



**A Guide to  
INVESTIGATIVE JOURNALISM  
with a Focus on Accountability  
and Transparency in Afghanistan**

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## Preface

OK, so you want to be an investigative journalist in Afghanistan – to promote accountability and transparency? This is good news and we welcome your brave endeavour.

However, pause for a moment and reflect: have you thought what it takes to be an investigative reporter in the very very challenging Afghan context? You know that you are doing an invaluable service to the society by exposing corruption by individuals and organisations and thus working towards more accountability and transparency. However, do you also know that there are risks to your life as well? From warlords, drug lords, politicians, political opponents or maybe even public officials. Be warned that this path is littered with all sorts of risks. We have included a report about threats to Afghan journalists in the appendices as well as 2008 Report by Committee to Protect Journalists (CPJ) USA, so you have a chance to know exactly where you are heading.

This Guide, compiled with the most updated sources at the time of going to press in early 2009, will take you step by step towards becoming an effective investigative journalist, gaining and practicing the necessary skills and thus gaining the self-confidence required to do a job that is both effective and fulfilling for you.

We'll show you each step with the help of examples of good reporting – both from Afghanistan, countries in the region as well as international examples which turned around situations and removed powerful people from the public scene after they crossed the line.

This Guide has been divided into six parts:

1. Accountability, transparency and research methods: the basics
2. Investigative journalism: theory and practice
3. Journalism ethics
4. Freedom of expression
5. Access to information
6. Media self-regulation: concept and practice

This Guide can be used either as a standalone self-access guide or as a part of a training workshop for working and budding journalists. Ask Saba Media Organisation Kabul if a training opportunity exists in the near future.

Happy investigative journalism! Stay safe!

## The Guide objectives

### This Guide is designed for:

Professional news and feature reporters working in the capital Kabul and the provinces and prospective journalists in Afghanistan working for any media – print, radio, TV, digital, web 2.0, citizen media.

### The Guide aims:

After the end of self-access study, you will be able to:

1. Understand the meaning of accountability and transparency in the Afghan context
2. Develop a basic understanding of social research methods and how these can be used
3. Know what investigative journalism is and how it can be learnt and practiced
4. Gain four specific skills that are required to practice investigative journalism in a very challenging Afghan environment
5. Develop and use a journalism code of ethical practices in your duties based on Afghan cultures and Islamic values
6. Understand how freedom to express views may work for Afghan citizens and voluntary groups
7. Make some individual and group progress towards freedom of access to information in the Afghan society and know what obstructions exist
8. Find out how media self regulation may work
9. Investigate and produce at least two or three publishable pieces on areas of accountability and transparency

The Guide relies on several internet-based sources including Wikipedia, Poynter Institute USA, Commonwealth Press Union London and similar work produced elsewhere in the training workshops. The authors are indebted to the International Centre for Foreign Journalists, Washington DC (with whose fellows we have worked in the past) for allowing us to use parts from their 2008 *Digital Guide for Tracking Corruption*.

## Your sample learning plan

Give yourself a month to learn, practice and master these skills. Your proposed learning plan may look like this:

Weeks	Aim to cover...
Week 1	<ul style="list-style-type: none"> <li>• What is accountability and transparency in the Afghan context</li> <li>• How research methods work</li> <li>• Investigative journalism: What it is, how it works and skills required</li> <li>• Assign yourself a task on one narrow area of your choice on the themes of accountability and transparency – you research, investigate and speak to your sources</li> <li>• You produce first draft in your chosen language and chosen media and receive feedback from a teacher or a senior – you rework on your drafts in the light of feedback you received</li> </ul>
Week 2	<ul style="list-style-type: none"> <li>• You choose your second area of choice to work on the themes of accountability and transparency</li> <li>• You produce first draft in your chosen language and chosen media and receive feedback – you rework on your drafts in the light of feedback</li> <li>• We expect that some readers will be able to work on their third topic because of the motivation and skills they would gain from reading this Guide and the fulfilling nature of this courageous profession.</li> </ul>
Week 3	<ul style="list-style-type: none"> <li>• Journalism ethics</li> <li>• Freedom of expression</li> <li>• Freedom of access to information in Afghan society</li> </ul>
Week 4	<ul style="list-style-type: none"> <li>• Media self-regulation</li> <li>• Developing a workable code of practices</li> <li>• You send your shortlisted final, publishable pieces on investigative journalism to your chosen media</li> </ul>

