



Nai- Supporting Afghanistan Open Media

Media Watch Report

Journalism Freedom Report # 15

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Freedom of expression in Afghanistan has been enshrined through the constitution and most recently through a new media law, however freedom of expression for the media of Afghanistan remains elusive as journalists and outlets continue to receive threats and intimidation on a daily basis from a range of social and political agencies.

Yet despite increasing threats against the media, media outlets have continued to grow and develop.

In this report, we have focused on the following matters:

- Abdul Rab Rasool Sayyaf accusations against Tolo Tv and the Independent Commission on Human Rights of triggering demonstrations against him.
- Isteqlal Radio, located in Logar Province, torched.
- Safia Sediqi, Member of Parliament, demanded Tolo TV cameraman be removed from the National Assembly hall.
- An open letter sent by the Organization of Reporters Without Borders (RSF) to the President of Afghanistan
- BBC Pashto reporter in Khost province is held up and has his vehicle, equipment and cash stolen.
- Launch of new private television channel, Lemar.
- National TV in Samangan Province and local TV in Nengrahar expand their audience reach through Satellite.
- A reporter of Pazhwak News Agency obtained a Letter of Commendation from the Independent Commission on Human Rights (AIHRC).
- Training workshop on Copy Right Law held by the National TV and ABU

1. Abdul Rab Rasool Sayyaf accused Tolo TV and AIHRC of triggering demonstrations against him.

Abdul Rab Rasool Sayyaf, one of Kabul's elected representatives in the National Assembly, accused Tolo TV and the Independent Human Rights Commission (AIHRC) in a public Parliamentary session, on 14 August, 2006 of organizing and planning the latest demonstrations in Paghman District.

Hundreds who were said to be residents of Paghman District of Kabul Province participated in the demonstrations that were launched against Abdul Rab Rasool Sayyaf and a number of his commanders on July 28, 2006. The participants accused Abdul Rab Rasool Sayyaf and a number of his commanders of stealing their land. The demonstrations resulted in the death of two people and injury of two others.

During the demonstrations which were launched on two consecutive days, three employees of Tolo TV were also beaten by unknown persons (the details of which were reported in Media Watch Report # 14).

Even though the agenda for the session dated August 14, 2006 was discussing the Law on Prisons, a number of parliament members put the issue of the Paghman demonstrations and the existence of private jails (imprisonment without trial and unjustified detention of individuals) on the agenda.

Abdul Rab Rasool Sayyaf said "concerning the Paghman demonstrations, I have documents (evidence) that the planning of the demonstrations was undertaken by the AIHRC and Tolo TV. He added that AIHRC had informed some reporters and Tolo TV that there would be a demonstration in Paghman tomorrow". According to Sayyaf "the AIHRC has changed to a conspirator commission". Sayyaf added "I will take everyone (to justice) who is implicated in these traitorous conspiracies". Sayyaf also said that he will declare the names of two employees of the AIHRC who he believed planned the Paghman rallies.

However, some people who participated in the demonstrations of 28 and 29 July, 2006 and who don't want their names to be disclosed said "Abdul Rab Rasool Sayyaf accused Tolo TV and the AIHRC of having a role in the demonstrations against him because he wants to deviate the public opinions from the grabbing of land by the person of Sayyaf and his accomplices." They added, "Sayyaf and a number of his accomplices have grabbed hundreds of Jereeb (A Jereeb= 2000 square meters) of land and there is no one with the power to reclaim the rights of people from Sayyaf".

Media Watch offered Abdul Rab Rasool Sayyaf a right of reply in order to clarify the matter. Media Watch also requested more information from Sayyaf about the documents he claimed to have establishing Tolo TV and AIHRC launched demonstrations against him. Despite repeated and numerous contact, Abdul Rab Rasool Sayyaf refused to be interviewed.

Sediq Ahmad Zada, spokesperson for Tolo TV, rejected the claim made by Abdul Rab Rasool Sayyaf concerning their implication in the demonstrations and added “if Sayyaf has documents (evidence) implicating us in launching these demonstrations, why doesn’t he present them?”

