

Nai Supporting Open Media in Afghanistan



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

MEDIA WATCH REPORT

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Intro

Despite the fact that the new Media Law has been sent for the endorsement of the President after the approval by the National Assembly, assaulting journalists and law violations still going on targeting media workers. A number of journalists are being threatened by unknown people and in the meantime, government's support to media has reached the lowest level. The Media Law has once again been successfully passed through the Senate and this was possible only with the help of journalists and some members of the Parliament.

Religious, cultural and higher education commission of the Senate prepared a draft amendment proposal to be applied on the Media Law approved by the Parliament and the said amendments would have transform the Media Law into the previous Media Law and incorporated the National Radio and Television into the framework of the Ministry of Information and Culture and this draft amendment was approved by the Senate. As a result of amendments made by the Senate after the approval of the Parliament, based on article 100 of the Constitution, a combined commission was established to review the situation. The commission once again discussed the Law and following a unanimous agreement of the members of the combined commission, the amendments made by the Senate were eliminated from the Law and the final Law was sent to the President for endorsement.

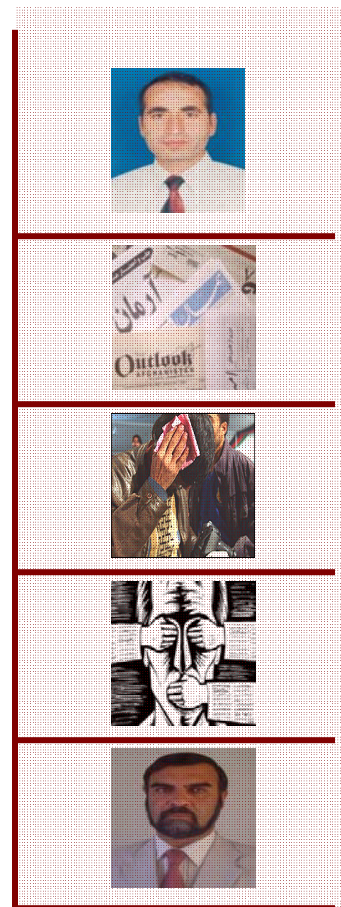
From one side, the government is trying to impose too many limitations on journalists, but from the other side, a number of media practitioners are subjected to serious threats from unidentified people; who are supposedly considered to be people affiliated with the Taliban and thus, life and work safety of those journalists are prone to a great risk. For instances, police officials tell the journalists to take care of their own safety, it indicates that security apparatus is unable to ensure the journalists life security.

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The Ministry of Information and Culture should be acting as a focal point between the government and independent media, but instead, this Ministry seeks to create more problems and obstacles legally and during practice for the media and treats practitioners as if they are its rival or opposing parties.

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Analysis of the month

By **Mujeeb Khelwatgar**

Nai Executive Director



**Mujeeb
Khelwatgar**

Media Practitioners do not trust government about their life safety

In Afghanistan, despite numerous claims made by officials that they are moving towards democracy, they have never put those claims into practice. Ordinary citizens are always fearful of security officials, who ought to be ensuring security of all citizens of the country, while the situation should be the opposite and they should feel relaxed for the existence of security personnel around them because security personnel are supposedly their protectors.

This problem can be observed among journalistic circles with more gravity. Many journalists, who experienced security hardships by unknown groups, will never tread to inform security officials about it.

Journalists have very often said that if they inform the security officials of their problems, not only their problems will not be resolved, but there is a possibility that they might be placed into other troubles.

This happens in a situation where many journalists have claimed to have been threatened and some of them even threatened to death. But even in such a dangerous situation, journalists are not inclined to inform security officials about their problems.

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As it can be observed, when journalists do not inform security officials about their problems and then an undesirable incident happens to the journalists, the government officials will say that they were unaware of the problem. This might be the easiest way for the government to respond to such conditions, but bearing in mind the provisions of law; can such responses attain the content of people? This is a question that the government should answer by itself.

What we can say as ordinary citizens of the country is that according to the law, the government is duty bound to ensure life security of journalist in particular, and security of people in general, even if the citizen do not inform the government about their problems; because it is possible that some citizen may not know that they are under threat. Therefore, it is the duty of the government to keep an eye on what is going on with the citizens.

It is worth mentioning that assistance with the government from ordinary citizen is essential and has a fundamental role in ensuring security, but this does not mean that if a citizen does not know about it, government can shirk from its duty to ensure security of such citizens.

