



**"We have free speech, but we're not safe  
and we don't act responsibly"**

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# Afghanistan

**What gains for press freedom from Hamid Karzai's seven years as president?**

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## What gains for press freedom from Hamid Karzai's seven years as president?

The reign of the Taliban from 1996 to 2001 was a dark period in Afghanistan's history. All freedom, except the freedom to pray, was suppressed for five years. The Afghan government and the international community nowadays refer to press freedom as one of the gains of the post-Taliban era. The emergence of hundreds of news media, including privately-owned radio and TV stations, has indeed transformed the way Afghans get their news.

But, seven years after the fall of the Taliban, journalists still do not enjoy the safety they need to do their job properly. The press also faces new dangers – including threats from drug gangs, the threat of kidnapping and politicisation of the charge of blasphemy – which President Hamid Karzai's government has failed to rein in. If indeed it wants to.

A Reporters Without Borders delegation made a fact-finding visit to Afghanistan in January, meeting the justice minister, the culture and information minister, the head of the president's press office, a member of the Council of Ulemas, civil society representatives, foreign correspondents, members of the International Security Assistance Force (ISAF) and diplomats, as well as many local journalists and representatives of media and journalists' organisations from Kabul, Kandahar, Mazar-i-Sharif and Herat.

The political, economic and security crisis in Afghanistan has a major impact on the work of the media. All Afghans, including journalists, are in danger. The authorities are unable to provide even the most basic protection for journalists. Reporters Without Borders registered 24 physical attacks, 35 cases of death threats, 14 arrests and seven kidnappings involving journalists from June 2007 to January 2009. Dozens of other journalists, above all women and provincial reporters, were forced to stop working because of threats and harassment.

The NAI, an Afghan NGO, documented 50 press freedom violations in 2008, 28 of them by the authorities and six by the Taliban. The head of NAI, Mir Abdul Wahed Hashimi, said: "Most of the attacks against journalists took place in Kabul because there are fewer and fewer independent journalists in the south."

### Is freedom a government priority?

Reporters Without Borders urges President Karzai and the international community to make press freedom one of their priorities.

Afghanistan has around 300 newspapers (including 14 dailies), at least 15 TV stations, hundreds of privately-owned radio stations and seven news agencies. The current number of media and journalists is unprecedented. Media diversity is an inescapable reality that is due to the policies of President Karzai and the international community. But at the same time, violence against the press has been increasing steadily, and the evidence of the government's commitment to combat this is much more tenuous.

Referring to the violence against journalists, Farida Nekzad of the independent news agency *Pajhwok* said: "Our first concern is the hostility of the armed opposition, above all certain Taliban groups. Then religion and tradition threaten the right of women to be journalists. The warlords, for their part, represent a threat to all journalists who in one way or another oppose their power. Finally, there are the international forces, which obstruct access to the field or access to information, especially information about all the civilian casualties."

Most of the Afghan journalists who were interviewed hailed the progress made since 2001. "Much has clearly been achieved," said *Bakhtar TV* deputy chief Dr. Ayubi. "Freedom of expression is an everyday reality, but we have to face recurring problems – the lack of protection for journalists in the provinces, the difficulty of getting access to information, especially from the government, and the bad faith demonstrated by the authorities as regards ensuring respect for the constitution and laws that nonetheless protect us."

How can the government and international community hope to combat the corruption poisoning the entire state if there is no free press capable of exposing all the faults and failings of misgovernance? How can you combat drug trafficking if investigative reporting is impossible in the south, which is largely under Taliban control? How can you combat Taliban

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obscurantism if the government is incapable of defending free speech? How do you promote economic development if entire regions are denied information about the new opportunities available? And, finally, how do you discover and denounce abuses by the Taliban and the warlords if journalists are no longer safe in much of the country?

Press freedom is a need, not a luxury, for Afghans, especially the young people who represent the majority of the population and who greeted the emergence of privately-owned media with enthusiasm. The Afghan media are essential for them to be able to decide who should govern the country when elections are held soon.

Most of the people interviewed believe there has never been any increase in the freedom to express one's views on religion, and some of them lamented this. "Intellectuals such as Mohahqeq Nasab tried to start a debate but they were immediately blocked by the conservatives and the judicial system," said Shahir Ahmad Zahine, one of the founders of the *Killid* group. Others urged patience. "Our society will evolve only very slowly in this respect," said Fahim Dashty of *Kabul Weekly*. "Journalists should not try to impose a debate."

Council of Ulemas spokesman Fazel Ahamad Manawi was adamant: "The Council of Ulemas of Afghanistan respects free expression and regards it as an important gain. But free expression does not mean the right to insult what is holy, to insult the people's religious feelings. The Council of Ulemas has a duty to take a position whenever the Sharia and Islam are attacked."

Reporters Without Borders thinks the government should, as a matter of urgency, promulgate the new press law currently under consideration, combat impunity for those who murder journalists and do what is necessary to stop the threats and attacks on the press. Presidential spokesman Humayun Hamidzada told Reporters Without Borders that "press freedom is one of the government's priorities" but he added that "freedom of expression is abused by too many, above all to defame others without proof."

If the government neglects the defence of free speech, it will lose the confidence of Afghan journalists and the support of international public opinion, thereby complicating matters for those governments, including those of the European Union, that are supporting Afghanistan financially, militarily and politically.

"The Afghan press will be exposed to every kind of danger in 2009," a representative of the United Nations Assistance Mission in Afghanistan (UNAMA) said. "The security situation and pre- and post-electoral tension will require the utmost vigilance on our part." Barry Salam, the head of the *Good Morning Afghanistan* radio network said: "To make sure it is reelected, the government is going to be forced to obstruct the flow of information, because the situation in the country is deplorable. We could be in for even more bad surprises as international support for the media is not as strong as before. We are free but we're not safe and we don't act responsibly."

### Taliban, predators of press freedom



Ajmal Naqshbandi

The main responsibility for this climate of insecurity lies with the armed opposition, especially the Taliban groups. Fear has taken hold of the media as a result of Taliban threats

and harassment by telephone, their accusations of spying and their kidnappings of journalists. The murder of journalist Ajmal Naqshbandi by Taliban linked to Mullah Dadullah and the absolute censorship that prevailed during Mullah Omar's Islamic emirate offer little hope that Afghanistan's jihadists have come to accept free speech. They continue to be dangerous predators of press freedom.

The Taliban have sometimes invited Afghan and foreign journalists to cover their activities and have sent reassuring messages to the media, but they do not agree to journalists moving about freely in their "territory" or interviewing witnesses of their abuses. A recent International Crisis Group report quoted a journalist as saying a Taliban killed two state school students after they talked to him.

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Reporters Without Borders has no illusions about the Taliban concept of press freedom. In a 2000 report, it described Afghanistan as a country “without news or pictures,” a country in which journalism had been reduced to miserable shadow of what it should be.



Daniel Mastrogiacommo et son équipe enlevés par les taliban

The Taliban website in three languages is very active and updated. Its news call for jihad. It is inspired by what is being done in Pakistan's Tribal Areas where the jihadi groups use FM radio stations to impose terror, often announcing their next targets. Reporters Without Borders regards these radio stations and certain pro-Taliban websites as “hate media” promoting violence.

