlets, but it will also be entitled to interrupt the works of anyone including bicycle repairers, cart owners and bakers."

The third thing the letter forbids is “Conducting interviews with high ranking well known commanders of terrorist groups who are participating in armed conflict against the government, and filming or photographing them, and broadcasting or publication of those reports that have been prepared in the favor of and in order to bolster the morale of the enemies of peace and security.”

The fourth article of the list has the intent of controlling the editors of media outlets, directing them on how to classify their news bulletins, and points out that terrorists related activities should not be placed in the headlines.

The fifth article forbids the publication and broadcasting of “materials that deteriorate people’s morale and cause disappointment to them”.

The sixth article forbids the “publication and broadcasting of religious decrees of the terrorists” and the seventh article prevents “negative propaganda” against the presence of international coalition forces and ISAF.

Article eight forbids "broadcasting and publication of any views of the people’s enemies who propose that the Islamic Republic of Afghanistan is not Islamic, or who propose that combating terrorism is akin to combating Islam.”

In addition to all the above, the letter advised to ban or restrict “Those reports that aim to represent that the fighting spirit in Afghanistan’s armed forces is weak.”

The letter goes on to impose a ban on “live reports from meetings and ceremonies that disclose confidential governmental and military secrets and cause a deterioration of relations among three branches of the State and results in reduction of the Government’s and Parliament’s stand.” In addition the letter states that, media outlets aren’t authorized to “broadcast or publish reports and interviews that are against the government’s foreign policy in regard to neighboring countries and which may create conflict between the government and neighboring countries.”

Afghanistan has a media law which this letter clearly contravenes. For example, the fifth article of Afghanistan’s Media Law specifies that all public material can be published and broadcasted by the media “every person has the right to seek and receive information. The government shall provide the information sought by citizens, except if the information sought is confidential and its disclosure endangers the security, national interests and territorial integrity of the country or damages the rights of other people”.

Article 33 of the same law also lists the materials which media outlets are not allowed to publish and broadcast:

1. Materials that are contrary to the principles of the Holy Religion of Islam or are offensive to other religions;
2. Materials that are libelous and slanderous to persons;
3. Materials advocating violence, war, or other issues contrary to the provisions of the Constitution, or termed as an offence in the Penal Code.
4. Materials disclosing the identity and pictures of victims of violence and rape in a manner that damage their social dignity.

While Article 4.2 of the media law states that the Government support, strengthen, and guarantee freedom of mass media and that “except as authorized under this law, no real or incorporeal person, including government and government offices, may ban, prohibit, censor or limit the informational activities of mass media or otherwise interfere in their affairs”.

Based on this article no organ, including NSD (National Security Directorate) has the right to interfere in the activities of the media outlets. Saeed Aqa Hussain Sancharaki, writer and media specialist, considered the dissemination of the letter an illegal action “for designing policies for media outlets, we have the Media High Council, and for media offenses, we have The Commission on Media Complaints and Violations. The interference of the NSD in the activities of the media outlets is an illegal action from any point of view, and judiciary action should be taken against it.”

After the distribution of the NSD letter, media outlets reacted via press releases and held press conferences.

On the 21<sup>st</sup> of June, 2006 representatives from more than 30 media outlets gathered in CIJ (Center for International Journalism) to consider and evaluate the instruction letter and issued a statement claiming the letter was void since it did not carry any official stamp and signature.

During the gathering, participants expressed their concerns regarding the interference of unrelated organs like the NSD and concluded that this kind of interference could be dangerous and pernicious for the future of democracy in Afghanistan. They also confirmed that such thoughtless activities will disfigure Afghan democracy in the eyes of the world. In this gathering, Dad Noorani, chief editor of Paish Roa Weekly, said if this letter was to be accepted by the media outlets it would be the end of freedom of speech in Afghanistan.

Parallel to the distribution of this letter in Kabul, the governor of Herat Saeed Hussain Anwari criticized the activities and reports of the media outlets and said their broadcasting is irresponsible and in opposition to national interest.

Saeed Hussain Anwari declared in a meeting with parliamentarians from Herat province and members of the provincial council that “the irresponsible broadcasting of TV stations has affected the situation in the country.” He pointed out that media outlets are busy propagating ideas in favor of the enemies of the state, while the government has issued operation licenses to them.

Assessing the current situation and attitude of the government towards media, many media practitioners believe that in the near future, there will be more problems between media and the government.

It is a concern for journalists that this letter with such prescriptive censorship instructions can be distributed by like leaflets, from NDS officers proposing they represent a government authority and have the endorsement of government, but without any official signature, letterhead or government endorsement. Whether or not these rules have received indirect or unofficial support from the Islamic Republic of Afghanistan is unclear, but if so is certainly a matter of concern.

