



# Reporting in Times of War

PRESS FREEDOM IN AFGHANISTAN 2008 - 2011



MEDIA FOR DEMOCRACY IN AFGHANISTAN



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June 2011

This document has been produced by the International Federation of Journalists (IFJ) for the Afghan Independent Journalists' Association and other partners and affiliates in Afghanistan.



## REPORTING IN TIMES OF WAR PRESS FREEDOM IN AFGHANISTAN 2008-11

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### Cover:

Afghan radio journalist Farukh Lega Sultani interviews the spokesman of the International Security Assistance Force: journalism in the country is often about negotiating between conflicting demands of informing the public and addressing security of combatant sides. (Photo: Matthew Chlosta, Creative Commons)

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## Introduction

Journalism in Afghanistan continues to be scarred by seemingly endless conflict but is able, when occasion arises, to celebrate significant achievements

At the official commemoration of World Press Freedom Day in 2011, the country's Minister for Information, Sayed Makhdoon Raheen, remarked upon the growth of Afghanistan's media as one of the signal achievement of the years since the dismantling of the Taliban regime in November 2001. Within a month of the Taliban collapse, according to Raheen, Afghanistan had sprouted no less than 200 independent media outlets. Ten years later, the figure, as quoted by the Minister in his public address on 3 May 2011, stood at 1000.

This is not to discount the difficulties that journalism in Afghanistan faces almost on a continuous basis. It should be counted among the most significant achievements of journalists in Afghanistan that they have put in place a nascent media rights monitoring network, with the most serious instances of media rights violations reported to a world audience. With support from the Commission for the European Union (EU), the International Federation of Journalists (IFJ) has assisted the Afghan Independent Journalists' Association (AIJA) and other local organisations to develop this network, with particular reference to promoting free and safe reporting in the context of Afghanistan's elections in recent years.

If World Press Freedom Day were to be used as reference point, the years since 2008 would seem to suggest a decline in the hazards that journalists face. But the decline in physical hazards, though of some consequence, does not yet mean that journalism is able to function in a congenial environment.

Between World Press Freedom Day 2008 and 2009, three journalists were killed in Afghanistan. Several reported being threatened and harassed. Two received harsh penalties after being convicted on charges of causing religious offence. And in a new development, official security agencies threatened several with dire consequences for criticising foreign powers.

The two main representative organisations of journalists in the country, the AIJA and the Afghan National Journalists' Union (ANJU), pointedly and with conspicuous intent, stayed away from all observances of World Press Freedom Day 2009, to protest against the harsh conditions facing the profession and the continuing failure to enact a credible, media-friendly national law.

The following months saw some progress in this regard, partially filling a gaping void in the media scenario in Afghanistan. For all the years since the fall of the Taliban Islamic regime, independent media in Afghanistan had expanded and diversified, though without a coherent regulatory framework or governance structure. Concurrently, there had been little headway in establishing social and political norms on the place of the media in a post-conflict society and the latitude available in terms of the constitutional right to free speech.



President Karzai gave his assent to a long delayed media law in 2010 but the record of implementation remains patchy. (Photo: Mark O'Donald, Creative Commons)

## Governing the Media

Afghanistan's mass media law, though introduced in Parliament in 2003 and vigorously debated since then, was at the time trapped in a limbo, with the competing interests of the President and numerous political factions preventing a quick resolution. And with no clear parameters laid down to judge eligibility for entering the media industry, many political factions – some of them associated with armed groups – had become major media players. As Afghanistan prepared for a season of elections to both the Presidency and Parliament, the overt politicisation of the media was seen as a potentially explosive issue.

July 2009 brought a major breakthrough with Afghanistan's Mass Media Law formally gaining presidential assent. Yet a delay of two months in publishing the full text of the Act led to some misgivings and was seen in some circles as a deliberate effort to ensure that provisions on the obligations of state-owned media organisations were not made operative before the presidential elections on 20 August.

The status of state-owned broadcaster Radio Television Afghanistan (RTA) was one of the most contentious issues holding up the adoption of the media law. President Hamid Karzai had, in refusing to give his assent to the bill, indicated

in December 2007 that he did not agree with the purported change in the status of RTA from state-owned broadcaster to a public service trust.

Among Karzai's inner circle, including then Information Minister Abdul Karim Khurram, the proposed transformation of the RTA was seen as a strategy to neutralise the government broadcaster and stifle the legitimate rights of those in authority to address the people of Afghanistan. It was alleged that members of parliament who themselves had business investments in the media had in particular been responsible for writing this article into the proposed law.

The final compromise was to split the difference. RTA was described, under article 13 of the law that was ratified by President Karzai, as "a mass media that belongs to the Afghan nation and shall perform, as an independent directorate, within the framework of the Executive Branch". The budget of the RTA, the law stipulated, would "be provided by the Government and through advertisements and provision of services". In deference to a ruling by Afghanistan's highest judicial body, a second clause of this article -- which said that the RTA director would be appointed by the President, subject to approval by the lower house of parliament, the Wolesi Jirga -- was deleted.

The media law as finally adopted included prohibitions on media content. There were also stipulations on mandatory content. In these respects, the law was no different from the draft that had been under debate since 2007.

Material explicitly prohibited under the law includes anything:

- Deemed contrary to the principles and provisions of the religion of Islam or to other religions and sects;
- That is "defamatory, insulting and offensive" to "real or legal persons" and could cause "damage to their personality and credibility";
- That is "contrary to the Constitution and" could be considered a criminal action under the Penal Code;
- That disseminates or promotes any religion other than Islam;
- That reveals the identity of those who have been victims of violent crime or sexual assault in a manner that damages their "social dignity"; and
- That harms "psychological security and moral well-being of people, especially children and adolescents".

On first appearance, journalists in Afghanistan found little to object to in these stipulations. Their worry was that with precedent and convention being weakly established, these prohibitions would leave ample room for arbitrary interpretation.

The conduct of state-owned media through the 2009 presidential election was widely described as partisan. And following the appointment of a new Minister for Information, the text of the media law was reopened for further examination and amendment. In the circumstances, journalists' bodies have found it difficult to establish a firm anchorage from which they can give out authoritative

information on media freedom and the public right to information.