The terrorist techniques copied from Al Qaeda and Pakistani jihadi groups pose a danger to journalists, inasmuch as they often have to be close to officials at public events. A cameraman was killed in a 2007 bombing in southern Afghanistan that was blamed on the Taliban. And Carsten Thomassen, a Norwegian journalist employed by the daily *Dagbladet*, was fatally injured in a suicide bombing at Kabul's Serena Hotel on 14 January 2008. The bombing, which was claimed by the Taliban, killed eight people. One of the Taliban was arrested and sentenced to death. On the other side of the border, in Pakistan, at least six journalists have been killed in similar jihadi attacks. The latest was Musa Khankhel, who was found shot and with his throat cut in the Swat Valley.

By means of threats and an elaborate communications policy, the Taliban nonetheless manage to get their message across. It would of course be unacceptable to ban the media

from quoting or meeting with members of the armed opposition, as the Afghan government tried to do for a while. But it is important to establish rules of conduct to avoid just relaying the propaganda being put out by the declared enemies of press freedom. “The Taliban need the media to get their messages out and to raise funds, especially abroad, and because they derive satisfaction from it, and in that sense they have a better public relations policy than the government,” said the *New York Times* Kabul correspondent, Carlotta Gall.

### Threats, kidnappings and murders – a sharp decline in safety

Two journalists were killed in 2008 and 50 were injured or attacked. The threats against Afghan journalists and visiting foreign journalists are becoming more and more diverse. As well as the Taliban, who have never ceased to threaten to kill journalists who do not comply with their demands, there are now criminals and mafia groups. The increase in both Taliban and criminal violence has made life more dangerous for all Afghans. Some 2,000 Afghan civilians were killed in 2008, including about 1,000 by the Taliban and 400 by Afghan and international armed forces.

At least six foreign journalists have been kidnapped in Afghanistan since the start of 2008 and, as a result, embassies are recommending more precautions. “Afghanistan should not be regarded as place for young journalists to come and make a name for themselves,” said French ambassador Jean d'Amécourt. “It should be a country that is reserved for experienced reporters. It is now obligatory for journalists to adhere to safety guidelines. That includes staying in frequent contact with one's news organisation.”

Foreign correspondents, whose number has risen as the war has intensified, are adhering to stricter safety rules. “We evaluate the need for every trip and the security of our office has been reinforced,” the *Agence France-Presse* Kabul bureau chief said. “I had no problem working in Kabul when I arrived in January 2007 but by the time I left at the end of 2008, we were rarely leaving the bureau,” said

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Constance de Bonaventure, *Radio France Internationale's* former Kabul correspondent.

The ever-present threat of violence has a direct impact on the quality of reporting and the ability to cover regions known to be dangerous. Ekram Shinwari of *Voice of America* (VOA) linked the growing threat from "hard-to-identify criminal gangs" to the ransoms paid by some foreign governments for kidnapping victims. "These gangsters know that journalists, especially foreign ones, are easy and profitable prey."

The most common way journalists are threatened is in the form of SMS messages or calls to their mobile phones. Reporters working for the most influential media made get several messages of this kind every day from the Taliban, politicians, government officials or anonymous callers. Shinwari said: "I get this kind of call every day and it sometimes happens that I cannot take them. When I call back, they threaten me and what's more, it's me that's paying for the call."

A Kabul radio manager, who asked not to be identified, like many of the people interviewed by Reporters Without Borders, said: "At first we tried to do investigative reporting about drugs and kidnappings but it became too dangerous. The criminals are too powerful. Look what happened to Rohani, the BBC's correspondent in Helmand, while he was covering drug trafficking. They killed him. There is more and more self-censorship about the connections of the traffickers and kidnappers and those who get rich thanks to their political contacts. Who is going to have the courage to ask questions about people who can eliminate you so easily?"

The head of a national radio station said: "Nowadays, when I get information about a drug baron, I pass it on to a foreign journalist because it is not safe for me to report it on my news programme. I can obviously do reports on drug abusers in Kabul or write editorials deploring the involvement of senior officials, but without naming names, that is too dangerous."



### Newspaper hounded into closing down

*Payman* was a well-established daily newspaper. But everything changed within the space of a few weeks and its management was forced to shut it down on 10 February 2009. The newspaper was the target of hostile campaign – not only by conservatives but also the government – after it published an article containing gratuitous comments about religions by mistake. Despite issuing a public apology, *Payman* was searched, journalists were arrested and its editors received death threats, while the authorities made no attempt to protect them.

A *Payman* journalist who was arrested, said: "I was followed by armed men after being released (...) I was forced to change residence every night. I fear for my life after the senate's hostile statements about us. I don't want to leave my country with this blasphemy accusation against me. Even while I was in prison, people threatened my brother and told him they could have me killed in prison."

The Council of Ulemas intervened directly to have the newspaper prosecuted. The day after the article was published, the council's president, Mullah Shinwari, issued a statement condemning it as an "act of Islamophobia".

Much of the blame for *Payman's* disappearance lies with the authorities. The prosecutor continued to press the case against the newspaper after it had apologised. A warrant was even issued for the arrest of its managing editor, Syed Ahmad Hashemi, although he had been out of the country when the article was published.

The prosecution may have been motivated by the desire to silence a newspaper that had been critical of the government, especially on the subject of corruption. Mahsa Taei (picture), one of the newspaper's executives said: "The newspaper was taken hostage by politics, and the government was behind this."

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It is often hard to establish where the threats are coming from. Who, for example, tried to target senior writer and journalist Rahnaward Zaryab in Kabul's Makrooyan district on 29 March 2008? An armed man was chased away by Zaryab's neighbours as he approached Zaryab's home. Who were the people who tried to kidnap Wakil Ahmad Ehsass of VOA *Ashna TV* outside his Kabul apartment? They left with his car but Ehsass continues to receive threats.

Ismail Saadat of the *BBC World Service* said organised crime has its representatives within the various branches of the state. "The underworld that lives off drugs and kidnapping has an interest in remaining an invisible threat," he said. "It can impose fear on the Afghan and foreign media without exposing itself." The editor of a Kabul-based weekly said: "We all get information about officials involved in drug trafficking through our networks but no one dares to produce the evidence. Even certain former ministers who have files on underworld barons do not want to give them to the press."



Zakia Zaki

President Karzai has been questioned publicly about cases of murdered journalists. At a meeting with an Afghan journalists' organisation in August 2008, for example, Karzai was questioned by the husband of murdered journalist Zakia Zaki, but he did not respond. The president had nonetheless telephoned him twice in the weeks following her murder to assure him of his support. "But since then, nothing," the husband told Reporters Without Borders. "I fear that those who don't want the investigation to prosper have succeeded in making him change his mind."

The interior minister was unable to provide any information to Reporters Without Borders on the current state of the investigations into the murders of Zakia Zaki and another Afghan journalist, Samad Rohani, or the murders of German journalists Karen Fischer and Christian Struwe. When asked by Reporters Without Borders, justice minister Sarvar Danish promised to take charge of the cases in order to resolve this "real problem."

## Arrests of journalists

The growing number of arrests of journalists by the police, by the Afghan intelligence agency known as the National Directorate of Security (NDS) or by the Taliban reinforces their fears. Mirhidar Motahar, the editor of the newspaper *Arman Meli*, for example, was arrested and held for about 10 hours by the Kabul police after publishing a scathing article entitled "Karzai's coup" that denounced the "Pashtun takeover of the government."