## Foreword

### Why investigative journalism for accountability and transparency?

According to Transparency International's Annual Report published in 2008, Afghanistan is world's 8th highly corrupt country. Afghanistan's Corruption Perception Index is at 172 out of 180 countries.

This rating puts the burden of cleaning up the mess on Afghan media and journalists. This is where the investigative reporting comes. And as the *Handbook for Afghan Journalists* prepared by Institute for War & Peace Reporting (IWPR) states:

"In Afghanistan, there has never been a more important time to be a journalist. For the first time in a generation, journalists have the chance to report freely on what is happening in their country."

However, the Guide authors' feeling after speaking to various journalists is that this 'free reporting,' particularly investigating reporting, might take some time to occur – as for many decades, they have been conditioned to authoritarian- at worst, and self-censorship, at best. The Communists, Mujahideen and Taliban regimes have long made them submit to not attempting to report any wrongdoing by those in power. This is the bad news!

The good news however is that UNDP initiatives like this one may encourage many journalists in Afghanistan to come out of their fear zones and serve the country as it is being rebuilt, and act as a watchdog against wrongdoing. The high corruption rating of Afghanistan puts journalists to come out of their comfort zone of day-to-day reporting and hit hard and as the source in *All the President's Men* movie on Watergate Scandal says: *Follow the Money!*

Before we discuss investigative journalism, let us know briefly what accountability and transparency means, particularly in the Afghan context.

However, please note that this guide is not on accountability or transparency; it's on practical tips on undertaking the investigative reporting. This part only serves as a backgrounder on accountability or transparency.

According to 2008 Transparency International Report, *Preventing Corruption in Humanitarian Assistance*, countries which receive large humanitarian aid, the incidence of corruption increases. Afghanistan is one such case. The report says:

“The massive aid response to the Indian Ocean tsunami of December 26, 2004, generated huge public and media interest and pushed the issue of corruption higher on the agenda of the humanitarian community. Agencies had to confront corruption within their operations and in the operating environment around them in a larger and more public way than they had ever faced.

In a similar manner the sex-for-food scandal that surfaced in West Africa in early 2002, and the recent follow-up report that reinforces these findings and the culture of impunity that surrounds them (**Csaky** 2008) have forced agencies to deal with corruption of a different sort – one not necessarily involving financial fraud.

Other recent high-profile examples of corruption include instances following Hurricane Katrina in the USA and in the aid responses to wars in Iraq and Afghanistan, highlighting the diversity of contexts and that corruption risks arise in developed as well as developing countries.”

Citing various reports and studies done since 2004, **Lorenzo Delesgues**, Kevin Savage, Ellen Martin and Gul Pacha Ulfat in their 2007 report titled *Corruption Perceptions and Risks in Humanitarian Assistance: an Afghanistan Case Study* highlight this incidence of waste and corruption in the country:

“According to the World Bank director in Afghanistan, an estimated 35% to 40% of aid is being wasted (Duparcq, 2006). The spending imperative was especially evident in the run-up to the 2004 Afghan elections (GAO, 2005), and the need for the US in particular to present Afghanistan as a success story, especially in view of the ongoing conflict in Iraq (Nawa, 2006). An example of this can be seen in the construction of the USAID-funded Kabul to Kandahar highway, a campaign promise by President Hamid Karzai before the 2004 elections. The road was built in less than two years, but is already disintegrating due to poor design and planning. See appendices for a report on the **scam of reconstruction in Afghanistan**.

Another example concerns the US construction company Louis Berger. Under USAID’s ‘Accelerating Success initiative’ (GAO, 2005), the firm built and renovated 533 schools and clinics at a cost of \$226,000 each. According to Duparcq (2006), the Afghan government could have achieved the same results at just \$50,000 per building. Many of these buildings were later damaged during the winter because of design flaws (Nawa, 2006).”