In addition, Fahim Hakim, deputy head of AIHRC said in an interview with the Media Watch Reporter that they had absolutely no role in the initiation of the demonstrations.

According to the deputy head of the Commission, the field monitors of the commission normally supervise the proceedings of demonstrations so that the matter does not end up in violence. However, they never operate in violation of their mandate. According to him if by any chance the employees of the commission had telephoned journalists concerning the rallies, this did not mean the commission had planned or initiated the demonstrations.

Abdul Rab Rasool Sayyaf is one of the Jihad Leaders who was involved in the civil war of the 1990s and presently is a representative of Kabul people in the lower house of the Parliament.

2. Community Radio Station Isteqlal Radio, torched in Logar Province

On August 12, 2006, the local radio station, Isteqlal Radio, located in Barakebarak district of Logar Province, was set ablaze with a petrol bomb in the early hours of the morning. Isteqlal Radio which started broadcasting on 15 April 2004 with the assistance of Internews, was broadcasting valuable local programming for 10 hours every day.

The radio station had no guards and Lal Mohammad, the editor-in-chief, slept in the administration office of the station at night for the security of the equipment. During the night that the station was set on fire, Lal Mohammad also had his son staying at the station.

Lal Mohammad said, “I woke up around 2:30 AM on August 12, 2006 due to the noise of a window breaking and I understood that the studio was burning and smoke was coming out of its windows. After I informed the district authorities by telephone, I tried to protect the equipment that was in the studio, but due to severe flames, I couldn’t save anything but the power generator located in the kitchen. My hands and legs suffered from burns and therefore I couldn’t try any further to enter the studio and save the radio equipment.”

Nasrullah Stanekzai, Abdul Rab Rasool, from the Law Faculty of Kabul University and the proprietor of Isteqlal Radio said that setting the radio station on fire was the work of domestic and foreign enemies of Afghanistan and added “Radio Isteqlal was set ablaze by those who don’t want public awareness to improve and those who cannot tolerate to see any developmental activities, whether material or moral, in Afghanistan”.

It is worth mentioning that a few days prior to setting the radio station on fire, night letters were distributed in areas of Logar Province, including Barakibarak District, which discussed the invasion of Afghanistan by the west, and warned the people against participating in gatherings which contained music and vices. In addition, the letters contained that listening to music was prohibited in Islam.

Therefore, it is thought that because Isteqlal Radio broadcast news, advertisements, recreational programs and music, the fire may have been related to the night letters distributed a few nights prior to the event.

It is worth mentioning that a proposal for funding to rebuild the radio has been forwarded by Internews agency to donors. So far \$10,000 has been contributed by the National Endowment for Democracy for equipment replacement.

3. Safia Sediqui, MP, demanded Tolo TV cameraman be expelled from the National Assembly hall

On August 16, 2006, Safia Sediqui, representative of Nengrahar in the lower house of Parliament, requested that the cameraman of Tolo TV be expelled from Parliament.

The tension was created when Tolo TV broadcasted clips of Safia Sediqui as if she was sleeping during a public session of the lower house of Parliament. However, Safia Sediqui claims that she was busy reading documents on her table at the time and said that the action of Tolo TV was an insult to her.

Also, a few months ago some pictures of Safia Sediqui were broadcasted by Tolo TV which showed her in a sleeping state. She accepts that she really was sleeping at that time, but she claims that at the later time, she was not asleep.

The remarks of Safia Sediqui were pursued with objections raised by many MPs concerning the programs of Tolo TV as being against the national interests of Afghanistan. Concerning Tolo TV, Mamoor Jabar, an MP from Ghazni, said, "Tolo TV is not Afghan, Tolo TV is not Muslem."

Another MP accused Tolo TV of "enmity with Afghanistan" and alleged that Tolo TV broadcasts programs which are aimed at damaging the political process in Afghanistan. The session of the lower house became tense as heated debate followed around the role and intention of Tolo TV and Parliament. Some MPs argued that Tolo TV was serving the cause of a certain group of MP's and undermining or not representing other MP's fairly. Other MP's began complaining that their photos were not broadcast by Tolo TV intentionally so that the people who elected them would think they were not present in the session, while some were complaining about the content of programs aired by Tolo TV and regarded them as injurious to the culture and traditions of Afghanistan. However, a number of MP's also recognized that if Parliament continues to treat the media with hostility and suspicion and tries to block the media from access to Parliament then this would undermine the reputation and respectability of the democratic institution which is Parliament.