Naseer Fayyaz

Naseer Fayyaz, a presenter on privately-owned *Ariana TV*, was held by NDS agents for two days in July 2008 after being arrested at the government's behest for "insulting two ministers and the President of the Islamic Republic." His news programme "Haqeeqat" (Truth) was known for the quality and independence of its investigative reporting but, according to several Afghan journalists, he went too far by attacking certain ministers in person. When he called the trade and energy ministers "thieves" on the air, police rushed to the *Ariana TV* studios and cut short the programme. Fayyaz lost his job after his arrest.

When asked about these cases, officials replied that the law forbids the press to make personal attacks without evidence. While journalists are clearly not above the law, it is regrettable that the immediate reaction of the Afghan authorities was to order their arrest. The minutes of a cabinet meeting held after Fayyaz's arrest continued the following warning: "Certain broadcast and print media accuse and insult national figures such as ministers. The accusations were far from the truth (...) The cabinet envisages that individuals like [Fayyaz] and all those in the media who make baseless allegations will be prosecuted at the request of the minister of information and culture."



Jawed Ahmad

The US military held Jawed Ahmad, an Afghan journalist employed by broadcaster *CTV*, for 11 months for having Taliban contacts. He

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was finally freed on 22 September 2008 without being charged. Known as Jojo Yazemi by his colleagues in Kandahar, he told Reporters Without Borders: "How can you work as a reporter in southern Afghanistan without contacting the Taliban? It is normal and it is my right (...) After initially torturing me, they tried to destabilise me by saying, for example, that it was my TV station, CTV, which had reported me to them." He was shot dead in Kandahar in March.

The police sometimes use force against journalists. *Tolo TV* cameraman Yar Mohammad Tokhi, for example, was hit by a police officer while covering a demonstration outside a police station near the capital on 5 December 2008. The same month, Jawaid Rostapoor, a reporter with the weekly *Jabha-e-milli*, was hit by the policeman who inspected the contents of his bag. He told the non-governmental organisation NAI that the policeman threatened him and said: "You journalists, you don't let us do our work. I detest your name and your profession."

### **REGARDING THE SAFETY OF JOURNALISTS, REPORTERS WITHOUT BORDERS RECOMMENDS:**

1. That the Afghan news media increase protective measures for journalists, especially in the provinces.
2. That the interior ministry create a "Task Force" to relaunch the investigations into the cases of journalists who have been murdered or who have the victims of serious physical attacks.
3. That the interior ministry investigate all cases of physical attacks or threats against journalists and do what its necessary to punish those responsible.
4. That the justice ministry ensure that investigations keep going and that, when completed, the cases are transferred to prosecutors for trial.
5. That the international community fund programmes designed to improve the safety of journalists.

### **News "black holes" in the south**

The south and east of the country are extremely unstable and are slipping out of the

government's control. As a result, they are being visited by fewer and fewer journalists and have become news "black holes". "This is a tragedy," said *Radio Azadi's* Kabul bureau chief Amin Madaqqiq. "We can no longer say for certain what his happening in regions under Taliban influence. We have lost 50 per cent of our freedom because of the war. We used to be able to travel all over the country. Now we have to restrict ourselves to the towns."

An international news agency's Afghan correspondent said: "We no longer go out in unmarked cars in the regions where we know there is a Taliban presence. Our stringers go into the field but they impose restrictions on themselves."

AFP Kabul bureau chief Bronwen Roberts agreed that entire regions of the country are largely escaping press coverage. "What with being under orders not to take risks, the increase in kidnappings and the costs involved, we can no longer go to the regions where the Taliban have imposed their law," Roberts said.

A radio journalist voiced concern about his correspondents in the south and east. "Our correspondents in Khost and Kandahar have both had death threats in the past few months," he said. "We could obviously have them brought to Kabul, but that would mean losing their reporting. Organised crime and the Taliban are in the process of emptying certain regions."

A *BBC World Service* representative said: "Our reporters in the provinces often find themselves in a very uncomfortable position when we fail to broadcast information about the Taliban. The Taliban call them to complain and threaten them. But the information is often incorrect or we have not managed to get the government's version. Our correspondent told us he did not know who threatened him. But he had to think of his safety."

A Kandahar journalist gave Reporters Without Borders this telling explanation of the situation there: "Up until a few months ago, when I did not report a piece of information given to me by the Taliban, they used to

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call me back and accuse me of being a spy or a bad Muslim. But now they sentence you to death at once and treat you as an infidel. And on top of that, there are the threats from the drug barons. I was forced to leave Kandahar because I no longer had any way to guarantee my safety.”

About 100 journalists are still operating in Kandahar province but their ability to work is limited. “Working in the Taliban areas of influence are too risky,” said an international radio station’s correspondent in Kandahar. “When the insurgents let you leave the area, the Afghan security services arrest you and want to know what you were doing there.” A radio reporter said: “A Taliban commander called me on my mobile and threatened me. I contacted their spokesman to complain. But it made no difference because I learned in September from various sources that they wanted to kill me. Other international radio station correspondents have fled Kandahar for fear of falling victim to the wave of targeted killings.”

Journalists are forced to go to great lengths to protect themselves. “I sometimes change vehicles five times when I go from home to work,” a Kandahar-based journalist said. “And most of the correspondents of influential news media do not give their name and do not let their voice be used in the reports that are broadcast. The *BBC World Service*’s correspondents in Kandahar and Helmand and one of Pajhwok’s correspondents have stopped working. It was too dangerous.”

It is even harder for photographers and cameramen because the Afghan and foreign military deny them access to the scenes of incidents in the city and countryside. The cameras of the *AP* and *Reuters* correspondents in Kandahar were confiscated for two days in mid-2008 by foreign soldiers after they filmed at the scene of an attack on a convoy near the city.

The Afghan representative of a company that develops radio stations voiced alarm about the situation in some areas. “We are going to set up a radio station in a district of Nuristan province,” he said. “It has 50,000 inhabitants but only one person agreed to work for this

new radio station. And the entire staff of *Radio Zalma* was obliged to live in the district capital because of the constant threats.”

Mir Abdul Wahed Hashimi of NAI, the Afghan NGO, explained the Taliban strategy: “You see more and more self-censorship in the local news media about what life is like in the regions under their influence. That is imposed by fear.” As a result, the number of media is very limited in some provinces. There is no independent radio station in the southern province of Zabul. And the manager of *Radio Samkani* (which is named after the district where it operates) was briefly arrested by NDS agents who apparently thought he was becoming too independent.

Carlotta Gall of the *New York Times*, who has worked in Afghanistan for several years, nonetheless pointed out: “In districts held by the Taliban, it is still possible to find out what is going on from those who travel to the towns. But is too dangerous to go and confirm ourselves.”

In the areas where they are most active, the Taliban arrest journalists with increasing frequency and do not release them until they have checked their identity and profession. Dawa Khan Menapal of *Radio Azadi* and Aziz Popal of the local television station *Hewad TV*, for example, were released after being held by the Taliban in Ghazni province for three days in November 2008. The Taliban High Council took the decision to free them after establishing they really were journalists. “I still tremble when I tell this story,” said Popal to the Toronto-based *Globe and Mail* daily newspaper. “They did not beat us but I still have not recovered mentally.” He added: “The local commanders told me during our captivity that their chiefs wanted to make us understand that we had to remain independent (...) I also discovered that they were devoted *Radio Azadi* listeners.”