From the other hand, the government should adopt measure to attract the trust and confidence of people, especially the journalists towards itself because lack of trust and confidence on government and security official will not only put the life of journalists into more dangers, but it will also increase the distance between the government and people with the passage of time. If this distance goes beyond the normal level, no one would dare to call the Afghan society a society which is in transition process towards a democratic society; nor will the Afghan government be called a government which is the process of transition towards a democratic government.

Short News:

Managers of Tolo TV summoned to the Parliament

On 28th October “, Religious, education and Higher Education Commission of the Senate summoned managers of Tolo TV about broadcasting of Shakera’s concert during Eid days. Shakera is a popular Latin American singer.



A source in Tolo TV said:”In this meeting, Senator Mawlawi Arsalan Rahmaani, head of the Religious, Education and Higher Education Commission of the Senate, said: “Tolo TV should prevent transmission of such programs as they are contradictory to Islam and norms of our Islamic Society and Tolo TV should ask forgiveness from the nation and in future, it should never transmit such programs. He also added that if Tolo TV repeats this action, he will refer the case to Saaranwali (prosecutors’ office).

Siddiq Ahmad Zada, head of Tolo executive board regretted broadcast of the said program and said to the commission members: “the person who had broadcasted this program was punished and dismissed from job.” He also promised that this action will not be repeated in future by Tolo TV.

City Radio started its terrestrial broadcasting



Nasir Totakhel

Around two months ago, City Radio joint the audio media family in Kabul and started its transmission. Nasir Totakhel, station manager mentioned that the radio objectives are to transmit traffic-related problems of the city, positive relations between youth and promoting urban life.

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Association of Peace and Democracy grants plaque of honor to Dr. Raheen

On 28th September, Association of peace and democracy, US based and Afghan activist's granted a plaque of honor to the late information and culture minister Dr. Sayyed Makhdoom Raheen in appreciation of his efforts in media development and democracy in Afghanistan. The ceremony organized in Virginia city included speeches regarding Dr. Raheen, it mentioned his good efforts in supporting freedom of speech during his work after the fall of Taliban in 2001 – 2006.



Dr. Raheen

Safia Safi, journalist and photographer of Pazhwak News Agency stood third in the International photo competition



Zakia Zaki's dead body

Photo of Zakia Zaki's corpse, late manager of Solh community radio who was killed six months ago in Parwaan province has won the third prize of EFE international photograph competition on the real pictures category taken by Safia Safi, journalist and photographer of Pazhwak News agency. The competition organized recently in Spain reviewed 200 pictures and gave prizes based on open vote, This is the first time that an Afghan photojournalist from local news agency win international prize.

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Jawaid Rostaampoor of Payaame Mumjahid beaten by Guards of Kabul deputy Mayor



Jawaid Rostaampoor

It was the middle of October when the philosopher Siddiq Afghan was chanting slogans of death to America and to Kabul Municipality apposite to Kabul's Municipality building. Jawaid Rostaampoor, one of the journalists of Payaame Mujahid Weekly (as he claims) while passed in the area he noticed people gathered in site, to know what's going on he went closer to the crowd to assess the situation.

In an interview with the Media Watch, Jawaid Rostaampoor said: *“when I wanted to interview Mr. Siddiq Afghan, The security guards of Kabul's Deputy Mayor Gharzi Khwaakhogay started beating me in the presence of the deputy mayor and they drove me out of the Municipality's enclosure; the deputy mayor did nothing to stop his guards from such an action.”* The Media Watch tried to interview the Deputy Mayor about the aforesaid claims of the journalist, but despite continuous telephonic and contacts, Mr. Gharzi Khwaakhogay was not available for interview.

In the meanwhile, Mr. Mohammad Sharif, secretary of Kabul's Deputy Mayor, regarded claims made by the journalists as baseless and said: *“I was present in the scene and no such beatings took place.”*

Media Watch interviewed Mr. Abdul Hameed Mubaariz, media expert and former Deputy Minister of Information and Culture in publications affairs, said: *“if any journalist commits a mistake, such incidents should be reported to the Media Complaint Assessment Commission, if it is proven that the journalist has really committed a mistake, he/she should be referred to Saaranwaali (prosecutor's office), not that they are subjected to assault and battery directly.”*