Media Watch joins the journalists of Afghanistan to call on the government to investigate this issue to ensure officers and agencies acting without the authority or approval of government be held responsible for their actions.

## **2. Yawali Ghag Radio receives anonymous threats**

Yawali Ghag radio which is established by Internews Afghanistan on July 7<sup>th</sup>, 2004, located in Saeed Abad, a district of Maidan Wardak, and has received harassing threats. In a phone interview with Media Watch, Hazratuddin Nasir, the manager of the radio station, said “during the last two months, I have received threat messages hung on the walls of my house; I was also threatened by phone once”. He added “in the messages, I was warned that as I am working for Christian organizations and Christians are helping me, I am propagating Christianity in the society”.

According to Hazratuddin, Yawali Ghag radio is administered by a consultative board of religious clerics, tribal and local elders and its programs are in conformity with Islamic principles, the Constitution, the Media Law and local traditions; it has never promoted Christianity.

Following these threats, Hazratuddin, manager of Yawali Ghag informed the security department of Maidan Wardak, as well as the PRT team of this province about the situation and was promised the security of the station would be ensured.

## **3. Broadcasting policy of the Afghan Islamic Press (AIP) criticized by Taliban**

After AIP published the news that they had been criticized by the Taliban, several media outlets presented the issue saying AIP had been threatened.

In its website, AIP writes “on June the 16<sup>th</sup> 2006, Dr. Mohammad Haneef, the Taliban spokesman, called AIP from an unknown location and severely criticized the policy of this agency towards the Taliban.” AIP adds “Dr. Haneef went on saying that AIP publishes the victories of Taliban as a claim, while it publishes American related news as clear-cut.”

The website also says “the Taliban spokesman, who seemed very angry, told me that we were monitoring all media outlets and were aware of the right and wrong policies of these outlets towards the Taliban, and that they had come to the conclusion that AIP policy towards the Taliban was wrong.”

Mohammad Yaqoub Sharaafat, the person in-charge of the AIP, in response to an email sent by Media Watch, wrote “The Taliban spokesman has not threatened us; some sources have mistakenly considered this criticism from Taliban as a threat. In fact, they have complained that we present their victories as claims, while the reports on the Coalition forces present clear-cut news.”

The AIP works according to its policy “Taliban are a resistant force and the current Afghan administration is the power, so when we receive news from the Taliban, we present them as a claims by the Taliban, but the views of the Americans and the Government of Afghanistan are presented as official statements”, Yaqoub Sharaafat added "we release the news we get from Taliban as a claim, till the said news are not

confirmed from other sources and when those news are confirmed from other sources, then we release those news as authentic news.

In a phone interview with Media Watch from an unknown location, the Taliban spokesman denied that he had threatened AIP.

AIP was established in 1982 in Peshawar, Pakistan, to cover news related to the war between the former USSR and the Afghan Mujahideen. Currently, this agency is registered in the Ministry of Information, Culture and Youth as an Afghan news agency.

#### **4. Once again Journalists were denied access to the site of an accident involving the Coalition forces.**

A traffic accident inducing death of one and injury of another person took place in district (11), Khairkhana hill area, on the 13<sup>th</sup> of June 2006 at 5.00 am. The accident occurred as an American heavy vehicle collided with a motorbike after which the vehicle went out of track and crashed into the wall of a house. When journalists rushed to the site of the accident, they were refused authorisation to approach and were mistreated. An Aryana TV reporter was not allowed to leave the area of the accident for a short period of time and according to Rahim Gul Zadran, Aljazeera cameraman who was in the area of accident, a Reuters News Agency's journalist was beaten.

According to Kabeer Ehsaas, a Deutsche Welle Radio journalist, this is not the first instance of its kinds "we can find examples of equivalent poor treatment in the past as well". Approximately two weeks before this accident, another accident had occurred in the same area and had caused widespread riots in Kabul City resulting in the death of 17 and the injury of 65 Kabul residents, according to official figures. When journalists persisted to reach the site of the second accident, security forces did not allow them to enter the area and told them that the public should not know about the accident, so as to prevent another riot.

In an interview with Media Watch, the Spokesman of the Ministry of Interior denied reports saying that the Police have prevented journalists from accessing the site of accident. Despite extensive efforts, Media Watch did not succeed in finding out the official statement of the National Security Department on this issue.

Kareem Rahimi, the spokesman of the President's Office, held a press conference in the conference room of the Ministry of Information, Culture and Youth on the day of the accident. He expressed his regret about the death of an afghan citizen in the incident and criticized the restriction of access to journalists, he also added that the government is willing to let journalists perform their duties without any disturbance.