An *Al-Jazeera* correspondent was held for 30 hours by jihadis in Kunar province at the start of January 2009. The rebels released him after managing to verify that he was a journalist.

Some Taliban commanders such as Mullah Dadullah, who was killed on 2007, or the

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Haqqani brothers have uttered very serious threats against the press. And former Taliban information minister Quadratullah Jamal said in 2006: "Some media treat the Taliban badly. For example, they do not carry our press releases but they put out everything the enemy says without trying to get the Taliban viewpoint. We ask the media to handle and disseminate our statements in an impartial and independent manner." So-called "night letters" (shabnamah) are used in some regions by both the Taliban and criminal gangs to warn and scare residents. A Khost-based journalist showed Reporters Without Borders one of these letters, which had been affixed during the night to the door of his family's home. A Taliban leader warned in the letter that he was suspected of being a spy.



Abdul Samad Rohani

The murder of Abdul Samad Rohani, a correspondent for the *BBC World Service* and the *Pajhwok* news agency, on 8 June 2008 in Lashkar Gah, in the southern province of Helmand, terrified the region's journalists. He was tortured and then shot several times. The interior ministry quickly blamed his murder on the Taliban but information obtained by Reporters Without Borders indicates that drug traffickers or possibly corrupt officials were involved. The head of *Pajhwok* said: "Journalists resumed working in Helmand but this murder set a dangerous precedent. There is an urgent need to know the truth, to know who killed Abdul Samad Rohani."

The armed opposition has stepped up its pressure on the media in recent months. Reporters Without Borders estimates that at least 10 journalists have stopped working or have fled from the south for fear of reprisals. "The Taliban have adopted a very elaborate strategy towards the media," said the head of an independent radio station with a presence in the south. "They want to be treated on a par with the authorities, but we cannot meet with them. We quote them but they are not satisfied. So they threaten our journalists." The editor-in-chief of a radio network said: "They don't believe in press freedom, but they have understood that, without the media, they

cannot gain influence. As they do not have any influential media, they use us."

The head of *Radio Azadi* said he has to deal with more and more situations in which his correspondents are in danger. "Two of our journalists were kidnapped in 2008," he said. "It was pressure from their own clans, not pressure from Kabul, that got them released. In one instance, representatives of the hostage's tribe went to plead his case before the Taliban Shora in Quetta. Since then, in the south and east, we have been hiring correspondents from powerful tribes."

The news "black holes" also extend into Pakistan's border regions. The Taliban have terrorised journalists in the Tribal Areas, especially Waziristan and Bajaur. At the same time, the Pakistani military does not hesitate to kidnap, attack or arrests journalists who know too much about relations between the Taliban and elements of the Pakistani security forces or the US military involvement in the war against jihadis on Pakistani territory. Journalists have, for example, been warned by the Pakistani intelligence services not to investigate in Pishin district, near Quetta, where dozens of young jihad candidates in Afghanistan have come from.

### **REGARDING THE MOST DANGEROUS PROVINCES, REPORTERS WITHOUT BORDERS RECOMMENDS:**

1. That the Taliban leaders put a stop to the kidnappings, threats and attacks against journalists.
2. That the authorities pay more attention to the fate of journalists in the provinces, especially in the south and east.
3. That the international forces allow the press easier access to the areas that are being contested with the Taliban.
4. That Afghan and international journalists' organisations seek ways to protect threatened journalists that are an alternative to self-exile, such as creating "safe houses" in the north of the country or in South Asia.

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### Dozens of women journalists silenced

The impunity in many cases involving Afghan women journalists is unacceptable. The inability of the police and judicial authorities to catch those who murdered *Peace Radio* director Zakia Zaki, for example, encourages more violence against women journalists. Dozens of Afghan women journalists have been attacked, threatened or silenced since Zaki's murder on 6 June 2007.

Instead of pressing for progress in the investigation, the interior ministry summoned Zaki's husband, Abdul Alah Ranjbar, in September 2008 and tried to intimidate him. "They treated me as if I was a suspect, suggesting that it was international organisations that suspected me," Ranjbar told Reporters Without Borders. "In fact, the investigation has gone nowhere. If the police were working on it properly, they would find leads, either nationally or locally. But Zakia's enemies are still to be found at the highest level of the state."

"In the months after her murder, the police made some arrests but all the suspects were released after 50 days because the court realised there was no evidence against them," Ranjbar continued. "They were innocent. The

police had carried out the arrests to settle scores with these people or to give the impression they were working. Our complaint led nowhere because the prosecutor is demanding material evidence which the police have never found." Regarding *Peace Radio*, which continues to broadcast, Ranjbar said: "Warlords wanted to silence the station because we have a lot of influence in several regions including Parvan, Kapisa and Panjshir. We are a problem for them."

Sima Samar, the head of the Afghan Independent Human Rights Commission said: "Women journalists are more affected because, in Afghanistan, people continue to believe that women are a problem. It is the mentality. So women are targeted more." Sadaf Arshad of the South Asia Free Media Association said in his report on Afghanistan that the Taliban, warlords and religious extremists have used religion and its prohibitions to frighten women journalists and force them to stop working.

Hasamuddin Shams, a Herat-based journalist, blamed officialdom's tendency to violence. "They do not know how to establish normal relations with the press, and all the more so when it is a woman journalist. If they request information, the women get worse treatment.

#### "I am reliving what I experienced during the Taliban era"

Nazifa Ehsass, a journalist who used to present Pashto-language reports on VOA TV and used to work for the women's magazine *Rooz*, has not left her home for the past four months. "I am a prisoner in my own home, as I was during the Taliban era," she told Reporters Without Borders. "I love my work as a journalist but I have no desire to die. I have had to write off my years of study and my career." In



September 2008, she got a call on her mobile phone. A man's voice said: "You have removed your chador and you work for the Jews." When she asked who was calling, the man replied: "You know who we are!" That night she got another threatening call. The next day, the same man told her: "I am a taleb. You know who we are. You cannot escape."

Ehsass called the police emergency service, 119. A few days later, she got a letter informing her that the calls had come from a number belonging to a fugitive Taliban commander, Mullah Aktar Mohamad. "The Taliban are clearly more interested in threatening women journalists than men," said Ehsass, who regrets that no other Pashtun woman has presented the news on VOA since her departure. She can still work for VOA from home. Pointing out that her husband, also a journalist, narrowly avoided a kidnapping attempt, Ehsass told Reporters Without Borders she could not imagine how her safety could be guaranteed.

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Women don't want to be journalists any more. They leave the profession or limit themselves to administrative tasks. A few years ago, 70 per cent of the journalism students in Herat were women. Now they represent only 30 per cent."

The information ministry stepped in to help Niloufar Habibi, a young presenter on *Herat TV*, a public television station, who was threatened and stabbed. She is now a refugee in France. But most physical attacks elicit no reaction from the authorities. Anonymous callers threatened three women journalists in Mazar-i-Sharif at the beginning of 2008. One of the callers said: "Why do you work for the Americans? Take care, you are going to be killed." Another said: "If you continue to show yourself on TV, your sister, your mother and other members of your family could be kidnapped." Despite their repeated requests, they never obtained police protection.

