

**Flygtningenævnets baggrundsmateriale**

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## Freedom of the Press 2010 - Afghanistan

**Status:** Not Free

**Legal Environment:** 22

**Political Environment:** 33

**Economic Environment:** 21

**Total Score:** 76

- Article 34 of the constitution allows for freedom of the press and of expression, but Article 130 stipulates that courts and Islamic jurists can rule on a case "in a way that attains justice in the best manner." Several journalists have been arrested under this arbitrary clause.
- A revised 2005 Press Law guarantees the right of citizens to obtain information and prohibits censorship. However, there are broad restrictions on any content that is "contrary to the principles of Islam or offensive to other religions and sects."
- A new media law passed in September 2008 contained a number of registration and content restrictions, but President Hamid Karzai has delayed its implementation, since the law would limit the executive's control over state-run media. Because of the delay, many journalists do not know which law is in effect, causing them to practice self-censorship.
- Media outlets are occasionally fined or warned for broadcasting "un-Islamic material," resulting in self-censorship. In some cases during the year, journalists were arrested for such violations.
- Parvez Kambaksh was sentenced to death for blasphemy in January 2008 after he distributed an article on Islam that he had downloaded from the internet. An appeals court reduced the sentence to a 20-year prison term in October, and the Supreme Court upheld this sentence in February 2009. Karzai quietly pardoned Kambaksh in August 2009, allegedly due to international pressure, and he left the country shortly thereafter.
- The country's Security Council closed an Afghan newspaper, *Payman Daily*, in February 2009, and the editor was briefly jailed in January, after the paper published an allegedly blasphemous article on prophecies and Islam that was taken from an Afghan website. The paper suggested that Karzai ordered its closure because it had frequently criticized the government.
- The government banned journalists, both Afghan and foreign, from reporting on violence surrounding the August presidential election for national security

reasons. This decree led authorities to detain, arrest, or beat a number of journalists, at times destroying their equipment. Some journalists were held without charges for days.

- A growing number of journalists are threatened or harassed by government officials, police, or security services, especially in Kandahar province.
- The security situation remains threatening as insurgents increasingly target journalists, and abductions and murders are a particular concern. In March 2009, Jawad Ahmad, a local stringer for a Canadian network, was shot to death, possibly by the Taliban. Canadian journalist Michelle Lang was killed on December 30 when her vehicle was struck by a roadside bomb.
- After being held in captivity by the Taliban for seven months, *New York Times* reporter David Rohde and an Afghan colleague were able to escape in June. Two French television journalists were kidnapped on December 29.
- Stephen Farrell, a *New York Times* journalist, and his Afghan interpreter, Sultan Munadi, were kidnapped in September. Coalition forces freed Farrell in a raid, but Munadi was killed. It is unclear whether he was slain by the soldiers or his Taliban captors, and an investigation into his death has made little progress, prompting criticism from many journalists.
- According to *Media Watch*, a locally produced newsletter, there have been 85 cases of violence against journalists since March 2009, and little protection from the Ministry of Information and Culture.
- Registration requirements remain in place; authorities have granted more than 400 publication licenses, and over 60 radio channels and eight television stations are now broadcasting. However, many outlets are tied to important political or tribal leaders who exert considerable influence over content.
- Foreign governments, particularly that of Iran, as well as private citizens from Iran, Pakistan, and the Gulf states exert influence over media outlets through outright ownership, financial support, or bribes and intimidation.
- Private broadcast media, particularly those that are commercially viable, such as Tolo TV, exercise the greatest amount of independence in their reporting.
- International radio broadcasts in Dari or Pashto – such as those from the British Broadcasting Corporation, Voice of America, and Radio Free Europe/Radio Liberty – remain key sources of information for many Afghans.
- Access to the internet and satellite television is growing rapidly and remains mostly unrestricted, although it is largely confined to Kabul and other major cities. Only 3.55 percent of the population had access to the internet in 2009. Because of high illiteracy levels in the country, broadcast media remain far more popular than print or online media.

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