#### **5. Establishment of two new radio stations in Khost and Paktia province:**

21<sup>st</sup> of June, 2006, 5pm, Radio Zuan Ghag started its test broadcasting with the recitation of the Holy Quran. According to Mohammad Farid Raaid, the National Project Coordinator of NJTP (Novice Journalism Training Program) in Sayara Media Communication Center, this is the second radio station established by Sayara Media

Communication Center. “Our first radio station was established in the faculty of journalism in Herat province and Zuan Ghag is our second radio station which goes on air. The purpose for the establishment of these radio stations is to provide students of the journalism faculty with a space for practice” Dr Farid added.

In addition to the establishment of radio stations, Sayara establishes studios in universities which have journalism faculty in the provinces, to encourage students to do practical exercises.

Radio Zuan Ghag was established with the financial support of the USAID. Dr. Hedayatullah Zurmati, the manager of Zuan Ghag radio, told Media Watch in an interview “Radio Zuan is an educational radio station, its staff is selected among the students of the journalism faculty of Khost province”.

According to Dr. Hedayatullah, this radio had to suspend broadcasting due to the students’ examinations and by the end of the examinations it will be again airing regularly in the province. This radio has coverage of 20 km and can be heard clearly on the FM band on 99.7 frequency. Zuan Ghag is the fourth radio station to operate in Khost province.

In the meantime, on the 21<sup>st</sup> of May, 2006, another private radio station named Paktia Ghag started its 12 hours daily broadcasts in Gardez city, Paktia province. Yaar Ahmadzai, the owner of this radio station, is a Pashtoon of Paktia province living now in London. Mohammad Zia Araman, the manger of Paktia Ghag told Media Watch in an interview that the radio can cover 70 km and is accessible on FM waves. “Our 12 hours programs include News report, Music, entertaining programs, and informative and social shows.”

During the inauguration of the radio, a gathering was held in Khost province, a number of government high ranking officials and members of the provincial council attended this gathering. Only one state-run radio station was operating in Gardez city until now, Paktia Ghag is now the second one.

## **6. Two day workshop evaluating media of Afghanistan was convened by Internews and Nai-Supporting Afghanistan Open Media**

On June 14 and 15, 2006, a two-day workshop reviewing the progress of Afghan media over the last few years and identifying future challenges and opportunities.

Afghan journalists expressed confidence in the progress made by the media over the last four years, but more capacity building and support is still needed, they said during a two-day workshop organized by Internews in June 2006.

More than 100 top editors, journalists and media workers participated in a media review and planning seminar hosted June 14-15. Attendees were asked to discuss and draft their views on a variety of topics, from media self-sustainability and donor relations to professional development and content and quality of the press.

Participants expressed frustration with what they called a lack of clear understanding about basic journalism principals and reporting standards. On the same note, attendees said they were impressed with the degree of public support for the Afghan press. “For

the first time, the public accepts and supports the media because they are independent and able to express the truth and the views of the people,” they wrote.

Afghanistan had no functioning press when the Taliban were ousted from power in late 2001. For most of its history, Afghan media was state-run and independent press was censored by various regimes.

Attendees said they were happy with government support for freedom of expression, but they complained about a lack of clarity in the media law and how authorities handle violations. Journalists also expressed frustration with self-censorship and pressure by the authorities, including threats, harassment and intimidation.

One week after the seminar, the country’s National Security Department issued an unofficial directive of media restrictions, for example, calling on the media not to give coverage to insurgents and not to give bad press to the Afghan national army.

Participants said they would also like to see international assistance to develop copyright laws and more journalism training, including in the area of business development and management. “This was a good seminar,” said Radio Sharq station manager Shafiqullah Shaiq. “I was glad to take part in planning with other media.”

The results of the workshop will be compiled in a report format and will be made available publicly and for all Afghan media outlets.

### **7. Members of the Bamyan provincial council learn how to communicate with media outlets:**

In a two-day workshop organized in NDI (National Democratic Institute) on 17<sup>th</sup> to 18<sup>th</sup> of June, 2006 in the sub-office of NDI in Bamyan province, nine members of the Bamyan provincial council learnt how to develop their working capacity and how to approach media. According to Mohammad Baqir, one of the workshop trainers, members of the provincial council were taught how to give interview to journalists, how to draft and issue press releases, how to hold press conferences and how to take part in discussions and round tables.

According to Nawrooz Ali Etemaadi, the head of the Bamyan Provincial Council, convene of such workshops is very useful for the members of the Bamyan Provincial Council as they learnt how to communicate with media professionals and sharing information with people via the media. The members of the Council will utilize what they have learnt from the workshop.

The Bamyan provincial council is composed of 9 members who were selected through public vote in 2005, out of these nine members, three are women.

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