## **Part 1**

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# **Accountability, Transparency and Research Methods: The Basics**



## 1.1 What's accountability?

**Think Task:** Can you pause for a minute, and think what's accountability, particularly in Afghanistan?

Accountability is often used synonymously with such concepts as responsibility, answerability, enforcement, liability and other terms associated with the expectation of account-giving. As an aspect of governance, it has been central to discussions related to problems in both the public and private (corporation) worlds, according to Wikipedia.

Accountability is defined as 'A is accountable to B when A is obliged to inform B about A's (past or future) actions and decisions, to justify them, and to suffer punishment in the case of eventual misconduct.'

In her *Assessing the National Solidarity Program in Afghanistan* (2007) **Yama Torabi** defines accountability as a "process or a principle beyond one's control to be held accountable for one's action."

Her emphasis: "This can comprise an actor's performance on the basis of a formal contract, but also one's concerns for reputation (commitment to local populations, professionalism or "ethics of well-spending" in Islam) through informal norms."

As this definition allows for discussion of political claims over aid, it is more comprehensive than the technocratic categorisation that focuses on two components of accountability: answerability (obligation of power-holders to justify their decisions and actions) and enforceability (the existence of mechanisms for punishing poor performance and non-compliance).

**Torabi** says that both components require technical capacities which local [Afghan] populations are often lacking. By broadening the definition, the study will also assess the complementarities between different types of accountability.

In leadership roles, accountability is the acknowledgment and assumption of responsibility for actions, products, decisions and policies including the administration, governance and implementation within the scope of the role or employment position and encompassing the obligation to report, explain and be answerable for resulting consequences.

## Types of accountability

Stone, Dwivedi and Jabbra list eight types of accountability, namely: moral, administrative, political, managerial, market, legal/judicial, constituency relation and professional. We will only highlight three of these types, relevant to your work as an investigative journalist in Afghanistan.

### Political accountability

Political accountability is the accountability of the government, civil servants and politicians to the public and to legislative bodies such as parliament.

Constitution, or statute, can empower a legislative body to hold their own members, the government, and government bodies to account. This can be through holding an internal or independent inquiry. Inquiries are usually held in response to an **allegation of misconduct** or **corruption**. The powers, procedures and sanctions vary from country to country. The legislature may have the power to impeach the individual, remove them, or suspend them from office for a period of time. The accused person might also decide to resign before trial.

### Administrative accountability

Internal rules and norms as well as some independent commission are mechanisms to hold civil servant within the administration of government accountable. Within department or ministry, firstly, behaviour is bounded by rules and regulations; secondly, civil servants are subordinates in a hierarchy and accountable to superiors. Nonetheless, there are independent **'watchdog'** units to scrutinise and hold departments accountable; legitimacy of these commissions is built upon their independence, as it avoids any conflicts of interest.

### Market accountability

Under voices for decentralisation and privatisation of the government, services provided are nowadays more 'customer-driven' and should aim to provide convenience and various choices to citizens. With this perspective, there are comparisons and competition between public and private services and this, ideally, improves quality of service.

Outsourcing service is one means to adopt market accountability. Government can choose among a shortlist of companies for outsourced service; within the contracting period, government can hold the company by rewriting contracts or by choosing another company.

## Social implications

Accountability constrains the extent to which elected representatives and other office-holders can wilfully deviate from their theoretical responsibilities, thus **reducing corruption**.

In a **BBC** documentary, the Misrepresentation of the People Act was proposed to make members of parliament in the UK more accountable.

## In recent times

Recently, accountability has become an important topic in the discussion about the legitimacy of international institutions. Global administrative bodies are often criticised as having large accountability gaps. One paradigmatic problem arising in the global context is that of institutions such as the World Bank and the International Monetary Fund which are founded and supported by wealthy nations and provide aid, in the form of grants and loans, to developing nations. Should those institutions be accountable to their founders and investors or to the persons and nations they help?