Finally, Mohammad Yunos Qanooni, the speaker of Parliament delivered a speech stating that the media should attempt to present a positive image of the National Assembly, and in order to protect national interests, refrain from broadcasting sensitive issues.

As a consequence some MPs threatened to leave the lower house in protest, but Mohammad Yunus Qanooni declared the session of August 16, 2006 as secret in order to put an end to the tension. This was the second secret meeting of the parliament, the first was held December 2005.

Authorities of Tolo TV rejected the alleged insult to Safia Seddiqui and stated they did not, and had no intention of, insulting Afghan authorities or any MP. Hafiz Asefi, advisor to Tolo TV said “when photos of Ms. Seddiqui aired, which shows her in a state as if she were sleeping, it is not about humiliating her, and in an open society, there is no prohibition to broadcasting such videos. We have not committed any fault under the law.”

After discussing the complaint of Safia Seddiqui against Tolo TV the Commission on Media Complaints and Violations gave Tolo TV the following guidelines, “ In the extraordinary meeting dated August 16, 2006 , which was ordered by the Ministry of Culture and Youth to investigate the complaint filed by Ms. Safia Seddiqui, MP, concerning Tolo TV, the commission held discussions and then decided to strictly advice Tolo TV authorities to avoid and refrain from broadcasting such tense and humiliating shots.”

Media Watch asked Maulawi Mustafa, the interim chairman of the Commission, what constituted a written warning to Tolo TV. He said “in as far as Afghanistan is a country of traditions and customs and Tolo TV is broadcast all over the world and the broadcast of such videos causes a dishonor to all people of Afghanistan on one hand, and causes tension on the other, we wrote an advice to them.”

But according to Sediq Ahmad Zada, a spokesman for Tolo TV, the advice sent by the Commission on Media Complaints and Violations was biased and Tolo TV did not recognize it. Safia Seddiqui also regarded the advice of the Commission as inadequate and said that she will continue to pursue the issue.

It is worth mentioning that Article 33.2 of the Media Law states that “it is not permissible to disseminate matters which are slanderous or insulting to persons.” But it has not been clarified what are considered as slanderous or insulting to persons.

Media Watch is concerned that restrictions on the media in the lower house undermines the principles of democracy that need to be upheld by the Parliament. One of the most important roles of the independent media is to enable the people of Afghanistan to have access to the democratic decision making processes and this very important sphere for public debate. Parliamentary debate should be accessible to the people so they can see and understand how their elected MP’s are representing their interests, Parliamentarians need to be accountable to their electorate.

4. Reporters Without Borders writes an open letter to the President of Afghanistan

On 17th Aug, 2006, an open letter was submitted by RSF to Hamid Karzai, the president of Afghanistan.

In the letter, the deteriorating security situation of journalists and media in Afghanistan in the recent weeks has been noted and the President of the State has been asked to take concrete and prompt steps to improve the situation.

The letter mentions the burning of Isteqlal Radio station and the amount of damage incurred. Also, it notes the request to expel media from the Hall of the National Assembly on August 16, 2006 as well as the imprisonment of Abdul Qudoos, reporter of Sulha [peace] Radio, located in Jabaluseraj District of Parwan Province.

Abdul Qudoos was detained on 14 February, 2006 by a police officer on suspicion of being involved in an attack against Samea Sadat, an MP from Parwan. This incident occurred while Qudoos was undertaking journalism training with media development agency *Nai- Supporting Afghanistan Open Media*. Abdul Qudoos has remained in prison with no criminal charges brought against him. As outlined in Media Watch Report # 10, the detention of Abdul Qudoos was not legitimate under any laws of Afghanistan. UNAMA, with the cooperation of AIHRC have hired a defense lawyer for Abdul Qudoos. Hayatullah Hayat will defend Abdul Qudoos when/if the case goes to trial.