### Regulatory framework

The law as applicable at the current time, conceives of two media oversight bodies: a Mass Media Commission (MMC) to attend to the executive functions of regulation; and a higher adjudicatory body, the High Media Council (HMC), to which it reports. The law also suggests a separate commission for better regulating the administrative affairs of RTA. The state-owned news agency, Bakhtar, similarly, would be regulated by an independent commission. Among other functions, the HMC is mandated with developing a long-term media policy for the country.

The law lays out the composition of the HMC with a high degree of precision. Of the 13 members, three would come from the Ministries of Culture, Justice and Communications; one would represent the Supreme Court and four would come from the two houses of parliament. Of the remaining places, one would go to a religious scholar, two to experienced professionals in the field of journalism and two to representatives of civil society. Based on the country's mass media law, their membership in HMC would be for a period of three years. One from among the members of the HMC would be selected as chairperson.

The law also specifies that the nominees from media community and civil society should be regulated by separate rules and a code of conduct. Aside from laying down a long-term media policy, the HMC would propose the nominees for the MMC and for the commissions charged with regulating the RTA and Bakhtar. It would also draw up the annual budget for RTA and the news agency and be responsible for submitting annual reports on the activities of the state-owned media to Parliament.

Despite being formally notified for close to two years, the status of application of the Mass Media Law has to date remained ambiguous. Its assurances to allow free and open access to information -- except where sensitive state secrets are involved or national security may be compromised -- are yet to be realised. Journalists have faced serious problems obtaining information that by all criteria, should be in the public domain.

An official communique from Afghanistan's Ministry of Information and Culture has advanced the claim that the HMC has been constituted and is fully functional with 13 members. But the two media nominees have been placed on the HMC by the ministry and are not seen as representative of the journalists. Since June 2010, Afghan journalists have been working in concert to ensure that the permanent nominees to the HMC reflect their professional values. But the effort has so far produced no results.

Minister Raheen heads the HMC. The MMC and the RTA commission though, are yet to be constituted. In effect this amounts to a legal and regulatory vacuum because the MMC is the body that has the mandate to oversee the daily functioning of the media, to suggest grievance redress and provide dispute settlement procedures.

Under the law, the MMC has the following duties and responsibilities.

- Reviewing applications for print media and agencies, proposing their registration and the issue of licences by the Ministry.
- Reviewing the application for electronic media and proposing the allocation of broadcast frequencies to the Ministry.
- Monitoring the activities of the mass media.
- Reviewing complaints by the mass media about the legal and regulatory framework.
- Referring violations of media rights of a criminal nature to relevant justice institutions.
- Providing technical consultations to officials of the mass media.
- Submitting annual reports to the HMC.

There is a separate regulatory commission for better management of RTA, which has become the public broadcast media under the new law. As defined by the law, the functions of this commission include the following.

- Monitoring the utilisation of the RTA budget.
- Submitting annual activities reports on the RTA to the MMC.
- Mobilising resources both within the country and elsewhere, for strengthening the RTA.
- Monitoring implementation of the rules or the RTA's bylaws and other relevant laws.
- Monitoring implementation of the broadcasting policy set forth by the HMC in a manner that reflects the ethnic, linguistic and cultural diversities of all people of Afghanistan.

Within a month of the promulgation of the media law, a meeting was convened by the Ministry of Information and Culture, at which a committee was proposed to develop a procedure for selection of two media representatives to the HMC. It was agreed that the two positions would be filled by a body of Afghan journalists. There were no follow-up meetings on these agreed points. The two journalist positions have thus been filled on an arbitrary basis by the ministry.

This is a sore point with Afghan journalists. The composition and the authority of the HMC continue to be questioned by journalists. As the HMC is the body with overarching powers to determine the course of media development in Afghanistan, this legitimacy deficit is impeding the broader imperative of fostering a media culture that could facilitate the transition to a more participatory democracy in the country.

Without the HMC being duly constituted and enjoying the appropriate measure of acceptance within the media community, the media law will remain an imperfect instrument. And with the oversight body for RTA also remaining in limbo, there has been little progress toward reconstituting the body as an authentic public service broadcaster. The Karzai Government, even if it has consented to yielding control in law, is yet to do so in fact.

Events suggest that even if the President has given his assent to the law, his Government continues to believe that it is entitled to control radio and television channels to get its word out. The rationale that was put out when the President declined to endorse the law that both houses of parliament had passed in 2007 was that it was a potential breach of the Government's prerogative to use RTA as "a vehicle for implementing (its) cultural programs ... across the country, under the structure of the Ministry of Information and Broadcasting".

In September 2008, the two parliamentary houses voted by a two-thirds margin to override the presidential veto and enact the law. In accordance with legislative procedure, the Bill was sent to the Minister for Parliamentary Affairs, to be notified formally as law. That milestone was crossed in July 2009. But the task of implementation remains to be taken up.

## Quest for Control

In this prolonged regulatory vacuum, facts are being created in the Afghanistan media scenario that may be difficult to alter. Various political interest groups, members of parliament and leaders of non-state militias have begun their own media operations.

As recorded in a comprehensive study on the status of the Afghanistan media, recently concluded and published by the US Agency for International Development (USAID), media managers in the country are often known to use terms such as "gang media" to identify news organisations that are supposed to be serving the personal and political interests of former warlords or other major power-holders in the Afghan system. With these beliefs being widely held, there is often considerable scepticism about the integrity of news and information, with the public frequently considering particular media organisations to be thinly disguised propaganda machines for political groups.

Professionalism is impeded by the incursion of ethnic and partisan calculations into the functioning of the media. Perceptions of under-representation of certain communities in politics are reflected through the media. Major media organisations are known to associate themselves with some of these causes.

Despite the explosive growth of the media, which is counted as one of the notable indicators of a vigorous transition to pluralism and democracy, many members of Afghanistan's media community are expecting a major shakeout, which could see a number of outlets cease operations.