Accountability is becoming an increasingly important issue for the non-profit world. Several **NGOs signed the 'accountability charter' in 2005**. In the Humanitarian field, initiatives such as the HAPI (**Humanitarian Accountability Partnership International**) appeared. Individual NGOs have set their own accountability systems (for example, the ALPS, Accountability, Learning and Planning System of ActionAid).

More recently, **Afghanistan** and **Iraq**, very high on Transparency International's Corruption Index, were the two countries which became a highlight of the accountability drive by donor community and the UN organisations.

## **What does accountability mean in the Afghan context?**

A fundamental question is: Does anyone really want to hold people accountable in a country like Afghanistan? From the American commercial organisations who are accused of waste of public money, to western humanitarian donors whose money does not reach the intended beneficiaries, to a weak government in Kabul which does not want to offend any ally, who would really want a process of accountability to flourish? And finally, are journalists willing to risk their livelihood and life to strive for accountability – only because it's their country?

However, the flip side of this pessimism may mean that as an investigative journalist, you try to make people and organisations (both in public sector and in the non-profit world) accountable for their:

- Actions and their impact on people
- Policies and decisions
- Conflict of interest
- Any wrongdoing
- Improper use of their mandate and resources

This may not be a bad bargain, will it be?

## 1.2 What is transparency?

**Think Task:** Can you pause for a minute, and think what's transparency, particularly in Afghanistan?

Transparency, when used in a social context, implies openness, communication and accountability.

According to Wikipedia, it is a metaphorical extension of the meaning a 'transparent' object is one that can be seen through. Transparent procedures include open meetings, financial disclosure statements, the freedom of information legislation, budgetary review, audits, etc.

### Politics

In politics, transparency is introduced as a means of holding **public officials accountable and fighting corruption**. When government meetings are open to the press and the public, when budgets and financial statements may be reviewed by anyone. When laws, rules and decisions are open to discussion, they are seen as transparent and there is less opportunity for the authorities to abuse the system in their own interest.

In government, politics, ethics, business, management, law, economics, sociology, etc., transparency is the opposite of privacy; an activity is transparent if all information about it is open and freely available. Thus when courts of law admit the public, when fluctuating prices in financial markets are published in newspapers, those processes are transparent.

When military authorities classify their plans as secret, transparency is absent. This can be seen as either positive or negative; positive, because it can increase national security, negative, because it can lead to secrecy, corruption and even a military dictatorship.

### Corporate

Corporate transparency, a form of radical transparency is the construct of removing all barriers to —and facilitating of— free and easy public access to corporate, political and personal information and the laws, rules, social connivance and processes that facilitate and protect those individuals and corporations who freely join, develop and embellish the process.

## **Banking**

Banking transparency and disclosure of bank activities are suggested to prevent future banking crises, underground banking, unpublished accounts, money laundering, tax evasion and other fraud. Forcing banks to disclose more information about their lending and investment in deprived areas is suggested as part of the fight against financial exclusion.

## **Media transparency**

Media transparency is the concept of determining how and why information is conveyed through various means. If the media and the public know everything that happens in all authorities and county administrations there will be a lot of questions, protests and suggestions coming from media and the public. People who are interested in a certain issue will try to influence the decisions.

Transparency creates an everyday participation in the political processes by media and the public. One tool used to increase everyday participation in political processes is Freedom of Information legislation and requests (more on that in Part 5). Modern democracy builds on such participation of the people and media. There are, for anybody who is interested, many ways to influence the decisions at all levels in society.

## **Example of media transparency**

When an organisation (corporate, government, non-profit, or other) holds a meeting and the proceedings are open to the public and the press, and the meeting is publicised via one or more of the following methods, there is less opportunity for the organisation to abuse the system of information delivery in their own interest:

- Broadcast over radio
- Reviewed on television
- Reported in newsprint
- Journalised on blogs

This assumes, of course, that the organisation does not own or otherwise affect the media conveying the information.