The open letter also mentioned the beating of Kamal Sadat, a reporter for BBC Pashto, and the theft of his reporting equipment and car, in Khost province. (Further details of the event are included in Article # 4 of this report.)

While Media Watch and most journalists support this letter whole heartedly and the recognition of increasing and unlawful threats against the media, we would like to put on record that there are a number of errors in the letter. For example, the location that Abdul was trained in reporting was said to be Internews, while he actually was being trained by *Nai- Supporting Afghanistan Open Media*.

Concerning Isteqlal Radio, the letter says that “on 11th of August, a group of armed men attacked the Isteqlal Radio Station in Logar Province and set it on fire causing damage costing 50,000 USD to the Radio”. The Committee for Defending Journalists chaired by Rahimullah Samandar, who is also the head of Free Journalist Association, has been quoted as saying, “Many copies of The Holy Quran and night letters were discovered in the area close to the location of the fire.”

However, according to Lal Mohammad, editor-in-chief of Isteqlal Radio, this is not an accurate reflection of events. He stated that no one knows who set the station on fire, and whether they were armed or not, the fire bomb was thrown in through the window, no people were seen carrying out this arson. Secondly, the night letters were distributed some nights before 11th of August, and a direct connection with the night letters and the fire at the radio station has not yet been established. The mentioned copies of the Holy

Quran were said to be owned by the staff of Isteqlal Radio and not necessarily related to the night letters found at the scene.

Two days after the submission of the letter, on the August 19, 2006, (which is also the 87th Anniversary of the Day of Independence from the British Empire), in a speech to the nation, the President, Hamid Karzai, talked about freedom of expression within and outside the media. Karzai emphasized the principle that the State is obliged to ensure freedom of expression for the mass media, rejecting any accusations that the government had imposed any limitations or restrictions on the media or journalists. He added “disseminating news full of fabrication, defamation and mischief is not regarded as freedom of expression. Media should concentrate on their historical and national mission which is provision of sound information to the citizens, rather than creating tension, adventurism and dissemination of discouraging and untrue messages... concerning the need to ensure balance and the principle of countering terrorism”. He stated that “defamation, slander and trespassing the limits of personality has no relation to freedom of expression.”

Karzai also referred to compliance with religious customs saying “our media must respect the customs and religious and cultural values of the people of Afghanistan. Freedom of media does not mean a freedom of immorality and promoting the culture of obscenity.”

Media affairs experts have since commented on the speech of the President. Sayed Aqa Hussain Sancharaki, chairman of The National Union of Journalists in Afghanistan said “using harsh and improper words such as mischief making, defamation and others are not suitable for a president of the State. The speech of a president of State on independence days and on days of honoring pioneers are about freedom and reforms and about remembrance of heroes and symbols of new thoughts and freedom during the last century of Afghanistan’s history. From each and every sentence of his speech, one can smell absolutism and opposition to freedom of media.” Sancharaki added that it would be better if the President of the State, on a day celebrating Afghanistan’s independence, “praised the courage, endeavors, and struggles of young, brave and motivated reporters who put their lives in danger to find facts and undergo thousands of difficulties and distresses to reflect the present issues in Afghanistan. Instead the President criticized the media; rather than highlight examples of outstanding journalism he chose to focus on the negative comments made in recent months.”

5. BBC Pashto reporter in Khost province is attacked and robbed of his car, reporting equipment and cash.

On August 13, 2006, Kamal Sadat, the local reporter of BBC Pashto in Khost Province was attacked by unknown persons while he was on his way to Khost City after having completed an interview in Alisher District of Khost Province. After the attack, they tied his hands and feet together and left him in a corn field. His private car, reporting equipment (two telephone sets, a digital camera) and cash were stolen.

According to Eng. Mohammad Anwar, one of Kamal Sadat’s family members, when Kamal Sadat returned home, it was clear he had been severely beaten.