A women journalist working for the *Pajhwok* news agency said: "It is harder for a woman to get access to officials. Some officials refuse to give interviews to women. And there are few good reports on violence against women in the press. Men do not know how to talk about such matters." State TV presenter Azim Noorbakhch agreed that women journalists enjoy limited freedom. "Many of them use pseudonyms for their bylines," he said. "And in many parts of the country, women have made no inroads into the press at all."

The harassment of women who appear on TV has never let up. "The Council of Ulemas should come out clearly in support of women's right to express themselves on the radio and TV," a radio station manager said. In the Herat region, the pressure on women comes from neighbouring Iran as well. "They fear the influence of Afghan TV stations on which women are not forced to wear the hijab," a Herat-based journalist said. "The Iranian consulate went so far as to make threats. It also finances at least three magazines that promote its vision of women's issues."

Sima Samar called for a concerted effort to combat impunity. "The judicial system's lack of responsibility perpetuates the culture of

impunity," she said. "This raises the problem of the lack of confidence in the government. It concerns the crimes of the past, crimes of violence against journalists and above all sexual violence."

### **REGARDING VIOLENCE AGAINST WOMEN JOURNALISTS, REPORTERS WITHOUT BORDERS RECOMMENDS:**

1. That the interior ministry take the necessary measures to protect women journalists who are threatened.
2. That the information ministry launch a campaign to make national and provincial officials aware of the problems that women journalists suffer.
3. That the religious authorities defend the right of women journalists to do the same work as men, including on television.

### **Free expression but not on religious issues**

Afghan journalists are free to express their views as long as they do not criticise the country's only really taboo subject – Islam. Afghanistan became an Islamic Republic in 2002 at the insistence of the mujahideen. There is a constitution but Islamic law, the Sharia, can be applied. Under articles 130 and 131 of the constitution, any crime that is not defined by a law or by the criminal code must be punished according to the Sharia.

An international press freedom seminar in 2002 recommended that journalists be protected by law from a strict application of the Sharia. But nothing was done. Instead, the pressure has increased on journalists and all others who express their views freely on taboo subjects and Islam. Reporters Without Borders believes that political use of the charge of blasphemy is endangering entire areas of press freedom in Afghanistan.

"All journalists censor themselves on the subject of religion because the protection of Islam continues to be a priority at all levels of the state, and if you refer to these issues, you are subject to pressure from all sides," said the head of a local NGO that helps the media.

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Afghanistan is an Islamic country – both Shiite and Sunni – where most of the population sets great store by respect for religion. But intellectuals, journalists, bloggers and ordinary citizens have tried in recent years to open up areas of debate on this subject. And they have paid the price. Around ten of them have been arrested, prosecuted, jailed and – in several cases – forced to leave the country. And these critics are not as isolated in Afghan society as the authorities claim. Hundreds of writers and journalists demonstrated in 15 of the country's provinces in 2008 for the release of Perwiz Kambakhsh, a young journalism student.

Arrested on 27 October 2007 in the northern city of Mazar-i-Sharif for downloading an article about the role of women in Islam from the Internet, Kambakhsh is now serving a 20-year jail sentence in Kabul. The appeal court judge who issued this sentence, Abdul Salam Quazizadeh, is a mullah. Quazizadeh is convinced that Kambakhsh wrote the article although it is a matter of public knowledge that it was written by an Iranian exile. "Any attack on the Koran must be punished but, because Perwiz said he was a good Muslim, the death penalty was not necessary," the judge told a *Radio France Internationale* journalist.



Perwiz Kambakhsh

The Reporters Without Borders delegation visited Kambakhsh at the Kabul provisional detention centre but was not allowed to talk to him in private. He continues to insist on his innocence. "From the outset I have said I was innocent," he told the delegation. "Under the law and the constitution, I have committed no crime. Neither of the two courts proved my guilt. I was convicted solely because of pressure from certain people, not because of the law (...) My brother can easily visit me in Kabul and the conditions are better here than in Pul-e-Charkhi prison, where I was held



Perwiz Kambakhsh

before. I had a hard time there. Here, there are eight of us to a cell. We have a TV in the room and the prison staff is fairly attentive."

Kambakhsh is moved by all the international support he has received. He said he asks all those who called for him to be punished "to examine the evidence properly and to seek the truth." Officials questioned by Reporters Without Borders insisted that this was not a press freedom case. Nonetheless, both the original proceedings in Mazar-i-Sharif and the appeal hearings were marked by serious irregularities. Firstly, Kambakhsh was tortured by police officers with the aim of making him confess, as a forensic doctor's report confirmed. "They took me to the Mazar-i-Sharif court in the late afternoon of 22 January 2008," he said. "It was not a court. It was more like a martial court. I asked the prosecutor to be allowed to defend myself but he refused. In fact, they took me there just to announce to me that I had been sentenced to death."

During the appeal hearings from April to October 2008, no prosecution witness said he had received a copy of the offending article from Kambakhsh. One of his university friends in Mazar-i-Sharif, called Ahmed, said during the original trial that Kambakhsh gave him the article. But he retracted during the appeal hearings, explaining that he had been pressured.

The sentence was recently confirmed by the supreme court without hearing Kambakhsh's lawyer. He said there are several "technical" grounds for ordering his client's release including the fact that the appeal was not heard within three months of the original trial as required by the law. A relative of Kambakhsh said interference by politicians and clerics had turned the case into a legal sham. Also, the Council of Ulemas in Mazar-i-Sharif, which started everything by issuing a fatwa against Kambakhsh, never explained its decision, as is customary.

Several foreign governments have taken up

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### Abusing article 130 of the constitution

Afghanistan is an Islamic Republic. The constitution prevails but the mujahideen succeeded in reintroducing the Sharia after the fall of the Taliban, for whom the Sharia was the only law. The recent blasphemy cases have been prosecuted in the courts under article 130 of the constitution. Perwiz Kambakhsh's lawyer, Afzal Nuristani, explained how this was possible.

"It is important to understand how two courts were able to convict my client although his crime is not defined in any Afghan law," he said. "The judges used article 130 of the constitution, which says that in cases where the law does not define a crime, the court can use the jurisprudence of Hanafi canon law. This allows Islamic jurisprudence to be used as an auxiliary to the real law. But the courts should not be able to behave in this manner because article 27 of the constitution says no action is a crime if it is not forbidden by the law. So what Perwiz is alleged to have done is not legally punishable (...) Downloading an article is not a crime under Afghan law. Where did the judges find that this should be punished by 20 years in prison? I don't understand."

the case with President Karzai. "This young man will be freed, don't worry," Karzai told a European prime minister who visited Kabul in late 2008. Clerics and Islamist leaders nonetheless continue to call for Kambakhsh to be severely punished for "blasphemy and disseminating defamatory statements about Islam."

A European diplomat who followed the appeal hearings said: "The Kambakhsh case is an example of Islamic law being politicised. And, more often than not, the judges are mullahs rather than legal experts. They let themselves be swayed more readily by religious leaders than the defence lawyer's arguments." The justice minister said: "Yes, the sentence is severe but there is still another stage in the judicial process." The European diplomat added: "The prosecutor and the judge did not succeed in establishing that a crime was committed. And the two proceedings were marked by shocking behaviour. And yet he was sentenced to 20 years in prison."