## **What does transparency mean in the Afghan context?**

This may mean that as an investigative journalist, you try to uncover as many occasions as possible which are of public importance and which may have consequences for public through every possible media:

- How are the policies and decisions being made in the public sector
- Who benefits from these policies
- Who gets the government construction and road contracts – with or without bidding
- How are Western donors and INGOs contributing to the ‘good’ or ‘ills’ of Afghan economy and social norms
- Is there more harm than good
- How shifting alliances and loyalties in the politics change bad things to good and good to bad
- Etc etc

## 1.3 Research methods

The aim of section is to give you a little background on the methods in social sciences research. Journalists may not need to know this area in detail as they have devised their own ways to investigate and report events. However, a brief discussion won't hurt!

The goal of the research process is to produce new knowledge, which takes three main forms (although there maybe some overlap):

- Exploratory research, which structures and identifies new problems
- Constructive research, which develops solutions to a problem
- Empirical research, which tests the feasibility of a solution using empirical evidence

Research can also fall into two distinct types:

1. Primary research
2. Secondary research

### Primary research

**Primary research** (also called **field research**) involves the collection of data that does not already exist. This can be through numerous forms, including questionnaires and telephone interviews amongst others. This information may be used in such things as questionnaires, magazines, and Interviews.

The term is widely used in market research and competitive intelligence. However:

- it may be very expensive because many people need to be confronted
- by the time the research is complete it may be out of date
- people may have to be employed or avoid their primary duties for the duration of the research
- people may not reply if emails or letters are used

### Secondary research

**Secondary research** (also known as **desk research**) involves the summary, collation and/or synthesis of existing research rather than primary research, where data is collected from, for example, research subjects or experiments.



The term is widely used in market research and in medical research. Secondary research can come from either internal or external sources.

## Social research

**Social research** refers to research conducted by social scientists (primarily within sociology and social psychology), but also within other disciplines such as social policy, human geography, political science, social anthropology and education. Sociologists and other social scientists study diverse things: from census data on hundreds of thousands of human beings, through the in-depth analysis of the life of a single important person to monitoring what is happening on a street today - or what was happening a few hundred years ago.

Social scientists use many different methods in order to describe, explore and understand social life.

Social methods can generally be subdivided into two broad categories.

1. **Quantitative methods** are concerned with attempts to quantify social phenomena and collect and analyse numerical data and focus on the links among a smaller number of attributes across many cases.
2. **Qualitative methods**, on the other hand, emphasise personal experiences and interpretation over quantification, are more concerned with understanding the meaning of social phenomena and focus on links among a larger number of attributes across relatively few cases. While very different in many aspects, both qualitative and quantitative approaches involve a systematic interaction between theories and data.

Common tools of quantitative researchers include surveys, questionnaires, and secondary analysis of statistical data that has been gathered for other purposes (for example, censuses or the results of social attitudes surveys).

Commonly used qualitative methods include **focus groups**, participant observation and other techniques.

## **Part 2**

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# **Investigative Journalism: Theory and Practice**

## What is investigative journalism?

**Investigative journalism** (also called **investigating reporting**) is:

- Not just day-to-day reporting, but in-depth, long-term researched reporting
- Investigative reports often take a longer time to research
- They reveal new information, not just the results of someone else's investigation
- They are based largely on documents and extensive interviews and use of public and private data archive
- Following a paper trail
- Extensive interviewing of various sources
- Corruption-finding tools and methods (undercover reporting, hidden cameras, surveillance)
- Revealing information others want to keep secret or information not known to the public
- Working towards transparency and accountability of individuals and groups using power
- Belief in the watchdog role of the media as well as catalyst for change in society

More often, investigative journalism involves investigating wrongdoing by individuals, groups or institutions.

### The difference between day-to-day reporting and investigating reporting

- The key difference is that in day-to-day reporting, people want to **tell** facts; in investigative reporting, people want to **hide** facts
- Investigative reports often take a longer time to research and write
- They reveal new information, not just the results of someone else's investigation
- They are based largely on documents and extensive interviews

### What do investigative reporters look for?

- Who is responsible for the wrongdoing?
- How was it done?
- What are the consequences?