The risks are especially acute in the print media, where growth has been restrained by low levels of literacy and poor distribution networks. The USAID survey identified a handful of publications that have maintained their independence and established a readership base that could sustain them into the future. But these continue to depend on donor funding and though potentially viable in the long term, they could face unforeseen difficulties, such



Recording microphones lined up at a press conference convey a picture of the growth and diversification of the media, though long-term sustainability remains a concern (Photo: Courtesy AJIA).

as donor fatigue and advertiser withdrawal. *Kabul Weekly*, one of the identified print publications which seemingly turned the corner and had begun to establish its credibility with advertisers and audience, has of late found itself in a financial crunch, ostensibly because governmental authorities have been withdrawing advertising support since the 2009 presidential election.

The Pajhwok Afghan News agency (PAN) is considered to be a potential success story. With more than 40 full-time journalists employed in Kabul and elsewhere in the country, PAN has registered a number of paying subscribers who help the agency meet a significant part of its running costs. Though still dependent on donor support for roughly about 35 percent of its annual budget, PAN has gained a niche with its bouquet of offerings in three languages: Dari, Pashto and English. Since the early days of Afghanistan's democratic transition, PAN has established a reputation for clear and objective reporting on the actions of even the more powerful figures in the country's political firmament.

Several newspapers have emerged with an explicit political mooring and are known to run on subventions from powerful parties and interest groups. State-owned media continues to be a stable employer for journalists, though the character of the content disseminated is a

challenge to the professional sense and self-respect of most journalists. Among independent media outlets, a limited number appear to have turned the corner and might consolidate their position on the basis of a mix of entertainment and news. Overall, the outlook for independent media does not seem very bright.

Many of the new broadcast stations have been known to follow an overt political agenda. In 2008, for instance, two channels, Emroze and Tamadun, engaged in a fierce round of mutual recrimination, mirroring a political dispute between their respective owners, both members of Parliament. Similarly, when political acrimony erupted over the movement of the nomadic Kuchi tribes into areas where the Shia Hazara ethnic group has been a dominant majority, Farda TV station – a channel owned by Hazara leader and member of Parliament Haji Mohammad Mohaqiq – forcibly took up the issue. The channel provided saturation coverage of the Hazara protests against the nomadic tribes, with Mohaqiq often leading the demonstrations. A private Pashto language channel, Shamshad, meanwhile, took up the cause of the Kuchi tribes.

### Fragile independence

Independent media, in the strict sense, have very slender chances of survival because of the lack of advertising

support. Provincial Reconstruction Teams (PRTs) that are promoted by western coalition forces have set up several radio stations across the country. These are sustained entirely through the PRT budgets. Journalists are paid through military budgets and the messages conveyed through these stations are tailored to the dictates of the western coalition. This is known to have seriously undermined the credibility of the stations and to have endangered the physical security of journalists associated with them.

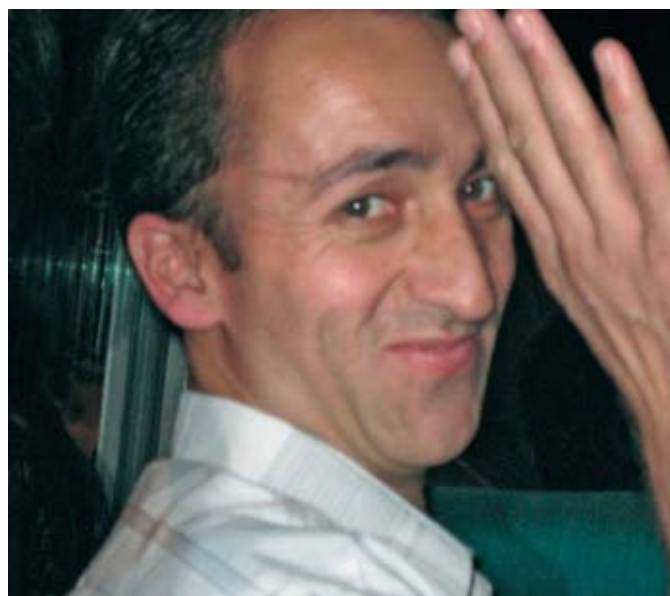
Neighbouring states, notably Iran, are known to have funnelled volumes of funds into the Afghan media. In an alarming development as recently as March 2009, three journalists were either arrested or picked up for interrogation by the Afghanistan National Security Directorate (ANSD), allegedly for broadcasting or publishing material critical of Iran. The chief editor of Emroze TV, Fahim Kohdamani, was arrested on 23 March 2009, following allegations that the station broadcast anti-Islamic sentiments.

The same day, Ajmal Alamzai, a news anchor and reporter for Ariana TV, was arrested and questioned about the content of one of his programs. He was set free after several hours.

On 28 March 2009, Syed Dawood Yaqubi, a well-known satirist who edits the *Aaine-e-Roz* weekly, was taken from his home in Kabul by the ANSD. He was questioned closely for several hours about an article published in his paper a few days before, which raised serious doubts about the Iranian Government's commitment to free speech rights.

Afghan media law makes it mandatory for all media organisations to reveal their funding sources. This is a touchy issue since the Afghan media depends to varying degrees upon donor finance for survival. Questions about the sustainability of the Afghan media will have to be squarely addressed in the months and years ahead. Apart from the consequences of a drying up of military advertising, it is also the case that the media organisations that benefit from donor support are often not the best – only those that are best able to write the funding proposals that will attract interest. This sets up a growing divergence between competence and professionalism on one side and financial sustainability on the other, with grave long-term implications for the free media in Afghanistan.

While the new media outlets continue to cope with numerous tensions and policy ambiguities, the insurgent groups that operate under the broad rubric of the term "Taliban" have reportedly been making rapid strides in their use of media for political propaganda. A July 2008 report by the International Crisis Group (ICG), a reputed think tank, spoke of the "sophisticated communications apparatus" that the Taliban had put together to project "an increasingly confident movement". Taliban were using the "full range of media" to tap successfully into "strains of Afghan nationalism". Policy failures by the Karzai administration and frequent errors in coalition military tactics and strategy – typically involving heavy loss of civilian life – were being ruthlessly exploited for political advantage.



Sultan Munadi was killed in a botched rescue attempt by British commandos after being taken captive by suspected insurgents in the province of Kunduz. (Photo: Courtesy Good Morning Afghanistan Radio)

It is a grim reminder that if they do not get their media strategy right, the new rulers of Afghanistan may find themselves outflanked by the insurgents in the not too distant future.

