

AFGHAN JOURNALISTS SAFETY COMMITTEE

First Six Months Report 2020



AFGHAN JOURNALISTS SAFETY COMMITTEE

کمیته مصونیت خبرنگاران افغان
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Table of Contents

Preface.....	1
Methodology.....	2
The Situation of Journalists in the First Six Months of 2020.....	3
Access to Information During the Covid-19 Crisis.....	4
Filing Charges against 39 Social Media Users by Mr. Amrullah Saleh.....	8
Freedom of Expression And Peace Negotiations.....	9
Creation of a roadmap by AJSC to protect freedom of media and expression.....	10
Challenges of the New Draft of the Media Law.....	10
Conclusion.....	11
Recommendations.....	12

PRESS

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Preface

The year 2020 began with the great global crisis of Covid-19, directly impacting the work of journalists and media. However, in spite of limitations caused by the spread of the virus on media coverage, journalists and Afghan media outlets were able to cover various facets of life. Of utmost importance was the extensive coverage of the Covid-19 and its health hazards. Raising awareness about the virus and ways to prevent the infection was of paramount value.

During this period, the onset of Covid-19 pandemic caused almost all Afghan media outlets to experience serious economic losses, thus obliging many media outlets to lay off a considerable number of their employees. The economic downturn caused by the pandemic also took tens of media outlets to the verge of bankruptcy, undermining one of the greatest achievements of the past two decades, which is press freedom and multitude of media in Afghanistan.

Peace process and the reservations of the Afghan media community about the endeavor restricting freedoms of press and expression has turned into major concern among the Afghan media community. The indifference of the Afghan government towards protecting freedoms of speech and press and the ideological opposition of the Taliban towards these values has undermined confidence about the future of these hard-gained achievements of Afghanistan.

Challenges with regards to access to information and threats against journalists and media outlets still persist and no new measures have been taken by the government to effectively address these challenges.

In the first six months of 2020, dozens of journalists and media workers faced various types of threats and violence and two journalists were killed. The government's attempts to amend the mass media law raised serious concerns about press freedom.

This is AJSC's 13th report, which aims to provide figures, statistics, information and analysis of the safety situation of journalists and the state of press freedom in the first six months of 2020.

Methodology

AJSC has been producing annual and semi-annual reports about the state of press freedom and violence against journalists since 2013. In addition to highlighting the state of press freedom and journalist safety, these reports highlight trends of violence against journalists and the overall state of press freedom. Data for these reports is collected by AJSC's staff in Kabul as well as the organization's representatives in provinces. The data is compiled by the organization, rigorously verified and inserted into AJSC's database of violence against journalists.

The data of violence against journalists is collected in the light of AJSC's policies and procedures vis-à-vis violence against journalists. Based on these policies, there are specific definitions for journalists and media workers as well as violence against journalists. AJSC only records cases of violence that have had direct relationship with the victims work as a journalist or the incident has taken place on the job. Incidents of violence that have not had connection with the journalists' professional work are not recorded at AJSC's database. For instance, if a journalist is threatened or killed because of personal issues or family animosities, since this has nothing to do with the nature of his or her journalistic work, AJSC does not record the the incident as a case of threat or violence.

It should be noted that AJSC has specific forms for registering cases of violence, which collect information about various dimensions of each incident. AJSC places utmost emphasis on accuracy of data, therefore, the procedures of the organization are designed in a way that ensure each case goes through rigorous scheme of verification.

The reports are produced in three languages of Dari, Pashto and English. They are released at a press conference in Kabul, shared through press release and posted on AJSC's website for easy accessibility.

The Situation of Journalists in the First Six Months of 2020

In the first six months of 2020, AJSC has recorded a total of 42 cases of violence against journalists. They include 2 cases of murder, 11 cases of injury, 6 cases of physical assault, 9 cases of insult, 7 cases of intimidation, 4 cases of kidnapping, 2 cases of theft and 1 case of illegal behavior (non-payment of salary) by a media manager.

Amongst the perpetrators, Taliban and ISIS account for a total of 18 cases of violence and threats against journalists. Government officials come 2nd as they are responsible for 13 cases. Unidentified persons account for 5 cases, warlords for 3 cases, thieves for 2 cases and media manager for 1 case.

ISIS-KP is responsible for the killing of 2 and injuring of 10 journalists. Threats emanating from this group have been growing. The Taliban also remain a belligerent, however, their contribution towards targeting journalists is much smaller than that of ISIS-KP.