- What can be done about it?

### **Why invest in investigative reporting?**

Investigative reporting makes an impact by ...

- Reversing a wrong policy
- Causing the resignation/firing of erring officials
- Focusing attention on previously neglected issues and areas
- Increasing public debate

**Investigative reporting is a process** which starts with a first lead or tip and goes through initial investigation and forming an investigative hypothesis.

A **hypothesis** is a theory or premise to start your investigation.

**Example:** From 2004 to 2009, the head of Afghan Highways received bribes from road contractors in the form of commissions ranging from 20 to 30 percent of the project cost.

## Investigative reporting also benefits the media organisations: US case study

- Helps sell newspapers and news programmes on radio, TV and other media, particularly in Afghanistan where most media channels are very basic and are received by small populations
- Widens the scope of journalistic freedom and opens new avenues of access to information (like Freedom of Information Act, yet to be enacted in Afghanistan)
- Enhances the capacity of the media to play a watchdog role

A recent (2008) case study from the USA highlights this point:

### Investigative Journalism: Newspapers' New Lifeblood

New York: Some of the country's top investigative reporters called their work vital to newspapers' success in an increasingly fragmented media marketplace.

Winners of and finalists for Harvard's Goldsmith Prize for Investigative Reporting punctuated their comments with pessimism about American papers' general commitment to in-depth reporting.

*New York Times* reporters James Risen and Eric Lichtblau took the \$25,000 award for revelations that the government tapped into international phone calls and email traffic without court warrants.

Apologising for being "very opaque" in his remarks - because of the Justice Department's efforts to identify who leaked classified information used in the stories - Risen called the series "very defensible from a national security standpoint. The only secret that we revealed is that (the government) was avoiding the law."

He suggested that the stories helped the *Times* overcome two headaches: Jayson Blair's source inventions and Judith Miller's testimony, after 85 days in jail, relating to the leak of the identity of C.I.A. operative Valerie Plame Wilson.

Lichtblau said that as a family-owned paper, the *Times* is "more insulated" from the industry's financial problems. "Circulation is steady and we're hiring."

Mike Wilkinson, one of a six-person *Toledo (Ohio) Blade* team that uncovered “Coingate,” deplored the fact that his roughly 150,000-circulation paper had a commitment to investigative reporting unmatched by many much larger dailies. (The *Blade*, owned by a local family, won a 2004 Pulitzer Prize and was a finalist for a 2000 award.) “The press is the only institution to play the watchdog role,” added colleague James Drew.

Before the *Blade*’s series uncovered a national scandal, which led to the convictions of Ohio’s governor and others and prompted sweeping campaign reform in Ohio, the reporters praised their publisher’s continuing support in face of the governor’s charges of a vendetta.

How long will the *Blade*’s in-depth reporting ardour continue? In these “perilous” financial times, said Wilkinson, “maybe three years from now we won’t be in this position.”

Copley News Service reporters Marcus Stern and Jerry Kammer also stressed the press’s “watchdog” role. Their reporting led to California Congressman Randy Cunningham’s resignation, and later conviction, for taking bribes.

Stern, who is also the news editor of Copley’s Washington bureau, said that, because he and his colleagues report from Washington, “We have a lot of freedom and don’t have to feed the beast (of daily filings) so much.” In his role as news editor, he said, he’s found that sometimes reporters get caught up in routine coverage, like press conferences, instead of focusing on major projects. “A lot of papers could be more effective if they used their resources differently. They’re on a treadmill. They can do a better job if they slow down.”

Evelyn Larrubia, a member of the *Los Angeles Times* team that exposed how some guardians of the elderly victimised and robbed their clients, had to sift through thousands of case files to discover how unscrupulous entrepreneurs loot assets.

“Through the drudgery, we kept our fire in the belly, (which) reminded us of how important it is to speak for people who can’t speak for themselves,” she said.

Larrubia and her colleagues said they were never asked to rush stories into the paper. “We had the chance to do it right,” she said.