The Council of Ulemas spokesman told to Reporters Without Borders: "Kambakhsh insulted the Koran and must receive an exemplary punishment so that no one else dares to do the same thing (...) We requested a severe sentence but we did not demand the death penalty."



Fazel Ahamad Manawi

The appeal court seems to have heeded the ulemas.

The Kambakhsh case was preceded by that of Mohaqiq Nasab, a mullah and editor of the magazine *Haqq-e-Zan* (Women's Rights), who was jailed in 2005 for publishing an analysis on

the role of women in Islam.

In a more recent case involving religion, the daily newspaper *Payman* decided to suspend operations in February 2009 under pressure from conservative circles after it was accused of blasphemy for publishing an article criticising religion. The article was printed by mistake. Although it issued a public apology, the authorities began legal proceedings and several leading clerics attacked the newspaper. A member of the staff, Nazari Paryani, was held for eight days in January in Kabul and six of his colleagues were arrested for several hours on the orders of the prosecutor's office.

Paryani told Reporters Without Borders: "I was arrested illegally and in violation of all principles and national and international laws (...) They said they came on the orders of the president and the prosecutor (...) I was freed on the orders of the president but I am still under judicial surveillance. And the case against the newspaper is still open."

Conservative politicians and mullahs exploited the incident to promote their political agenda. The president of the senate's cultural commission, Molavi Arsala Rahmani, urged the courts on 1 February to "punish those responsible at the newspaper" – not just the person who translated the offending article but also the newspaper's publisher. Senate speaker Sibghatullah Mojaddedi said *Payman* should not be forgiven. A representative of the Council of Ulemas in Herat called publicly for the newspaper's staff to be punished.

Paryani said that, as a result of these statements, he no longer dared to leave his office

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and feared for his life. All of *Payman's* journalists have lost their jobs and several of them have received death threats.

Reporters Without Borders also raised the case of former journalist Ahmed Ghous Zalmai with the Afghan officials it met. Zalmai was sentenced to 20 years in prison in September 2008 for printing a translation of the Koran into Dari (the Persian dialect spoken in Afghanistan), a sentence upheld on appeal in February 2009. The printer, Mohammad Ateef Noori, was given a five-year suspended sentence. Well known in the 1980s as a fairly outspoken TV journalist, Zalmai had wanted to promote the Koran among Persian-speakers but he had failed to print the Arabic original alongside the translation, as required by Islamic law. An Afghan lawyer told Reporters Without Borders that his arrest was illegal as the procedure was initiated by parliament.

With the announced aim of “combating non-Islamic programmes” and assisted by the Council of Ulemas, the information ministry tried to restrict the broadcasting of Indian series on Afghan TV stations in March 2008. “When they see these poor-quality series, young Afghans are like drug addicts who cannot stop,” information minister Abdul Khuram told Reporters Without Borders. A programme on *Tolo TV* in which young men and women danced together caused an outcry. The government did not manage to ban these series but some TV stations had to agree to a compromise in order to avoid the wrath of the conservatives. *Tolo TV*, for example, organised and broadcast a Koran recital competition that satisfied the ministry, the public and the Council of Ulemas. “We won a battle but the war continues and there will be more lawsuits,” a Council of Ulemas representative said. “They would be showing naked women if we had not intervened to make the TV stations retreat.”

Criticism of these poor-quality Indian series has also come from other sources, including the head of the Afghan Independent Human Rights Commission, who said they “debase the role of women.” Nonetheless, the Afghan TV stations censored the most problematic sequences in order to respect the criteria laid down by the Afghan authorities.

When asked by Reporters Without Borders, the information minister said he followed all these cases and defended the decisions taken by the courts. “If we did nothing, it would be grist to the mill of the Taliban, who say infidels have taken power in Kabul.”

The justice minister said that, while the constitution guarantees free expression, there is a very clear line that cannot be crossed as regards Islam. “Don't forget that it was religion that motivated the mujahideen,” he said. And the Council of Ulemas spokesman denied usurping the government's role. “We only ask that the justice system and the government do their duty,” he said. “Our relations with the president are very good. Each of us needs the other. The president needs our moral support, with the presence of foreign forces and the Taliban, who accuse the government of abandoning Islamic values. We need him because we have no force or executive power.”

### **REGARDING FREE EXPRESSION VIOLATIONS IN THE NAME OF RESPECT FOR RELIGION, REPORTERS WITHOUT BORDERS RECOMMENDS:**

1. That the authorities free Perwiz Kambakhsh, who has committed no crime.
2. That the supreme court give the most favourable consideration possible to the case of former journalist Ahmed Ghous Zalmai.
3. That the supreme court condemn the use of article 130 of the constitution to prosecute people for the views they have expressed.
4. That politicians and religious leaders stop politicising the charge of blasphemy.
5. That the international community support organisations that promote free expression, including on religious issues.

### **A media law stuck between president and parliament**

Many journalists voiced exasperation about the government's blocking of a media law that has been discussed for several years. “All these efforts brushed aside by a minister who does not want to lose his decision-making power at the head of the public media and the media verification commission,” said a repre-

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representative of the National Union of Journalists of Afghanistan. "The law is not perfect but it offers a framework."



Information minister Abdul Khuram told Reporters Without Borders: "This law is full of contradictions. I cannot imagine myself implementing it. But if parliament adopts it while respecting the rules, and if it is promulgated in the official gazette, then I would have to implement it. For the blockage to be removed, parliament just has to do a recount of the votes and get a majority of two thirds plus one."

The representatives of journalists' organisations see things very differently. "The law was passed by more than two thirds of the parliament," said Fahim Dashty, the spokesman of the National Union of Journalists of Afghanistan. "Yes, the vote was on the basis of a show of hands, but these are the people's representatives who have spoken and the minister has no right to oppose it. The government has stolen this law."

The proposed law has clearly fallen victim to the difficulties that the government and parliament have encountered in working together. When Reporters Without Borders raised the subject with the justice minister, he was reassuring. "We are going to find a solution," he said. "Journalists have no reason to worry."

The information minister also tried to play down the problem. "You know, it's not as if we are in a legal vacuum. A law already exists and it is not that bad (...) We also have a duty to limit the damage resulting from excessive media sector privatisation. Most of these privately-owned media do not respect professional ethics. They accuse everyone without proof. And I have been insulted."

Sima Samar, the head of the Afghan Independent Human Rights Commission said: "The most important protective tool is the passage of laws, which unfortunately is not happening in Afghanistan. The media which are not under state control are subject to intimidation, threats and self-censorship." In her view, the information minister, alleged by

many to be blocking the media law's promulgation, "should say that these laws are accepted by everyone and are necessary for the country's democratisation."

This delay in the law's adoption has also compromised the editorial independence of the public media. Despite promises to the contrary, the state television, radio and newspapers are still subservient to the government, especially the information ministry and the office of the president. In the provinces, the governors have often taken control of the local branches of the state radio and TV and use them for their own purposes.

International aid has helped to improve the quality of the programming on these stations but editorial freedom is still not assured. In fact, editorial control could be reinforced in the run-up to the elections.