The recording of 22 cases of violence and threats in the capital zone in this reporting period makes this zone the most unfavorable area for journalists to operate. In this period, no incident of violence has taken place in the Northern zone, making this zone the safest area for journalists during this period.

A few samples of cases of violence against journalists:

- In March 2020, a journalist who was travelling to Khanwar District in Zabul province, was kidnapped by the Taliban. The Taliban took him alleging the journalist was producing anti-Taliban reports.
- In May 2020, ISIS-KP attacked a van carrying the staff of Khurshid TV. The attack resulted in the killing of 2 journalists and media workers and injuring of 7.
- In April 2020, a provincial journalist and editor working for one of the private TV channels was threatened to death by the Taliban for his reports that Taliban considered unfavorable towards the group.
- In May 2020, a journalist working for a private TV channel based in Herat province published reports about Afghan refugees being thrown in the river by the Iranian border police. Subsequent to this, he began receiving threats from unknown sources. Following this, Iranian news channels accused the Afghan journalist of aligning with the US to forge conspiracy against the Iranian government.

With the spread of Covid-19 pandemic, Afghan media have faced critical financial challenges, putting dozens of media outlets at the risk of collapse. This has led many media outlets to lay off a number of their staff or put them on unpaid leave. In addition, hundreds of journalists have been infected with the virus while working and a 6 journalists their lives because of Corona virus..

The uncertainty surrounding the Corona crisis has disrupted the normal day-to-day business of media outlets. Significant reduction in the number of commercials have had direct impact on the financial situation of the media outlets, putting the employment of journalists in jeopardy.

Given the above situation, once again the need for the retirement right of journalists and media workers becomes crucial. Additionally, journalists support fund needs to be reviewed so that it can cater to the needs of journalists in emergency situations.

Access to Information During the Covid-19 Crisis

While access to information has remained as a lingering challenge, it further exacerbated after the onset of the covid-19 pandemic and the introduction of the lockdown. Journalists faced increasing challenges with regards to obtaining information from government officials. The challenges ranged from the government authorities refusing to provide information to offering vague and inaccurate information. The challenge was particularly prominent with regards to provision of information about Covid-19. The data offered by the Ministry of Health Officials was often inaccurate, unsubstantiated and at times contrary to the very norms of data collection and data delivery. For instance, on June 26, the Ministry of Health announced that no Covid cases have been recorded in the past 24 hours. A few days later, the Afghan President stated that covid is at its peak in Afghanistan—two contradictory messages that demonstrate debilitating lack of coordination between government institutions.

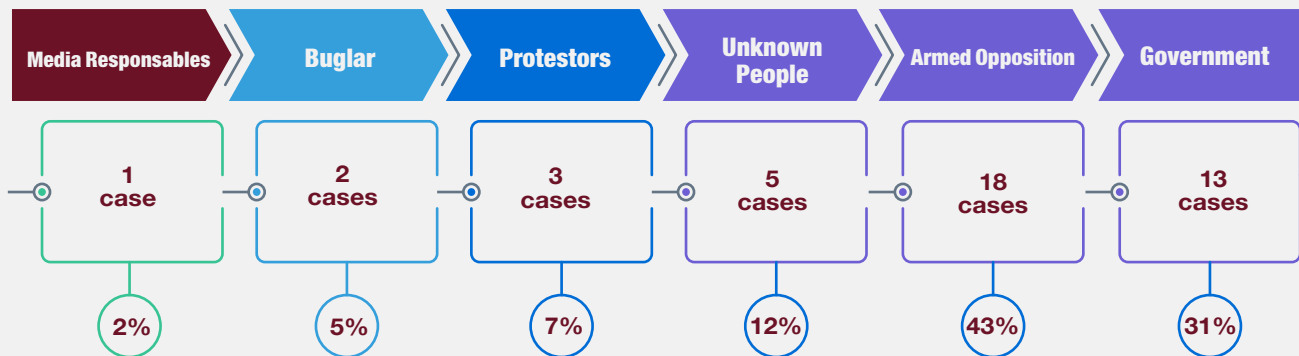
Since the onset of the Covid pandemic, Access to Information Commission has issued four written warnings to government agencies due to negligence in providing information. Unfortunately, the provision of information by the government to journalists has persisted.