Her colleague, Jack Leonard, said that although *Times* reporters had an “enormous sense of distrust of the parent company” (Tribune Co.) because of recent newsroom cutbacks, the paper hasn’t strayed from its investigative reporting mission.

“If papers are going to survive, we must provide readers with these services,” he said.

Dana Priest's *Washington Post* series revealing a C.I.A. network of secret prisons outside the U.S., presented her with a new dilemma: "What not to publish. It's a challenging issue for our business. We have to think about this, which we're not trained to do. I hope that as more reporters understand the crucial role of intelligence, they will educate themselves (about these issues)."

While Priest noted some "newsroom angst" over editorial budget cuts, she and *Post* colleague Susan Schmidt stressed the paper's continued commitment to investigative reporting.

Schmidt, one of a three-person team that broke the Jack Abramoff lobbying scandal, said the paper sees in-depth reporting as the way to compete with new media. "We can do it. Bloggers can't. That's our franchise."

And her *Post* colleague, Jeffrey Smith, predicted "more and more papers will come around to investigative reporting, as consumers can get their breaking news from other sources.

"If we concentrate on investigative reporting, we can make a difference and distinguish ourselves from everything available on the Web. We're very slow as an institution to realise that we can't just write what happened. We have to tell them what they can't get in any other media."

*By Bill Kirtz, Professor, Northeastern University*

## How investigating reporting may prove to be challenging for Afghan journalists?

The threats to journalist in Afghanistan may be varied – from denying access to information to being killed in the line of duty. They may be:

- Ridiculed
- At the receiving end of delaying tactics – even to speak to a minister for quote
- Denied access to documents
- Denied access to public officials and ministers
- Threatened for dire consequences or job loss (in certain cases, they do lose job!)
- Kidnapped for a few days or weeks, on some occasions for months
- Attacked
- Killed
- At worst, their work may fall on deaf ears

### Useful tips for investigative reporter in Afghanistan

- Know the Afghan general, media law and customs
- Know the connections in the higher place and procedures
- Watch your back!
- Focus your research
- Follow the money
- Just keep digging!



## Practical skills required for an investigative reporter: The recap

An investigative reporter needs new ideas on finding and researching fresh stories. He/she needs to know where to find leads and spotting a hidden story. This skill-set includes:

- Researching - how to open new lines of inquiry
- The hidden mike and camera - how and when to use them
- Handling obstructive and difficult people, often those in power
- Obtaining documents
- Safety issues – secrecy and security – your personal security and the safety of your sources
- Overcoming legal complications (checking your story for facts and libel)
- Note-taking
- Writing the story

## Tip from an investigative journalist: ‘Avoid conventional wisdom and uncover investigative gems’

*The New York Times’* Walt Bogdanich in 2008 told a room full of reporters at a conference how he finds his great investigative stories: **“In the newspaper.”**

The key, he said, is reading the paper differently than the casual morning reader - reading stories with an eye for what is left unsaid. It is part of a contrarian attitude that he believes is essential to finding great stories.

**Case in point:** Bogdanich’s Pulitzer Prize-winning work on how toxins from China have made it onto the global market. The spark for the story was an article he read about a rash of deaths in Panama from cold medicine. The conventional wisdom, Bogdanich said, was that poison “accidentally” made it into the medicine. He didn’t understand how something like that could be an accident.

“What I do is the opposite of conventional wisdom. You can’t think the way everyone else thinks,” he said.

So he pitched the story (although at that point he knew of no American connection) and eventually learned that it wasn’t an accident - it was an industry. “It was the chemical industry, which had no business selling pharmaceutical ingredients, selling out the back door, unregulated.”

Bogdanich’s tips were aimed at business journalists but can be applied to any beat.

### **Selling the story**

**The hardest part** of Bogdanich’s story, he said, isn’t the investigations, but **getting editors to give him the green light.**

“If you don’t get on the dance floor, there is no dance,” he said. “It is a planned sales job. It’s not something you do on the way to the men’s room or the cafeteria ... It’s an appointment.”