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The Media Law of Afghanistan explicitly states that the government shall be duty bound to support media and journalists, but as it can be seen, the government is not only not providing support to the media and journalists, the journalists are also beaten, insulted and annoyed by government officials or people affiliated to the government. As the standards of their profession require, Journalists are duty bound to prepare standard reports on news and events and to deliver it to the audience, and no one has the right prevent them from having access to information. **Assault and battery of journalists is a criminal act and journalists should file complaints against such officials, so that they can be put on trial, but this requires support from the government, something which is yet to be seen in practice.**

Number of Afghan journalists threatened to death by unknown personalities

Kunduz province, north east of the country was the only place where Taliban showed some resistance after 9/11. Now, Taliban have once again started their activities in that province and parallel to these acts, they have threatened to death the owner and manager of Radio Zuhra. This started in September when she received several calls for the first time of its kind.



Najia Khodayar, owner of Radio Zuhra feels worried after receiving call threatening her to death. said: *“those people who threaten me and my colleagues through telephone say that you are trying to encourage women to develop and as a result of your programs, women are misled, so if you do not leave your job, you will soon taste the punishment of your deeds.”*

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Zarghoona Hasan, manager of Radio Zuhra received telephonic calls threatening and asking her to leave the job as soon as possible or else face the consequences. Zarghoona said she did not inform the police because she believes this will increase the problem level and also get the attention of family and relatives.

Media Watch discussed this with the Governor of Kunduz Engineer Mohammad Omar who believes that these threats are disseminated by Taliban: “we have evidence which indicate that these threats have been made by the Taliban to derange security situation in Kunduz.” He added that this is the duty of the government to ensure job and life security of journalists and if journalists contact the officials in this regard, their lives will be secure.

Abdul Hamid Mobaariz, media experts, commented whether claims like these from the government would be enough, said: “first, journalists who have received threats should inform the officials about their problem to see up to which extent government officials fulfill their promises, and the government officials should also not content themselves with expressing mere promises, instead they should practically ensure life security of journalists.”



Cheragh news paper

according to Wada “to not continue working in journalism and to close down the newspaper”

In kabul Catherine Wada is unable to identify the motives behind these threats , she claims the threats are from one any of three parties: the Taliban, the competitors or the government officials. she said: “I have received 15 threat calls and majority of these calls were made in Pashto language and they accused me of committing treason to the country. I have also received a number of letters threatening me to death. The letters says

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In this regard, we sought to get viewpoints of some media experts. Qaseem Akhgar, an afghan writer believes that threats from both government officials and the Taliban are conceivable.

Akhgar mentioned to Media Watch that its obvious for him through reading the media law that Afghan government is not taking its expected role of protecting the journalists while Taliban using this in making pressure on them, Ali Shah Paktiawal , head of the Central Criminal Department of Kabul Police, had no information about any threats against Cheragh manager and said: “up until now, no journalist have informed government officials on having received such threats, but on behalf of Security Headquarter of Kabul Police, I do not assure, but guarantee journalists because there is deference between assurance and guarantee.”

Meanwhile, journalist of Aryana Radio Hanif Elham has been receiving telephonic threats for some time, and says he lives in fear and dread. “It has been three month that I receive threat calls from various telephone numbers, but lately, these threats have increased. I think that these threats originate from a program called “Today in History” that I run in Aryana Radio. Some times ago, it was the national day of Israel and I had an article about Israel, after broadcasting of the said article, I received many threat calls from various parts of the country and those who threatened me were saying that why you mentioned Israel as a country, soon will be punished for your action.”



Hanif Elham

Unfortunately, threats against journalists have gained momentum lately and efforts are exerted to force women media practitioners to leave their jobs and male journalists are being obliged to impose self-censorship in their reports.

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Death of Ajmal Naqshbandi around eight months ago has made national journalists more concerned about their life security. Likewise, Deaths of Zakia Zaki, manager of Radio Solh of Jabalusseraaj and Shekeba Saanga Aamaj, newsreader of Shamsad Television

Security officer's advised Esteqlal radio workers to stay in police headquarter.



Lal Mohammad, manger of Esteqlal Radio in Baraki Barak of Logar province and Ataullah Sahil, journalist of station were threatened to death by unknown men.

According to Lal Mohammad, he and his colleague have been receiving threat messages for quite some time, but this issue became more serious when Mohammad Akbar, security head of Baraki Barak district, warned the manager and journalists of Esteqlal Radio about their safety .he said:

“it was 7 pm when Mohammad Kabeer, security head of Baraki Barak district called me and said that you and your journalist Ataullah Sahil should take care of your commuting, we have received reports that there are some people who are following you, therefore, it is better for you to stay at radio or home for some time.”