## Security Challenges

The magnitude of the challenges facing Afghanistan was well represented in the most recent report of the United Nations Assistance Mission in Afghanistan (UNAMA) on protection of civilians in armed conflict. With data for all of 2010, the report paints a picture of unrelenting conflict that is taking a rising toll. The total number of civilians killed as a result of the ongoing conflict was put at 2777 in 2010, representing an increase of 15 per cent compared with 2009. The four years since 2007 have seen an unbroken rise in the annual death toll of civilians as a consequence of the conflict.

It is increasingly clear that civilian deaths occur in actions by what are described as "anti-government elements" (AGEs) rather than "pro-government forces" (PGFs). The UNAMA estimate, arrived at in association with the Afghanistan Independent Human Rights Commission (AIHRC), is that 75 percent of total civilian deaths in 2010 were caused by AGEs and 16 percent by PGFs. The remaining 9 percent could not be precisely attributed. The number of civilians killed by AGEs was up by 28 percent over 2009; and killings by PGFs down by 26 percent.

In 2009, a quarter of civilian deaths were put down to PGFs. A year earlier it was 40 percent. The dilemma of the Afghanistan Government in 2008 and earlier years was that the forces fighting ostensibly on its behalf were, by most indicators, inattentive to the need to protect civilian life when engaging with enemy forces. The situation has improved since, although civilian deaths still remain a potentially explosive issue.



Radio has been a growth sector in the Afghan media though the dependence on donor support and advertisements placed by multinational forces in the country remains high. (Photo: Courtesy AIJA)

The International Security Assistance Force (ISAF), which is in Afghanistan as the central coordinating body for all western partners in the military coalition, believes that it has turned the corner. According to its official statistics, 2010 saw more air strikes and special forces actions – including night raids and forced entries into civilian homes – than in earlier years. That it has managed despite all this to keep civilian casualties to a more moderate figure than the earlier year is regarded as a strategic triumph.

Yet, as the UNAMA-AIHR report observes, the conduct of the PGFs continues to “generate anger and resentment among a large majority of Afghans. Incidents of excessive use of force, ill treatment, arbitrary detention and deaths and injuries of civilians coupled with a lack of accountability and transparency regarding some operations have contributed to a greater amount of blame apportioned to Pro-Government Forces for civilian casualties than the number of civilian casualties linked to PGF indicate”.

### Journalists targeted

Some of the tensions that journalism encounters can be estimated from these factors. Shortly after a NATO air-strike in the north-eastern province of Kunar in February 2011, and credible fears of a large civilian death toll, three reporters seeking to ascertain the facts were detained by coalition forces in a remote part of the province. According to information received from the Afghan Independent Journalists’ Association (AIJA), Syed Abdullah Nezami of the Al Jazeera Arabic news channel and Sadullah Sahil and Zabihullah of the Afghan TV News Service had been assigned

by their news organisations to get the story but were detained by NATO forces for allegedly not carrying proper credentials. The AIJA established that all three had their identity cards at the time they were detained. The journalists were released after two days in the custody of coalition forces.

One of the reporters told the AIJA he suspected those who detained him of actively seeking to suppress the truth about the alleged deaths of civilians in the air strike. The International Federation of Journalists (IFJ) and AIJA, its affiliate, held that because civilian deaths are a sensitive issue there was a clear case for open media access so people could be presented with the full picture of what happened.

By no means was the Kunar incident an isolated case of Afghan journalists being picked up and harassed by NATO and ISAF forces for transgressing boundaries. Coalition forces are known to not be scrupulous about honouring norms of transparency or accountability in their conduct toward local journalists. Sultan Munadi travelled to the northern province of Kunduz in September 2009 as part of a *New York Times* news team that included the British national Stephen Farrell to investigate an air strike in which civilians had ostensibly been killed. In the highly fraught environment following the strike, Munadi and Farrell were taken captive by suspected insurgent elements. The location at which they were held was identified after four days. When British special forces mounted a raid, Munadi was killed, shot reportedly from both the front and the back. Farrell was rescued unhurt.

Afghanistan’s media community saw parallels, close enough if not exact, with the killing of Ajmal Naqshbandi



in April 2007 after he was taken hostage along with an Italian journalist he was assisting in news coverage in the particularly troubled south of the country. The Italian Government proved willing to negotiate with the hostage takers and may have pressured the Afghan Government to meet at least some of their demands. Naqshbandi had no such luck and was killed shortly after his Italian colleague was released.

Demands by international press freedom bodies that Munadi's killing be investigated were met with a flat refusal by the British Government, on the grounds that this would compromise operational efficacy. Just over one year later, when an abducted British aid worker, Linda Norgrove, was killed in a botched rescue attempt by United States forces in October 2010, the British Government insisted that an inquiry be conducted. The irony was not lost on Afghan and international press freedom bodies.

Journalist James Hunter, working with a US army unit, was killed in June 2010 in a mine explosion. And in Kabul in September 2010, Afghan journalist Sayed Ahmad Noori was found outside his home with fatal stab wounds. The latter was not deemed to be a crime connected to the victim's journalism, although the subsequent investigation has not established the full motive for the killing.

In February 2011, Giles Duley, a freelance photographer associated with the Camera Press Agency in London, was seriously hurt by a land mine blast when accompanying a patrol of Afghan and US soldiers in a rural part of Kandahar province in the south. The 39-year-old photographer

suffered multiple amputations as a result of the blast. It was the first time Duley had covered military operations, having arrived in Afghanistan only two weeks earlier.

On the evening of 18 January 2011, senior journalist Abdul Razaq Mamoon was attacked by a lone assailant who sprayed acid on his face and fled. Police reportedly found knives and other lethal weapons left by the attacker as he fled. Mamoon, formerly a well-known news anchor on Afghan television, had been a regular political analyst on talk shows and the founder and director of the recently established news agency Bost-e-Bastan. As a news anchor with Tolo TV, one of Afghanistan's largest networks, Mamoon had acquired a nationwide reputation for his bold and uninhibited style. He was relieved of his duties at Tolo in 2010, though the channel denies that it had anything to do with his journalism and rather was part of a routine rationalisation of staff.