The Reporters Without Borders delegation heard a great deal of criticism of the current information and culture minister, Abdul Khuram, who is widely seen as defending conservative views. "Instead of protecting journalism and press freedom, the minister tries to block everything," a human rights activist said. Khuram's response was: "I try to defend press freedom, but also our culture and our values." In some of his speeches, the minister has made very harsh comments about news media that take refuge behind the concept of free expression, which – in his view – has been imposed by the international community.

Speaking to parliament about the Indian programmes at the end of 2008, the minister said: "Representatives of the international community have on several occasions obstructed my efforts to get the public prosecutor to initiate proceedings. But I have succeeded (...) We are operating under pressure from internal and external forces. Certain media bosses live abroad with their children but broadcast immoral programmes in our country."

Press offences are currently supposed to be examined initially by the Media Commission, which consists of media and parliamentary

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representatives and the information minister. But in many cases, especially those involving religion, the prosecutor has not waited for the commission's recommendations before ordering a journalist's arrest or a search.

### **REGARDING THE BLOCKING OF THE MEDIA LAW AND A LEGAL FRAMEWORK FOR THE MEDIA, REPORTERS WITHOUT BORDERS RECOMMENDS:**

1. That the government promulgate the media law without further delay.
2. That the justice minister and parliament start preparing legislation to decriminalize press offences.
3. That the information minister promote editorial independence in the state-owned media.

### **Fighting political squabbles through the media**

"We were on the verge of a riot," one of the representatives of the journalists' union recalled. "The two communities were fighting it out through the TV stations." *Tamadon*, a TV station that supports Shiite community leaders, was locked in a battle with two other TV stations, *Emroz* and *Shemshad*, at the end of 2008. A demonstration was even staged outside *Shemshad* and one of its executives was the target of an attack in which, fortunately, no one was hurt. It was part of the battle for influence between the foreign countries supporting the TV stations, above all Iran and Pakistan. A *Tamadon* journalist said it was hard for journalists to defy orders from media owners. "Journalists need to live," he said. "So they are forced to follow orders from the owners, often against their will."



Fahim Dashty

Afghanistan has independent media, but they are in the minority. "It's simple," said Fahim Dashty, the editor of *Kabul Weekly*, which is struggling to maintain its financial independence. "You see if a

newspaper has pages of advertising. If it does not have any, that means it is funded by a political party or a foreign country." A state television journalist added: "In what country can a powerful neighbour fund three TV stations? Iran's influence has grown, but so has the influence of Pakistan and the United States." Vice-President Karim Khalili, former president Burhanuddin Rabbani, Uzbek warlord Abdul Rashid Dostom, Tajik warlord Najibullah Kabuli, President Karzai's brother and the Shiite Ayatollah Mohammad Asef Mohseni have all invested in a TV station or newspaper to further their political influence.

"There are more and more news media, but their quality is declining," said Mujeed Khalvatgar of the Open Society Institute, which supports the Afghan media. "Above all, it is clear they have a political and religious agenda dictated by neighbouring countries." Barry Salam, who is responsible for a network of radio stations, said: "Ethnicisation and politicisation of the press puts independent media in a delicate position because our efforts are no longer recognised."

Ismail Saadat, Kabul bureau chief of the *BBC World Service's* Persian and Pashto services offered an even harsher assessment: "Journalists are obliged to serve factional interests, as the system is based on corruption, favouritism and personal relations. We going through a difficult period for Afghan journalism, with an increasingly intense civil war and certain media owners playing the card of division." The head of the Afghan Independent Human Rights Commission said: "The divisions among journalists puts them in a position of weakness. They should at least unite around the defence of free expression."

This politicisation of the media gives government officials additional reasons to criticise them. The justice minister told Reporters Without Borders: "As there is no transparency as regards the media's donors (...) I don't watch television and I don't read the newspapers, it is a waste of time." The information minister said: "Since the law on political parties bans assistance from foreign countries, the media offer a way for foreign governments to finance their protégés in Afghanistan."

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Many Afghan journalists stressed their economic difficulties. "Aside from a minority that work for foreign news media, most Afghan journalists have no contract, are poorly paid and find it hard to make ends meet, and that does not help to reinforce media independence," said Ekram Shinwari of VOA.

### **REGARDING PARTISAN USE OF THE MEDIA, REPORTERS WITHOUT BORDERS RECOMMENDS:**

1. That media owners stay well away from their reporters and editors and stop telling them what to do.
2. That media owners give their employees better contracts and salaries, an essential condition for reinforcing their independence.
3. That journalists' organisations unite to better defend press freedom and agree on a code of conduct.
4. That the country's institutions undertake to create an independent media council, whose members include journalists and civil society representatives, for the purpose of media self-regulation.

### **Manipulation, lies and hard-to-access information**

"The foreign military forces do not provide credible information about their operations and, in particular, the number of civilian casualties," said a representative of the news agency Pajhwok. "It is a way of manipulating news about a very sensitive subject." ISAF spokesman Capt. Mark Windsor nonetheless insisted that ISAF provided "verified and authentic" information. "We are not like the Taliban, who put out completely mendacious information. It may take some time, that's true, but our information reflects the reality of our operations."

Mark Stroh, the US embassy spokesman in Kabul, was dismissive about the "Taliban propaganda." "How can a journalist draw a parallel between the lies put out by the Taliban and the confirmed information of the coalition forces? There is no comparison." Capt. Windsor added: "It is in our interest and we have a duty to provide truthful information. It



is regrettable that some Afghan media imagine that we are capable, for example, of hiding the number of soldiers killed in battle."

Afghan and foreign journalists have enormous difficulty in covering ISAF or US military operations, in which large numbers of Afghan civilians are sometimes killed "by mistake" in air strikes or ground attacks. These civilian killings are at the heart of the protests against the presence of foreign forces. In a recent survey, 77 per cent of the Afghans polled said the air strikes were unacceptable. "The inability of the international forces to recognise the reality of civilian casualties regardless of the clear evidence we are able to gather is one of the reasons for the international community's failure," *New York Times* correspondent Carlotta Gall said. The ISAF complained to her editors in New York in 2007 about her coverage of civilian casualties in an airstrike in Farah.

"The press is on the lookout for information about civilian casualties but it is often impossible to get the real figure and carry out verification at the scene," said a former correspondent for European news media. "Sometime the Taliban figures are ten times as high as the ISAF figures, and all the parties get angry when you don't quote their figures." Pajhwok director Danish Karokhel said: "ISAF and the officers at Bagram ask us to be more professional and to verify our information. But when we come up with hard evidence of civilian casualties they continue to dispute it." A US officer, Col. Greg Julian, used intimidating language with him on 20 January, accusing him of knowing nothing about journalism. The news agency had just come up with new evidence about an incident in Tagab District in which the US forces killed 15 civilians but claimed they were Taliban. A week later, the US army was nonetheless giving financial compensation to the families of the victims.

There are at least five versions of any important development linked to the war – the Taliban's, the defence ministry's, the office of the president's, ISAF's and the version of the few eyewitnesses that agree to talk to the

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press. It is often the Taliban version that is given to the press first.

For example, during an interview with Reporters Without Borders in Kabul, an Afghan journalist who works for an international radio station received the following SMS message, ending with the initials of the head of the Taliban in the south: *Ebrat, result of punishment. Three vehicles destroyed. QYA.* "Since I cannot use it as it stands, I must contact the authorities or the international forces about this incident," he said. "If it is true, I will quote the Taliban at the end of the report. But if I don't use it, the Taliban will be unhappy. And I will be in danger."