The situation of access to information is even worse in the provinces. Provincial government officials often cite receiving information from Kabul an excuse behind their refusal to provide information to journalists. Reporters in most provinces complain that government officials, especially those in charge of Afghan National Army Corps and security agencies, do not share information with them. After requests of journalists for information, often times, government officials claim they have shared their information with Kabul, and journalists can get the information they need from Kabul.

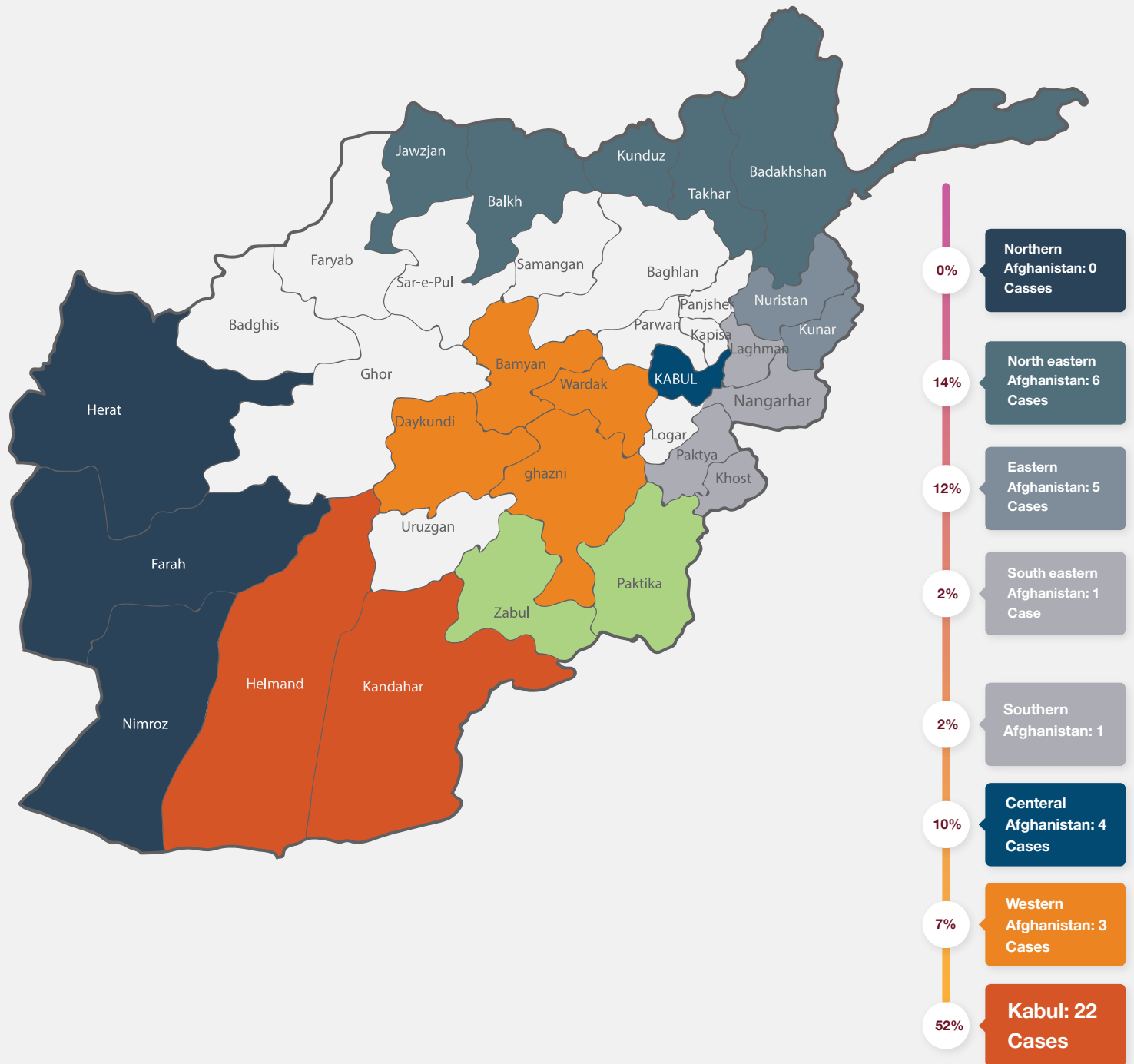
Comparison of the Cases of The First Six Months of 2020 with the First Six Months of 2019