French journalists Herve Ghesquiere and Stephane Taponier and three Afghan colleagues – Mohammed Reza, Ghulam and Satar – were captured by suspected insurgents in the north-eastern province of Kapisa in December 2009. Initial reactions of the French Government tended to rule out any willingness to negotiate their release and indeed, the top political leadership seemed to raise questions as to why the French journalists had travelled to the high-risk area. The five remain in captivity to this day. They are believed to be alive, since there has been no claim to the contrary by their captors and occasional video recordings involving them have surfaced. But the negotiations that have been



With print having a limited reach and TV being mostly concerned with entertainment, radio has become a primary source of news for most Afghans. (Photo: Courtesy AJAJ)



Certain among Afghanistan's print publications have established a niche in the market, though their long term viability remains uncertain. (Photo: Courtesy AJIA)

conducted for their release, if any, remain opaque and there has been widespread criticism expressed over the manner in which the French and Afghan authorities have approached the matter.

In June 2009, a reporter with the *New York Times*, David Rohde, and his Afghan associate, Tahir Luddin, managed to escape from seven months of captivity after their abduction near the border regions with Pakistan. After the initial reports on their abduction, the media in Afghanistan and overseas had consciously chosen to maintain a policy of silence on the case, at the request of Rohde's family and employers. This was believed to be in the best interests of securing their safe release.

Rohde subsequently wrote a series of articles for his newspaper on his captivity. His case highlights a dilemma: how can the media which upholds the virtues of candour and transparency adopt a standard of secrecy and acquiesce in an information embargo in a matter involving one of its own?

Two journalists embedded with coalition forces were killed within days of each other on either side of new year's day 2010. Michelle Lang, a reporter with the *Calgary Herald*, was killed along with four Canadian soldiers on 29 December 2009 in the southern province of Kandahar. She

was travelling in a military convoy when a roadside bomb was detonated.

Rupert Hamer, defence correspondent of the *Daily Mirror* of London, was killed early in January 2010 in the south-western province of Helmand, again by a roadside bomb that was detonated under a US military convoy in which he was travelling. His colleague, photographer Philip Coburn, was severely injured.

On 10 March 2009, Jawed Ahmad Yazmi, also known as Jojo, was shot dead by unknown gunmen who pulled up in a vehicle alongside his car as he was driving in the southern city of Kandahar. Jawed was well known internationally after being taken into custody by western coalition forces on 2 September 2007, in Kandahar, on allegations of "improper" contact with Taliban forces. He was then working with Canadian TV (CTV). He was kept in military detention at the Bagram airbase near Kabul until August 2008 and then released unconditionally. The US military had at various points denied that Jawed's arrest had anything to do with his journalistic work. However, Jawed's family believed that US agencies had taken him into custody because he had, in a journalistic sense, been maintaining contacts with the Taliban and was carrying a Taliban-related video recording when he was detained.

Following his release from the Bagram prison, Jawed resumed his work and was on assignment in Kandahar for Canadian media when he was killed.

The day after Jawed's murder, Munir Ahmad Amil, a journalist in the news division of Emroze TV, was shot dead at an army checkpoint in Kabul.

Journalist Abdul Samad Rohani was found dead near the city of Lashkar Gah in Helmand province on 8 June 2008. He had disappeared the day before while travelling in his car to Lashkar Gah on assignment. His body bore three bullet wounds as well as marks of torture. Since 2006, Rohani had been working for the Pashto language service of the BBC, besides being a facilitator for the English language service. Government officials put the blame for his killing on the Taliban, but a spokesman for the Taliban in Helmand denied involvement.

A cross-section of opinion within Afghanistan believes that Rohani's murder was engineered as an act of vendetta by the flourishing drug-smuggling networks in the country's south.

### Managing the spin

Afghan security authorities often resort to extreme methods to prevent any manner of portrayal of insurgent violence in the media. In August 2009, on the eve of the nation-wide presidential election, the National Security Council of Afghanistan sent out an advisory through the Foreign Ministry that media coverage of violence during elections would be prohibited. The directive was

seen by journalists' groups as an unwarranted intrusion into their autonomy and potentially a denial of the public's right to know about all aspects of a situation that could endanger lives.

The decision was reportedly taken by the council "in view of the need to ensure the wide participation of the Afghan people in upcoming presidential and provincial council elections, and prevent any election-related terrorist violence". Several news organisations reported receiving telephone calls from the office of the President underlining the urgency of abiding by the censorship decree. Many of them found it illogical, since suppressing news about violent incidents was no way of containing the insurgent threat to disrupt the elections. Nor did they see any useful purpose served by denying the electorate the basic information needed to make an informed decision about whether and when to vote.

Violence peaked on election day in 2009, with the UN monitoring mission recording an unprecedented 300 security incidents, the highest in 15 years. Yet the Afghan and global media by and large fell in line with the official diktat that election-related violence be kept off the menu. Afghan security forces briefly detained 12 journalists in two quarters of Kabul to enforce the gag order on the coverage of election violence. Videotapes recording the violence were confiscated.

On 25 August, showing much the same intolerance toward media coverage of serious security breaches, Afghan police brutally assaulted radio reporter Dawa Khan Meenapal



Media growth has created a cadre of professionals who have largely been trained on the job, though a number of short-term training programmes have contributed to improving skills. (Photo: Courtesy AJJA)

at the site of a bomb attack in Kandahar city in which at least 40 people were killed and 65 wounded. Meenapal, a reporter for Radio Free Afghanistan, was recording accounts of witnesses to the attack when he was detained, his wrists bound and his recording equipment confiscated by police. He was assaulted with rifle butts and pushed around, ostensibly because he had not secured police permission before interviewing witnesses. Nine other journalists registered complaints with the AIJA that they were threatened by security personnel as they sought to cover the bombing. Meenapal was released within the day and his equipment returned, but the issue of media access to scenes of violence remained unsettled.

In March 2010, the Government decreed a ban on live coverage of insurgent violence. This followed a major Taliban attack in the heart of Kabul on 26 February, in which 16 people were killed, mostly civilians and Indian nationals. Though there was supposedly a limited consultation with media organisations, journalists' bodies as a rule tended to oppose the fresh restrictions.