In an interview with Media Watch, Mohammad Ayub, chief of police in Khost Province said, “after we were informed of the event, we started our search for the bandits. We found the car of Kamal Sadat in an area close to the border between Afghanistan and Pakistan which had broken down due to technical problems, but there was no information about the bandits or other goods of Kamal Sadat. We are trying to arrest the bandits and find the stolen equipment of Kamal Sadat”. The Chief of Police added that based on intelligence information received, he is hopeful an arrest will happen soon.

It is worth noting that one of Pazhwak News Agency’s reporters, Abdullah Ilham, was also attacked by robbers in Kandahar Province. (The details of this attack can be found in Media Watch Report # 14.)

6. Private television channel, Lemar, starts broadcasting

On August 19, 2006, the test transmission of private television channel, Lemar, was inaugurated with the recitation of a few verses from the Holy Quran. Afterwards, a broadcaster, named Mujahid Kakar emerged on the TV screen and said they will broadcast in accordance with the Constitution and Media law.

The proprietor of Lemar TV, is Saad Mohseni, who is also the proprietor of Tolo TV. According to Sediq Ahmad, a spokesman for Lemar and Tolo TV, most of Lemar TV broadcasting will be in Pashto with a smaller percentage in Dari, Urdu and English . The contents of the programs will be news and politics relying less on recreational programs.

Sediq Ahmadzada added “the purpose of establishing Lemar TV is to fill the gaps we had in Tolo TV which means that, in as far as most of Tolo TV broadcasts are in Dari, the leadership of Tolo TV decided to enter the Pashtun market by establishing Lemar TV.”

Sediq Ahmadzada added that another objective of Lemar TV was offer an alternative to Khyber TV. Khyber TV is based in Peshawar, NWFP, Pakistan, in frontier Pashtoon dominated areas of the Afghanistan. He added “Khyber TV, which reaches the southern Pashtoon dominated areas, has influenced people and we will counter [Khyber TV influence] by providing more interesting and better programs.”

According to Sediq Ahmadzada, Lemar TV is currently only available in Kabul City but there are plans to expand the broadcast in the provinces in the near future.

Lemar TV is the 7th TV channel that has commenced operating in Kabul. Previously Tolo, Afghan, Ayeena, Ariana, Shamshad and the National TV stations have had transmissions in Kabul and provinces.

Media Watch has been informed that three channels will start broadcasting in three provinces of the country: Hewad TV in Kandahar, Saqee TV in Herat, and Shayeq TV in Jalalabad City of Nengahar Province.

7. National TV in Samangan upgrades its transmitter

With the assistance of the Indian Government the broadcast area of State TV in Samangan Province has been extended by another 50 Kilometers.

The new expanded station which started operations on August 10, 2006, has been made in Italy with the total cost of installation and erection, 100,000 USD paid through a grant from the Indian Government to Afghanistan.

Nahendra Sengh Raana (an engineer of Becil Company, India) has been responsible for erecting and installing the station. In an interview with Pajhwok News Agency he said that the station has a power of 200 watts and can cover Aibak City and its surrounding villages, with a radius of 50 kilometers.

According to Raana, the mentioned station is equipped with a modern system, the installation of which took one month, and is one of 24 TV transmitters that the India Government has donated to Afghanistan.

Engineer Najmudeen, technical manager of the local TV station in Samangan said the previous station commenced transmission in early 1999 with a transmission power of 100 watts and a coverage radius of 10 kilometers. This station has now lost its transmission quality due to over usage.

The local TV station in Samangan transmits 6 hours of programming per day which, in addition to the broadcasts of the National Television of Afghanistan, develops, reports and airs programs.

In Aibak City of Samangan Province, in addition to the National TV network, Ariana and Ayena TV are also available.

8. Local TV in Nengrahar extend their audience through satellite technology.

Nengrahar local TV station produces 2 hours per day of broadcasting and on the 9th August 2006 this programming was also launched through Satellite reaching a much larger audience.

Mohammad Hashim Ghamshareek, director of Culture and Youth Affairs in Nengrahar Province told Media Watch that the local TV station of Nengrahar was now able to broadcast via satellite as part of a Government of India development program investing US\$1.5 million into Afghanistan. He added that due to the use of this new technology, Nengrahar TV will be accessible throughout Afghanistan as well as 41 other countries worldwide.