Cases	2019	2020	Percentage of Difference
Total	45	42	7% Decrease
Murder	3	2	33% Decrease
Injury	6	11	83% Increase
Verbal abuse	19	9	83% Decrease
Physical assault	5	6	20% Increase
Threat	10	7	30% Decrease
Unlawful termination	1	0	
Illegal Arrest	1	0	
Illegal behavior	0	1	
Intimidation	0	2	
Kidnapping	0	4	

Perpetrators of Violence 2020



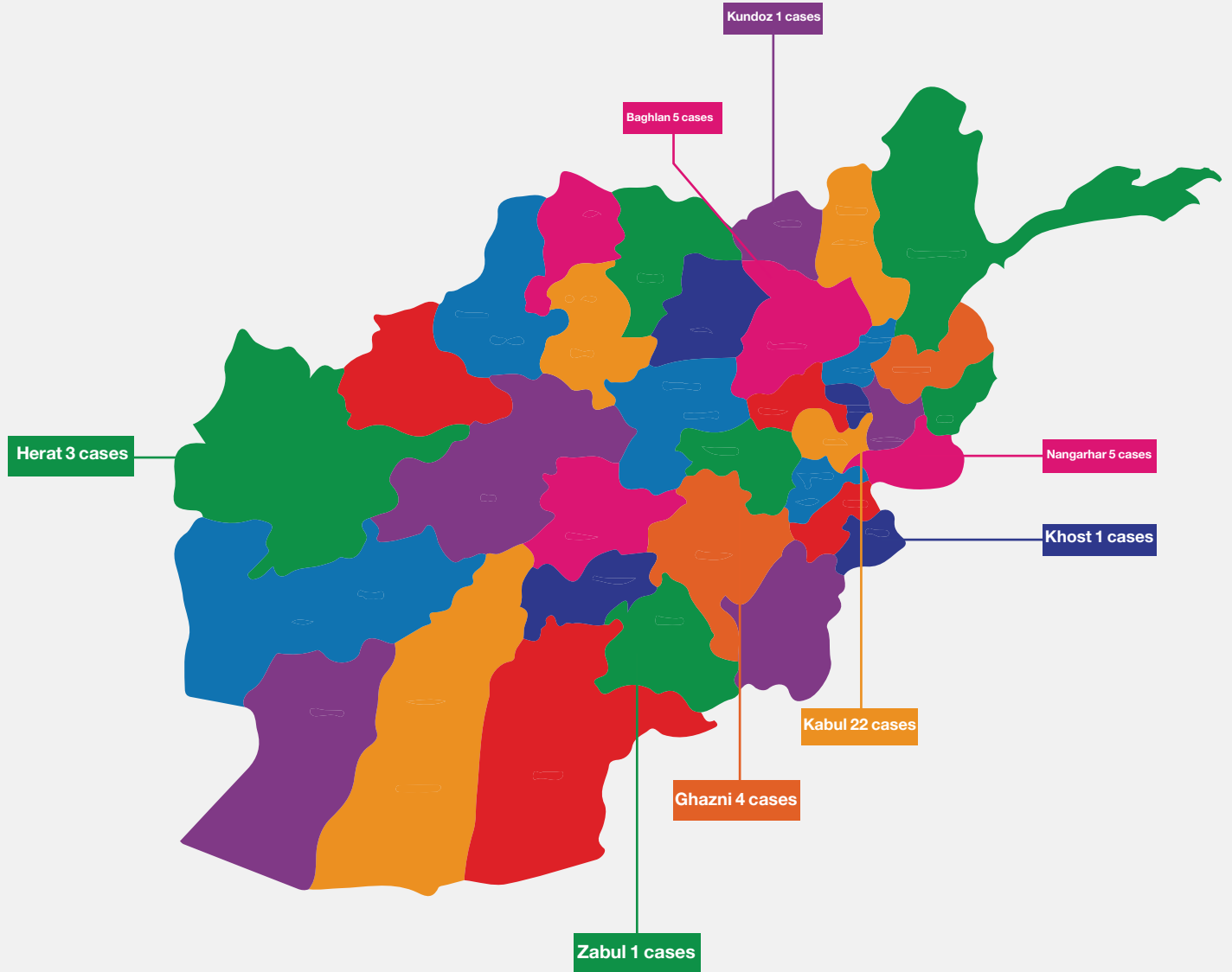
Cases Based on Zones



From among 42 cases of violence, 7 have been inflicted on female journalists and media workers.