Information Minister Raheen soon afterwards convened a meeting involving major media stakeholders to review the restrictions. A three-day consultation resulted in new norms being agreed under which:

- Broadcast of disturbing pictures of terrorist attacks and of their victims would be avoided.
- Images of security forces engaged in operations against terrorism would not be broadcast if there was a possibility of operational effectiveness being compromised.
- Utmost professional accuracy would be applied in covering news and events related to terrorist activities.

### Arrests and legal cases against journalists

Senior Afghan journalist Hojatullah Mujadadi was arrested in September 2010 on charges of having unlawful links with insurgent groups in Kapisa province. A former reporter with Afghanistan's state-owned broadcaster, Mujadadi had since set up Radio Kapisa and earned the ire of the provincial governor reportedly because of his critical commentary on local matters, including the abduction of the French news crew in 2009. The AIJA determined that prior to his arrest, Mujadadi had been summoned for interrogation several times by the ANSD and asked to reveal much information of professional consequence, including the sources he used for certain stories. Further investigation by the AIJA seemed to suggest that the arrest was ordered by the then governor of the province. Mujadadi was acquitted of all charges after a two-day trial in January 2011 and released after spending four months in prison.

Asadullah Vahidi, the chief editor of daily *Sarnewesh*, was arrested on 9 January in Kabul, following a complaint from Rangin Dadafar Spanta, the President's national security advisor. The arrest was ordered by Afghanistan's Attorney-General who claimed that it had been approved

by the country's Commission for Media Complaints. This body, required to be set up under the country's media law, has a rather ambiguous status today and is far from being fully operational. Information Minister Raheen however denied that the commission had anything to do with the arrest, which came shortly after Vahidi's paper published a news item describing the creation of an armed group by the brother of the national security adviser. Vahidi was freed after 28 hours in detention.

In 2008, two journalists were sentenced to extended prison terms for supposed transgressions against religious sensibilities. Syed Parvez Khambaksh, a young student and journalist from the northern province of Balkh, was sentenced to death in January 2008. His sentence was then commuted to 20 years' imprisonment in October 2008. Similarly, Ahmad Ghous Zelmay, arrested in November 2007 on charges of publishing an unauthorised Dari translation of the Islamic scripture, was sentenced to 20 years' imprisonment in September 2008. Qari Mushtaq, the religious scholar who certified the translation as authentic, also was sentenced to a like term.

Khambaksh was the first to be released and flown to safety in an undisclosed foreign country. The decision to pardon him was made by Karzai at a date yet to be determined. Significantly, it came to light only after the presidential election of August 2009 had been concluded and Khambaksh had left the country. This was an index of the political sensitivities involved.

Khambaksh benefited, though very belatedly and after much personal trauma, from the international attention his case attracted. Such was not the case with Zelmay and Mushtaq. Zelmay may have been additionally disadvantaged by the fact that he was spokesman for the office of the Attorney-General before beginning his freelance writing and publishing venture. In this capacity, he may have become a victim of the tense political confrontation that took place between Karzai and the incumbent Attorney-General in 2007. Coinciding with the Afghan new year (Navroz) on 20 March 2010 though, Zelmay and Mushtaq were ordered released by Karzai in exercise of his presidential right to grant pardon.

### Conclusion

Journalism in Afghanistan has made rapid strides over the last decade, compressing into a short period a learning experience that other countries with much more congenial legal and political environments, took much longer over. There is the threat that the continuing culture of violence in the country could undermine the gains registered so far, as also the problem that media sustainability in a country dependent on donor assistance is always a gamble. The IFJ, in association with all its partners in Afghanistan, believes there is a need for the donor community to remain committed to Afghanistan long term and to pay special assistance to the imperative of developing a free media for the country.

## Major Incidents of Media Rights Violations

### Media Workers Killed

#### 2008:

**7 June:** Abdul Samad Rohani, a journalist working for the Pashtu service of the British Broadcasting Corporation (BBC) disappeared after his vehicle was stopped by armed men in the suburbs of Lashkar Gah in the southern Helmand province. He was found dead the following day.

#### 2009:

**10 March:** Jawed Ahmad Yazmi, a local reporter for anadian TV, was shot dead in Kandahar. Ahmad was released less than six months before by the U.S. forces after an 11-month detention in their Bagram military air base for alleged connections with terrorist groups.

**11 March:** Munir Ahmad Amil, a journalist working for the new division of Emroze TV was killed in a shooting at an army checkpoint in Kabul.

**9 September:** Sultan Munadi a local journalist on assignment with *New York Times* reporter Stephen Farrell, was killed by British commandos who attempted to rescue the two men from abduction by suspected insurgents in Kunduz province in the north.

**30 December:** Michelle Lang, 34, an award-winning reporter for the *Calgary Herald* in Canada, was killed by an improvised explosive device while travelling with Canadian soldiers in an armoured vehicle 4km south of Kandahar. Four soldiers also died in the blast.

#### 2010:

**9 January:** Rupert Hamer, defence correspondent for the *Sunday Mirror* in the UK, was killed when a vehicle he was travelling in with photographer Philip Cobern, 43, accompanying a US Marine patrol, hit a makeshift bomb in Nava. A US Marine and an Afghan soldier were also killed.

**18 June:** Sgt James P. Hunter, 25, a journalist with the US Army, was killed when a patrol was hit by an improvised explosive device in Kandahar. Hunter was the first US Army journalist killed in the Afghan conflict.

**5 September:** Sayed Hamid Noori, 45, a former anchor with Radio Television Afghanistan, was found dead with multiple stab wounds. He had left his home late at night after receiving a phone call. The caller's identity is unknown.

### Physical Harm, Threats and Intimidation 2008:

**7 May:** Fayzi Zadran, a news presenter with the state-controlled Radio Television Afghanistan (RTA), comes under pressure after appearing on a discussion programme in the

privately owned channel Tolo TV. Zadran was sharply critical of the functioning of the state broadcaster and questioned the Government's commitment to free speech. He was shortly afterwards forced to resign.

**15 May:** Niloufar Habibi, a presenter on the local public television station Herat TV was stabbed in her home in Herat. She continued to receive death threats after leaving hospital and was forced to change residence several times.