Partab Singh, General Consul of India in Jalalabad, said the purpose of his country's donation was to further develop media in Afghanistan.

Nengrahar Radio and TV station commenced transmissions in 1984.

9. Pajhwok News Agency reporter received a Letter of Commendation from the AIHRC

On August 16, 2006, Sher Mohammad Jahish, a reporter of Pajhwok News Agency in Baghlan Province, received a letter of commendation from AIHRC for his bravery while investigating reports of a private prison.

The letter of commendation was granted to Sher Mohammad Jahish in a ceremony convened in Pul-e-Khumree City of Baghlan Province, in which a number of relevant authorities and journalists had participated.

The Letter of Commendation which was submitted by the North Eastern Zonal Office of the AIHRC in Kunduz Province to the Directorate of Culture and Youth in Baghlan Province, stated “AIHRC appreciates the inexhaustible endeavors by Shir Mohammad Jahish, reporter for Pajhwok News Agency, who has always reflected facts with integrity, and hereby commends his bravery and boldness and wish him all the more success”

When interviewed Mr. Jahish told Pajhwok News Agency that he received a message concerning the existence of a private prison in Pul-e-Khumree City. According to the message, a Commander of a Battalion in 2nd Northern Highway Brigade imprisoned an 18 year old man, Abdul Waheed, for 7 days in a shipping container on the Brigade compound due to a dispute over a personal business deal between the two men.

After Mr Jahish brought this news to people’s attention, the man was released from prison. The Brigade has recently been removed [dissolved] from the organizational structure of the State.

Shir Mohammad Jahish’s bravery has further been tested by receiving threats from local government authorities and commanders, the details of which can be found in Media Watch Report # 9.

10. Training workshop on Copy Right held by the National TV and ABU

A work shop entitled ‘Copyrights’ was convened by the National TV department in cooperation with Association of Asia Pacific Broadcasters (ABU) on 24 to 25 August, 2006 in the Hall of Radio Afghanistan.

The work shop was facilitated by Mr Fernand Alberto, a lawyer from the Phillipines, who is a legal representative of ABU. Around 60 writers and reporters from a range of media organizations participated. The workshop covered definitions of copyright and also practical applications of copyright laws. Alberto gave examples of the kinds of circumstances in which copyright law should be applied, answering questions from participants throughout.

According to Mr Alberto, the purpose of convening the workshop was to raise public awareness in matters related to international conventions and laws on copyright.

In his concluding speech, Najib Roshan, Directorate General of National Radio and TV, said “I hope that with the formulation of a copyright law in Afghanistan, our country will be included in the list of countries complying with the copyright rules.” He added “we convened such a workshop for the first time, but we are not observing such rights and are included in the list of those thieves who transgress the rights of others”.

Roshan added that, prior to preparation of a copyright law for Afghanistan, they were trying to go through a phase of illumination by launching such workshops and seminars so that the media community can gradually begin to understand and observe the rights of ownership of published materials. He said they hoped through public education on this issue copyright issues will be on the social conscience and everyone will comply with the principles and requirements of a such a law.

There have been some endeavors in the past to introduce laws relating to copyright. For example on the 20th, August 2005, the Independent NRTA Commission issued a set of rules on “copy rights of products of the national Radio and Television of Afghanistan”. Letters were sent to all radio and TV stations in Afghanistan stating that all media organisations were required to refrain from transmitting any material produced by the National Radio and Television agency without their permission. The rules contained three chapters and 21 articles and covered films, music, songs, drama, comic shows, documentaries, artistic films, literature, training, political, cultural, social, imaginary and news related films or audio materials.

The rules stated that all private and independent radio and TV stations shall either refrain from broadcasting these materials or pay a fee to the State owned TV and Radio Broadcaster.

Sediq Ahmadzada, a spokesman for Tolo TV said at this time the copyright law might be useful but insisted that the Independent Commission was not authorized to impose such a law. It is interesting to note that under the media law, the Commission has not been delegated such a function. (A more detailed report on these rules can be found in Media Watch Report # 8.)

The formulation of a copyright law is seen as a positive step by media organizations within Afghanistan.

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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.