Total Number of Cases in The First Six Months of 2020 Based on Provinces



Discrimination between foreign and domestic media is another challenge. Government officials often provide information to international media, ignoring local media and their repeated requests for information.

With the deterioration of these challenges, in February 2020, journalists and media outlets held a protest against the perpetual challenge of access to information. Journalists gathered at the site dedicated to building the Minaret of the Victims of Freedom of Expression and issued a letter of protest co-signed by 30 media outlets.

The protestors unveiled the names of government agencies who refuse to provide information to journalists declaring the following as “closed entities”:

- Supreme Court
- Office of the President
- Ministry of Foreign Affairs
- Ministry of Finance
- Ministry of National Defense
- Ministry of Interior
- Ministry of Health
- Attorney General's Office
- National Security Council
- National Procurement Office
- Bank of Afghanistan

Protestors called on the government, the international community and media support organizations to work towards improving the situation of access to information.

Of note during this reporting period is AJSC’s new portal, which provides an online platform where journalists can register their complaints with regards to access to information. AJSC will create monthly reports about the state of access to information and share it with the media and the Access to Information Commission.

Filing Charges against 39 Social Media Users by Mr. Amrullah Saleh

On February 1, 2020, the Rawand Sabz Afghanistan—a movement established by Mr. Amrullah Saleh, Afghanistan’s current Vice President, filed charges against 39 social media users accusing them of slandering Mr. Saleh. The move provoked a backlash from the public, media support groups, media and social media users accusing Mr. Saleh of dictatorship acts.

This was an unprecedented move, which created alarm among many who subscribe to ideals of civil liberties. It was particularly alarming because it was initiated by the first Vice President of the President Ashraf Ghani's Presidential ticket.

AJSC held a press conference on the complaints and called on the Attorney General's Office to comply with the provisions of the Mass Media Law; so that the open space of freedom of speech is not distorted. Adding that such extrajudicial behavior creates fear and panic among media activists and journalists in the country, AJSC also called on Attorney General's Office not to investigate cases of media crimes without the preliminary investigation by Media Offenses Investigation Commission. The Attorney General's Office dismissed the charges because it was not in conformity with the provisions of the penal code.

Freedom of Expression And Peace Negotiations

Since the start of the Afghan peace process, timely, accurate, comprehensive, free and impartial information has not been made available to Afghan media. Negotiations between the US government and the Taliban took place behind closed doors, depriving media of first hand information about negotiations between the Taliban and the US government. Representatives of the US government relied on occasional briefings to Afghan media managers, most of which maintained ceremonial nature.

In March 2020, the Afghan government announced a list of 21 members of the negotiating team in which no journalists or representative from the journalistic community were included—something that raised significant concern among the media community about the prospects of the state of press freedom and freedom of expression after the peace negotiations.. The main concern of journalists and media support groups is that in the absence of a representative from the journalist community in the negotiating team, the team might not vigorously defend these values which could result in excessive concessions to the Taliban. Despite repeated calls by media support organizations to include a representative of the media in the negotiating team, the government has not yet taken any actions in relation to this matter.

The government's lack of emphasis on preserving the values of freedom of expression and of the media, and the Taliban's ideological opposition to these values, have caused widespread concerns among the media community.

Creation of a roadmap by AJSC to protect freedom of media and expression

Given the above concerns, Afghan Journalist Safety Committee (AJSC) created a roadmap in collaboration with media representatives on protection of press freedom and freedom of expression during peace talks. The roadmap offers a comprehensive strategy to ensure minimum concession to the Taliban during peace talks. AJSC has shared the roadmap with many stakeholders, including Dr. Abdullah Abdullah who chairs the peace process and many members of the negotiating team. They have all declared their support for the roadmap and offered to help AJSC with the implementation of the roadmap. The roadmap offers specific proposals throughout the multiple phases of the reconciliation process, which includes pre-negotiations, negotiations, and post-negotiations phases.

Challenges of the New Draft of the Media Law

In the midst of all these concerns, the government has created a new draft of the Mass Media Law, which the media community believes is highly restrictive compared to the current media law. The new draft was created by the government without consultation with media representatives and sent to the lower house of the parliament for approval.