The pressure from the various parties is particularly strong for radio and news agency journalists. According to a UN poll, 88 per cent of Afghan homes have a radio set while only 1 per cent of the population reads a newspaper regularly.

Journalists recognise they are usually unable to overcome the difficulties involved in independently verifying the civilian casualty toll from military operations. "Our safety rules are strict," said an Afghan journalist employed by a foreign news agency. "The regions where this goes on are dangerous and we are overwhelmed by the number of stories to be covered. Finally, it is hard to go out into the field. You depend on your sources, but they are contradictory."

ISAF created a "media action team" in September 2008 in an attempt to meet the needs of the press. It consists of a group of selected journalists who are taken by the military to the scene of an incident. "We tried to set it up once already but, for safety reasons, we could not guarantee being able to take the journalists to the exact site of the incident, and so they refused," Capt. Windsor said. A foreign correspondent responded: "What's the point of taking part in this group if you are 20 km from the village concerned? It does not help you to independently confirm anything and just adds to the confusion in the relations between press and military."

Several press photographers and cameramen also complained about the nervousness of the

coalition troops and presidential guards. "They jostle you and erase your photos if they don't like what you have taken," an AFP photographer said. An AFP stringer had his photos erased by US soldiers while covering a suicide bombing in Herat. The press also complained of its lack of access to the US-run detention centre at Bagram air base.

Asked by Reporters Without Borders about such friction between journalists and soldiers, ISAF's Capt. Windsor said he had never been told of an incident on this nature. His deputy showed the Reporters Without Borders delegation the handbook used by the British soldiers in Afghanistan. In a chapter on relations with the press, "BE POLITE" was written in upper case, as well as "Don't jostle journalists."

Several of the countries with a military presence in Afghanistan agree to "embed" journalists in their units. Some, such as France, assign a soldier to accompany each embedded journalist. "It is for their safety, to avoid obstructing the work of the soldiers and to spare reporters from having to listen to ordinary soldiers discuss global strategy issues they don't understand," said Lt. Col. Jérôme Sallé of the French army. Most journalists are satisfied by this cooperation with the military but a French journalist who was recently sent to Afghanistan complained about the uniformity of statements about the military's role. "Soldiers should have the right to speak freely about the situation in the field and their role in Afghanistan," he said.

Journalists say the government version is often the hardest and most time-consuming to obtain. "It is easier to get information from the Taliban than the government," one of the AFP's journalists said. "The Taliban spokesmen are never irritated when you contact them in the evening or on Friday. That is not the case with certain government officials." A BBC World Service reporter added: "Firstly, it takes a long time to get an appointment with an official. Then many of them don't want to discuss sensitive subjects. But there are exceptions such as the justice minister who even took call from me at midnight."

To improve communications with the press,

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the government has created a Media Centre. Its staff told Reporters Without Borders they would be able to provide the press with detailed information on all subjects. "Our centre's aim is to get Afghanistan's ministries and institutions to become more modern in terms of communication," said a centre official, Baryalai Helali. "But you also have to understand that officials complain about journalists because, behind their questions, there is a hostile political agenda."

Presidential spokesman Humayun Hamidzada listed the following measures designed to improve the government's relations with the press: training of press advisors and spokesmen, a meeting between the president and his ministers on press relations, coordination with the international community and creation of the Media Centre.

### **REGARDING ACCESS TO INFORMATION, REPORTERS WITHOUT BORDERS RECOMMENDS:**

1. That the government envisage drafting a law facilitating access to information, one that would also apply to the foreign forces present in the country.
2. That the US forces allow journalists to visit the detention centre at Bagram air base, dubbed the "Afghan Guantanamo."
3. That ISAF and the US forces form "media action teams" including Afghan journalists whenever the press reports an incident involving civilians.

### **CONCLUSIONS**

The press freedom situation is deteriorating in Afghanistan and it is up to the government to reverse this disturbing trend. The country will not be able to continue to develop and progress towards democracy without a free and independent press. President Karzai, his government and the international community must confront this problem and must take measures that enable Afghan and foreign journalists to work more freely. Afghans have been badly hit by the war and economic crisis and much needs doing, but the government will not be able to give them

renewed hope without guaranteeing the media's freedom and security.

Afghanistan has independent, profitable and respected press groups such as *Killid* and *Moby Capital* but even they are not protected. Death threats have on several occasions been made against the weekly *Killid's* managing editor, Najiba Ayubi. Police carried out a heavy-handed raid on *Tolo TV's* studios in Kabul in 2008.

The Afghan media are capable of playing their role as a "fourth estate." During a wave of kidnappings in Kabul in 2008, for example, the press joined forces in denouncing the lack of action on the part of the authorities. The government was forced to respond, firing the interior minister, which helped to improve the situation. But, as is often the case, investigative reporting was dangerous because the kidnappers had accomplices within the police. "Twenty minutes after calling a police officer to share an information about the abduction of a relative of the king, I received threats on my mobile," said Fahim Dashty of *Kabul Weekly*. "Look how we are protected!"

Reporters Without Borders believes the Afghan authorities must get to grips with this issue and issue a firm reminder that it will not let impunity take hold in cases of violence against journalists. Many journalists live in fear and the authorities have a duty to take measures that enable them to work freely. It is deplorable that around ten women journalists have been forced to stop working in recent months because of threats. They have rarely had the necessary protection.

The authorities must show they can be more effective in solving cases of journalists who have been murdered or threatened. They must carry out proper investigations that identify those responsible. It is unacceptable that the murders of Zakia Zaki and Abdul Samad Rohani are still unpunished.

Improving the security situation has become the sole priority for the US administration and its allies, and the independent media are worried about the lack of support they are getting

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from the international community. Sending thousands of additional troops is not enough to resolve the Afghan crisis. The international forces should above all help to reinforce the process of democratising Afghanistan, and that involves maintaining a free press.

“The government uses the security excuse to block progress for the media and for human rights, while leading Islamists such as Abdul Rab-Rasoul Sayyaf and Haji Mohammed Mohaqeq have never been so influential within the government and the judicial system,” an European diplomat said.

Reporters Without Borders is very worried about the politicisation of cases involving Islam. Such press freedom violations as *Payman's* closure, Perwiz Kambakhsh's imprisonment and the repeated attacks on independent TV stations are all the result of political manipulation, not defence of the state religion.

Lawyer Afzal Nuristani had this to say about the repeated meddling by the clerics: “We have begun to experience democracy in Afghanistan and the population is beginning to believe in

people's power, above all thanks to the media. Some groups do not like that because their power is based on ignorance. When young people, journalists and intellectuals create new areas of democracy, it weakens the powerful.”

More generally, Reporters Without Borders calls for concrete undertakings from the government to protect and promote human rights. It is regrettable that, seven years after its creation, the Afghan Independent Human Rights Commission still does not receive state funding as recommended by the “Paris Principles” for such national human rights commissions. On the contrary, President Karzai lashed out at the commission's chairperson in 2007 after she criticised the country's judicial system.

It should be inconceivable that the Afghan government, including President Karzai or his possible successor, could continue to request greater support from the international community while, at the same time, judges, prosecutors, politicians and leading clerics target journalists and free speech activists, often using violence.