Lal Mohammad adds that if security officials know who are following and threatening us, then why they do not arrest them? Mohammad Kabeer, head of criminal department of Baraki Barak district, he said: “arresting those people is in our intelligence plan, but due to security observations, we can not reveal the sources and persons who are being traced by our personnel.”

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Security head of Baraki Barak district has asked Lal Mohammad and Ataullah Sahil, to stay in security headquarter of the said district and to refrain from commuting in order to save their lives., But Lal Mohammad and Ataullah Sahil consider request of security as illogical and say: “we are journalists and in order to prepare reports, we have to go out and to keep in touch with people and officials.” to this time the radio workers are still facing this threaten and problem not being solved.

Media Watch believes that protection and safeguarding of citizens are among the main duties of the government. Recommendations from officials to journalists without adopting prior precautionary and protective measures will not secure life of journalists. Therefore, wherever security officials receive information about a journalist who is threatened by some people, they should immediately take action and arrest the suspects, otherwise, journalists will live under negative psychological condition and will not be able to perform their duties in a desired manner. Therefore, it is the duty of police to abruptly assure those who are subjected to threats.

Tawwab Niazi Afghan freelance journalist, after 7 months in jail, threatened by Taliban

Afghan freelance journalist Tawwab Niazi, who spent seven months in jail, is now being threatened, “after I was set free from the prison, I have constantly been threatened by the Taliban. These threats come more often from telephonic calls and unknown men threaten me to death for having ties with the Afghan government. *Recently, I received a letter stamped with the logo of Taliban intelligence ; in which I was threatened to death.* So I contacted the Central Department of National Security and I gave them copy of the said letter and numbers of the calls I had received.”

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Mr. Niazi added: “despite the fact that the Central Department of National Security is aware of the situation, I feel apprehended and I spend all my time at home. almost a year ago; Mr. Tawaab Niazi was arrested along with Dr. Hanif, former Taliban spokesperson, when he wanted to hold an interview with the aforesaid former Taliban spokesperson in suburbs of Nangarhaar province. After spending seven month in prison, he was pardoned on the accession of August 19th, anniversary of regaining independence of the country and was set free.

Angry Parliamentarians criticized the media coverage

Afghan Parliament members have criticized the manner in which National Assembly news are broadcasted by media. The MPs have not mentioned name of any particular media outlet, but they say that a debate in general assembly on Law on Privileges of Successors of Martyrs and Disabled was not broadcasted properly.



Afghanistan's parliament building

The Media Watch sought to have interviews with the complainant MPs, but none of them were ready for interview. Fawzia Kofi, representative of Badakhshaan province in the National Assembly, considers such remarks by the members of the Parliament as unjustifiable remarks and says: *“without specifying a particular media outlet, we can not blame all media. National Radio and Television of the country has the responsibility to broadcast all sessions of the Parliament and the Parliament can not put pressure on private media outlets to broadcast what goes on in the Parliament.”*

Meanwhile, Yahya Nabawi in-charge of news department of Tamaddon TV, says that media broadcast the realities and they never attempt to present forged or distorted news. “In the general session of Parliament,

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there was a debate on privileges of successors of martyrs and disabled people and some MPs had verbal arguments with each other and some media broadcasted those moments which is something usual in many countries. Broadcast of the aforesaid moments by some media outlets sparked the anger of some parliament members, which should not be repeated and independent media have the right to disseminate realities”.

This is not the first case where some Parliament members shown their discontent about the manner in which some media broadcast National Assembly related news and reports. Previously, some member of the Parliament had expressed their concern in this regard, but media continued to disseminate any thing happened in both houses of the Parliament to their audience.

Forgery in reports or presenting distorted news-bulletins is contrary to the principles of modern journalism. the alleged complaints have no justifications and it can not be regarded forgery or distortion, the media have presented only what had taken place in reality and that can never be regarded a crime, and if the complainants have any proof, they may refer it to Media Violations Assessment Commission of the Ministry of Information and Culture. From the other hand, this news was not broadcast by all audio-visual media; therefore, accusing all media by the complainant MPs is not justifiable.