AJSC, along with Afghan media outlets, sent an open letter to the president urging him to stop the legislative process of the new draft. The President accepted the request and ordered that the draft law be revoked from the parliament and discussed with media representatives. AJSC sees the following as the main challenges in the current draft law:

1. It is contrary to Articles 7, 34, 120 and 122 of the Constitution, which offer robust support for press freedom and freedom of expression. Article 34 guarantees freedom of expression without restrictions, but the new draft goes against this article because of its restrictive nature. Articles 120 and 122 of the Constitution grant the final authority of adjudication over media disputes to the authoritative court, but the proposed draft gives this authority to the government.
2. Article 7 of the Constitution stipulates that articles of the international treaties and covenants Afghanistan has joined must be considered in the laws of Afghanistan, however, the majority of articles in the draft law are contrary to Article 19 of the Universal Declaration of Human Rights, which guarantees freedom of expression without restriction.

3. In the current draft, there are no articles that protect sources media use for reporting. It also makes it easier for the government to revoke licenses of the media.
4. The spectrum of content prohibited for publishing/broadcasting has increased.
5. The independence of independent regulatory bodies has become more limited.
6. Pre/post-publication censorship has been prescribed.
7. Extensive, restrictive, and unnecessary power has been vested to government supervisory organizations.
8. The independence of Afghanistan's national radio and television (RTA), which is supposed to be a public broadcaster has been undermined.
9. Some rights and privileges of the media and journalists have been abolished.

The media community celebrated the President's decision. However, attempts to restrict the media law ahead of peace negotiations was seen as an unwise decision by the government. The media community expected that the government strengthen civil liberties and rights ahead of peace talks, not limit them.

Conclusion

In the first six months of 2020, violence against journalists was as high as in the first six months of last year. The IED attack on Khorshid TV van, which resulted in the killing of 2 journalists and media workers and injury of 7 could be the warning sign of a new wave of violence against journalists. It also enhances the likelihood that media and journalists would be the prime target of the Taliban and ISIS-KP. . Therefore, serious safety and security measures need to be taken. The outbreak of the coronavirus and its adverse economic effects have posed serious financial challenges to the media, putting dozens of media outlets in jeopardy of total collapse. A significant number of journalists and media workers have lost their jobs due to rising financial problems. The production capacity of the media has decreased considerably because of the financial constraints posed by Covid-19 Pandemic.

On the other hand, peace talks and the lack of strong will in the Afghan government to protect freedom of expres

sion and media threaten the future of freedom of expression in the country. Efforts to amend the mass media law during peace talks have added to concerns. The international community, which in the past supported media freedom, is no longer vocal about preserving these gains, further increasing the media community's concern for the preservation of press freedom.. These events have posed serious threats to media freedom and freedom of expression. If they not addressed seriously then Afghanistan will lose one of its greatest achievements of the past two decades.

Recommendations

The Afghan government, media outlets and media support groups must step up their efforts to improve safety of journalists and the media. Creating a safe environment for journalists requires close cooperation and coordination between these entities. Journalists should treat safety as the top priority and as a non-violable principle of their work. As the financial challenges of journalists increase, assistance to media community should be a strategic priority of the international community. In the last two decades, the international community has played a significant role in the growth of free media in Afghanistan. Because the media has a unique role to play in preserving civic values and promoting democracy and good governance in the country, preserving freedoms of press and expression should be declared as an indispensable value by Afghanistan's international partners and a condition for continuation of their financial aid to Afghanistan.

Efforts to amend the media law must be stopped. At this critical juncture, instead of restricting freedom of press and expression, the government should strengthen civil liberties before the formal commencement of peace negotiations. The international community must take a strong stance in this regard, as the role of the international community in the growth of civil liberties in Afghanistan after the fall of the Taliban has been invaluable.

In peace talks, the negotiating team must defend the values of freedoms of press and expression. The roadmap prepared by AJSC provides a comprehensive and effective plan to protect media freedom. It has been welcomed by the Chairman of the Reconciliation Council and international institutions and needs to be implemented comprehensively.

The Afghan government must take effective measures to facilitate provision of information to journalists. The problem of access to information has become a perpetual challenge and has created serious barriers to journalism. The government should know that past efforts in this area have not yielded fruitful results, so a new measures are needed to address this challenge.

Employment security of journalists should be taken seriously. The labor law and the regulation on the establishment and activity of the private media should be observed with regards to employment of journalists. Additionally, the Journalists' Support Fund should be reviewed so that an effective mechanism is created that will help journalists in emergency situations.

In order to preserve freedoms of press and expression, it is necessary that journalist/media support groups, journalists and media join forces to defend these values ahead of and during peace talks. Unity of the media community will help protect Afghanistan's hard-gained achievements.