**12 June:** Jameela Rishteen Qadiry, a reporter for Radio Free Europe-Radio Liberty (RFERL) in the western city of Herat reportedly received death threats via two anonymous phone calls. Qadiry had worked for the radio channel in the southern provinces of Kandahar and Helmand, which the Taliban insurgency has been strong.

**18 June:** The Afghan Independent Journalists' Association receives reports from five journalists about virtually simultaneous death threats. The journalists concerned were Aziz Ahmad Shafi of the BBC, Sebghatullah Zahid of Salaam Watandar community radio, and three reporters for Radio Free Europe-Radio Liberty: Daud Wafa in Jalalabad, Rishteen Qadiry in Herat, and Amir Basheer in Khost.

**18 September:** Rona Shirzai, the owner and chief editor of Radio Quyash based in Faryab province was threatened with the station's closure by the provincial governor. Shirzai was also ordered to reinstate two employees dismissed for professional misconduct and the promotion of political agendas inconsistent with independent and ethical journalism.

**30 November:** Hamid Saljoqi, reporter of the daily *Ittefaq-e-Islam*, was beaten by police personnel in Herat city when he was entering the provincial governor's official residence for coverage of a public event. Despite presenting his press credentials, Saljoqi was attacked both here and later the same day, outside the premises of the Iranian consulate in Herat.

#### 2009:

**18 January:** Khan Wali Salarzai from Pahjwok independent news agency and Radio Television Afghanistan, Abdul Ghani, also from Radio Television Afghanistan and Sayed Abdulullah Nezami from Al-Jazeera TV were threatened by provincial governor Fazalullah Wahidi at a press conference. The governor threatened to destroy their professional equipment.

**24 January:** Galia Rana Nooristani, a reporter with the Pashto language Sada-e-Azadi TV and Radio, was threatened and physically restrained from approaching the site of a bomb explosion in Kabul city. Cameraman Yousuf Mansouri

was physically assaulted by personnel of a private security contractor.

**30 July:** Ariana TV reporter Fawad Ahmadi, Reuters reporter Jalil Ahmad Rezai, Saba TV reporter Sayed Abdullah, Tolo TV reporter Reza Shir Mohammad and Sharaf-u-din Stanekzai from Radio Free Europe/Radio Liberty were attacked by police and their equipment confiscated as they reported on a public demonstration. Stanekzai was also briefly detained.

**25 August:** Radio Free Afghanistan reporter Dawa Khan Meenapal was assaulted by police at the site of a bomb attack in Kandahar, where 40 people were killed and 65 wounded. His wrists were bound and his recording equipment confiscated by police, ostensibly because he had not secured their permission before interviewing witnesses.

**3 October:** Tamadon TV journalist and cameraman Mahmood Fayez was assaulted by police in Kabul while filming for a TV program.

**5 October:** Wakht News Agency (WNA) cameraman Mohammad Naeem was brutally assaulted by Kabul police while documenting the murder of a businessman and two security personnel by unidentified gunmen wearing military uniforms.

**2 December:** Nasir Ahmad Ahmadizada, a reporter with Sepher Television, and his cameraman Safiullah were assaulted by members of the Islamic Revolution Movement party in Kabul while preparing an economics report. Their equipment was damaged and broken and they were warned not to air the report.

**8 December:** Tahir Safi, a reporter with Shamshad TV, and Fahim Zarak, a reporter with Tolo TV, were assaulted by national military forces, after reporting on how the same soldiers opened fire on a peaceful public demonstration.

**16 December:** Nasto Naderi, a journalist with Noorin TV, was badly beaten by members of a government security force, who broke into the studio where he worked, destroyed his computers and equipment, and detained him for several hours.

## 2010

**27 June:** Reporter with Al-Jazeera TV, Taj Gul, was wounded in the crossfire between Afghan soldiers and insurgents in the southern Ghazni province. Gul was treated in hospital.

**29 June:** Veteran South Asia reporter with The New York Times, Wall Street Journal and National Geographic, Jere Van Dyk received 40 or 50 threatening phone calls and emails from people connected with the Taliban. Van Dyk is now in New York but was held captive by the Taliban for 45 days in 2009.

**29 June:** Reporter Michael Parkin and cameraman Blair Martin from ONE News in New Zealand came under fire while filming a bomb-clearing mission near Khost town. No one was injured.

**6 September:** Japanese freelance journalist Kosuke Tsuneoka, 40, was released from kidnappers after being held since April 1. Tsuneoka used Twitter to post his whereabouts to his followers. His kidnappers were from factions in Kunduz and Takhar provinces who posed as Taliban to extort the Japanese government. The group's commander was close to the Afghan government.

**24 October:** Award winning war photographer with the New York Times João Silva was severely wounded after stepping on a mine in southern Afghanistan. He was embedded with the US Army near the town of Arghandab. Silva lost his legs and suffered internal injuries and is recovering in Washington.

## 2011

**18 January:** A masked attacker sprayed founder of Bost-e-Bastan Razaq Mamoon in the face with acid as he was walking home in Kabul. He was hospitalised with serious burn injuries to his face, though his vision was unimpaired. Mamoon had just days before the attack, written a controversial book on Iran's role in destabilising Afghanistan. Mamoon blamed Iran for the attack and said his publisher was threatened by officials of the Iranian Embassy.

**31 January:** Radio Payam in the northern Afghanistan province of Baghlan was attacked by seven unidentified men. Equipment worth USD 30,000 was stolen and some facilities were damaged. The station is located a mere 500m from a police checkpoint.

**11 February:** British freelance photographer Giles Duley suffered serious injuries in a roadside blast while accompanying US troops in southern Afghanistan. He underwent a triple amputation at the UN hospital in Kandahar.

## Abduction and Detention 2008:

**28 July:** Mohammed Nasir Fayaz, host of *Haqeeqat* (The Truth) program on the privately-owned Ariana TV, was detained for two days by members of the Afghan National Security Directorate (ANSD) at the government's behest. He was also allegedly beaten at the time of his arrest.