Afghan Media law on Karzai’s table for endorsement



Following months of hard arguments and debates in the National Assembly, and after an agreement reached by the combined commission appointed to review amended instances, the Afghan Media Law was approved by the Senate and transferred to the President for endorsement.

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Afghan journalists reviewed the newly approved Media Law, gave positive and negative ideas about it. Zarghoona Roshan, journalist of Salaam Watandaar, says: *“taking the National Radio and Television out of the framework of Ministry of Information and Culture and exempting media from paying tax are good aspects of the Media Law.”*

meanwhile, Abdullah Khodadaad, another journalist of Radio Salaam Watandaar, considers the new Law as one of the best in the region and says: *“there were concerns that House of Elders will incorporate some amendments into the Media Law which will lead to imposition of limitations on the activities of the Afghan media and journalists, but fortunately, this draft Law approved by joint commission is better than the draft law approved by the House of Elders, therefore, journalists should celebrate this victory.”*

Journalist of Radio Shahr, Nazira Noori says: *“the problem is the implementation of law other wise we have good law now.”*

Qaseem Akhgar, editor in chief of the 8 AM daily newspaper observes more restrictions in the law than those of its positive aspects and says: *“the negative instances in the Media Law are too many; namely ambiguities in the terms used in the law and this can enable the government to impose more monitory measures on media.”* the new law carry on some words that are not being explained such as defamation, mental security, ethic of kids and so on for example.

The Media Watch maintains that Media Law approved by the National Assembly despite containing some positive points is a deficient law for it is not being accompanied by necessary annexes. *The Ministry of Information and Culture and the Parliament should as soon as possible draft the necessary supplementary to the law and should send it for debate in the general sessions of the National Assembly for approval; absence of procedures or law on access to information, copy rights law, non-existence of provisions on local media will make the new law an incomplete law.*

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Therefore, the media and the relevant government officials will face difficulties and ambiguities while trying to implement the law.

Unfortunately, no such draft on the above mentioned issues are underway in the Ministry of Information and Culture and the National Assembly. From the other hand, it is one of the duties of the Parliament to clearly define and explain ambiguous terminologies used in the Law.

Analysis of the Media Law Provisions

Part 4

By: Siddiqullah Tawhidi

Chapter 2

Rights and Obligations, Freedom of Thought and Speech



Sediqullah Tawhidi

Article 4

- 1. Every person shall have the right of thought and speech. This right shall include seeking, obtaining and disseminating information and views within the framework determined by law without interference and restraints from government officials. It includes free operation of dissemination, distribution and information attainment tools.*
- 2. The government shall support and strengthen and guarantee freedom of mass media. No natural or legal person including government and government officials*

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3. *can interdict, prohibit, censor or put limitation on the activities of mass media or interfere in their affairs through other means unless permitted by this law.*

Analysis:

Paragraph 1: if article 4 of the Afghan Mass Media Law provides for the freedom of thought and speech to the Afghan Nationals and citizens and if it has regarded access to information, data and views from government sources part of this right, then this right includes free operation, distribution and attainment of information by the media.

In the second Paragraph, the government has been made obligated to recognize freedom of media and exert necessary efforts in supporting and strengthening media. Likewise, the paragraph has taken away the right of censorship and intervention from the government and real and legal persons. It also explains that no one has the right to deprive media from their freedom or to prevent, distort, censor or put limitations on such freedoms.

In this law, right of intervention in accordance with the Media Law has been made permissible and such instances have only been mentioned in article 45 of this law (in prohibited material) and as a violent presumption, the purpose of the legislator in mentioning this point is to highlight the prohibited material; this article is comprised of 8 paragraphs with some ambiguous instances and undefined terms which the Media and journalists have to pay attention to. In article 45, we will elaborate more on important issues and the issue of defending journalists.

The right of freedom of speech is among natural rights of human beings which are provided for in article 34 of the Constitution and article 19 of Universal Declaration of Human Rights.

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Based on these sources, a human being reserves the right to say what he/she may think of and to communicate it through means of mass media to others.

The Media should also have freedom in putting into practice this objective; so that transfer of thought and information to all people in a desired manner could be made possible, for

the media are tantamount to eye and ear of a civil society, if these organs do not work properly, citizens will for sure not be able to make necessary decisions about their own fate and the society as a whole, nor they will be able to have a valuable participation in social life.

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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: *To maintain confidentiality and to protect sources it was not possible for Nai Supporting Open Media in Afghanistan to corroborate the incidents by carrying out additional investigations.*

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