**12 October:** Translator Shokoor Feroz, and his brother Qaem were held in custody for six weeks after going to the police station to report the kidnapping of Canadian journalist Mellissa Fung. Fung is a correspondent with

the Canadian Broadcasting Corporation (CBC), who was travelling with Shokoor Feroz and his brother, who was serving as their driver. Fung was freed from her abduction 28 days later, while the two brothers remained in custody for six weeks.

**26 November:** Dawa Khan Menapal, of Radio Free Europe/Radio Liberty, and Aziz Popal, who worked for a television station in Kandahar, were kidnapped by the Taliban and released unharmed three days later.

## 2009:

**13 January:** Nazari Paryani, Editor of the daily *Payman*, was detained in Kabul over an allegedly blasphemous article that was published by mistake. Paryani was freed provisionally after eight days in detention but continues to face possible prosecution.

**15 February:** An appeal against the 20-year conviction of former journalist and spokesman for Afghanistan's Attorney-General Ghous Zelmay was rejected by a Kabul Appeals Court. Zelmay was charged in November 2007 for wrongly interpreting religious scripture. He was sentenced in September 2008.

**March 8:** An appeal by Sayed Parvez Kambakhsh against his 20 year jail sentence on blasphemy charges was formally rejected by an appeals court without informing either the defendant or his lawyer. Kambakhsh was originally sentenced to death in January 2008. An appeals court in October 2008 upheld the conviction but commuted his sentence.

**March 23:** The chief editor of the private TV channel Emroze Fahim Kohdamani was arrested following allegations that the content of an Emroze broadcast expressed anti-Islamic sentiments offensive to some Shiite clerics.

**March 23:** Ariana TV reporter Ajmal Alamzai was arrested without explanation by security officials while on the way to Bakhater University in Kabul. He was released later that evening after interrogation by the National Directorate of Security.

**March 28:** Syed Dawood Yaqubi, a well-known satirist who edits the *Aaine-e-Roz* weekly, was taken from his home in Kabul by the ANSD and questioned about an article he had published questioning the Iranian government's commitment to free speech rights.

**2 June:** Noorajan Bahir, a reporter for the independent Killid Media Group, was arrested with his two brothers, and held for two days without charge by US-led coalition forces, who broke and destroyed several of the men's belongings at their home, and confiscated about USD 2000. They were released on 4 June.

**14 June:** Al Jazeera English senior producer Qais Azimy and Al Jazeera Arabic senior producer Hamedullah Shah were detained by Afghan intelligence officers two days after Al Jazeera broadcast a report by Azimy containing controversial footage of a Taliban leader in Kunduz province. Both journalists were released unconditionally on 17 June.

**12 November:** Paal Refsdal, a 46-year-old veteran Norwegian war correspondent, and his Afghan translator were released after almost a week in captivity in eastern Afghanistan. The two men were abducted in a Taliban-controlled area near the Pakistan border on November 6, while filming a documentary for a Norwegian film company. The captors demanded the release of 12 Taliban prisoners and the withdrawal of Norwegian troops from Afghanistan. The Norwegian Foreign Ministry reportedly negotiated their release by other means.

**31 December:** Two French journalists working for the French Channel 3 were kidnapped along with three local journalists working with them, reportedly by militants in the Tagab district of Kapisa province. A Taliban spokesman claimed no responsibility, and no demands have been made. On 2 January 2010 a senior executive with France Television travelled to Afghanistan to investigate, and reported that the men were in good health. As of the date of publication, the men are yet to be released and no new information regarding their status has emerged.

## 2010

**24 February:** Shafiqullah Shadab editor of *Kunnar* Magazine and an Afghan Independent Journalists' Association (AIJA) official, was arrested by Pakistan officials in Pakistan's Khyber-Pakhtunkhwa province for unexplained reasons, and transferred to an unknown location. The AIJA called on Pakistan to ensure his unconditional release, and to provide a full explanation.

**8 April:** A video was released of TV France 3 journalists Hervé Ghesquière and Stéphane Taponier. They said they would be executed along with their translator Mohammed Reza and pleaded for the French government's help. On September 24, French forces spoke to the two journalists on the telephone. The journalists were abducted on December 29, 2009 and remain captive.

**18 September:** Station manager of Radio-Television Afghanistan Hojatullah Mujadadi was arrested by Afghanistan National Security Directorate agents in the Kapisa valley while covering the Wolesi Jirga election.

**20 September:** Al-Jazeera correspondent Rahmatullah Naikzad was attacked by foreign troops in Ghazni, southern Afghanistan and arrested. Naikzad's family said the foreign troops ransacked their house and robbed them. The International Security Assistance Force (ISAF) accused

Naikzad of being a Taliban propaganda expert. Naikzad was released on September 24.

**22 September:** Mohammad Nadir, a cameraman and correspondent for Al-Jazeera in Kandahar was arrested by ISAF. The force trashed his home and stole jewellery. He was accused of filming attacks by armed opponents of the government on parliamentary election day. Nadir was released on September 24.

**6 October:** Three family members of Abdul Majid Arif, a journalist with Al-Jazeera, were released by NATO soldiers. Arif's three brothers and nephew were arrested after soldiers raided the family's home in the Khost province. Arif's brother and the village imam remained in custody.

**11 December:** Ghaith Abdul-Ahad, a correspondent for the UK *Guardian*, was kidnapped with his Afghan assistant and cameraman in the Pech Valley in Kunar Province near the Pakistan border. The newspaper immediately enacted its

emergency procedures and the men were released on 15 December. It is not known if the kidnappers were linked to any particular group though the region is a recognised Taliban stronghold.

## 2011

**10 January:** Chief editor of Sarnawisht Daily Asadullah Wahidi was released after being held for 30 hours in the Attorney General's detention cell in Kabul. Wahidi believed he was arrested because of an article he published about a former member of the Wolesi Jirga, the Afghan lower house of Parliament.

**20 February:** Reporters Syed Abdullah Nezami of the Al Jazeera Arabic news channel and Sadullah Sahil and Zabihullah of the Afghan TV News Service, were detained by US-led NATO forces in Kunar province. NATO claimed they were not carrying media credentials. The reporters were investigating a recent NATO air strike that allegedly killed 50 civilians. All three reporters had their identity cards at the time. They were released on February 22.





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