He advised making that appointment after you have already done some digging into the story. Bring some documents to bolster your argument. Don’t ask for a year - it’s better to say the story will take a couple weeks and keep going that way as long as you can.

And that appointment is best made, he added, after you have already reported the stories suggested by the editors.

*By Steve Myers*

## The investigative trail involves four steps

1. The **people** trail: interviews with sources, perpetrators and victims
2. The **paper** trail: documents
3. The **electronic** trail: the use of computers and the Internet for research and reporting
4. **Fieldwork**: on-site inspections

(Adapted from similar workshop work produced in the Philippines)

Explanation about each trail in the following pages.

## 1 People trail: a guide to sources and interviews

### Why talk to people?

- Gather facts
- Get quotes/official statements
- Seek expert opinion
- Explain documents
- Confirm what you already know

**Example:** See a *Chicago Tribune* report of exposing the Indian-Americans' wrongdoing on the next page, and their use of sources/people trail.

### Traditional sources of news

- Government officials
- Business executives
- Police
- Military /ISAF
- Investigative agencies

### Seldom-used sources

- Experts
- Lawyers
- Nongovernmental and community organisations
- Fellow journalists
- Relief, humanitarian and aid agencies, social workers
- People behind the scene
- "Ordinary" people, especially those affected by government programmes or policies

Make sure your sources are credible, reliable and accessible.

## Case in point: Indian Americans involved in Illinois scandal: Report

CHICAGO, 13 Dec 2008: Several eminent Indian Americans are linked to the corruption scandal involving Illinois Governor Rod Blagojevich's attempt to sell the Senate seat vacated by president-elect Barack Obama, a front page investigative report by *The Chicago Tribune* said.

Blagojevich was arrested by the Federal Bureau of Investigation (FBI) for allegedly negotiating with several politicians to nominate them for the senate seat for monetary and material favour. He was let off on a \$4,500 cash bond but the scandal has hogged headlines in the US.

Obama, who represented Illinois in the US Senate before being elected president, resigned after the elections. Under US laws, the state governor has the authority to nominate his replacement for the rest of the term.

*The Chicago Tribune* has named several Indian Americans - all based in Chicago - for holding negotiations on behalf of US Representative Jesse Jackson Jr with Blagojevich over the seat Obama vacated.

Jackson has been named as "Senate Candidate 5" in the FBI charge sheet against the Illinois governor.

The Indian American supporters of Jackson, the newspaper said, promised to hold a fundraiser for the Illinois governor for his re-election bid and raise more than \$1 million in lieu of the senate seat.

The daily identified one such Indian American as Raghuvver Nayak or Raghu.

He owns a series of surgery centres in Chicago.

"Raghu (Nayak) said he needed to raise a million for Rod to make sure Jesse got the seat," a businessman who attended one of the meetings where requests were made for the fundraiser was quoted as saying by *The Chicago Tribune*.

"He said, 'I can raise half of it, \$500,000.'," added the businessman, also an Indian American.

Nayak, who the report said is a major Blagojevich fundraiser, also has ties with the Jackson family.

Nayak and Jesse Jackson Jr's brother Jonathan have known each other for a long time and even went into business together some years ago.

Among other Indian Americans named in the report are pharmacist Harish Bhatt and brothers Rajinder Bedi and Jatinder Bedi.

Rajinder is managing director for the Illinois Department of Commerce and Economic Opportunity's Office of Trade and Investment, overseeing nine foreign trade offices around the world, from China to Israel. Jatinder is editor of the Chicago-based ethnic Indian newspaper, *Indian Reporter*.

Quoting two unidentified businessmen who attended the fundraiser meetings, the report said Nayak and Rajinder privately told many of the more than two dozen attendees that the fundraising effort was aimed at supporting Jackson's bid for the Senate.

One such fundraiser was held a few days before the arrest of the Illinois governor. It was co-sponsored by Nayak and attended by Jonathan Jackson as well as Blagojevich, according to several people who were there.

Iftekhar Shareef, past president of the influential Federation of Indian Associations, who attended the fundraiser, said: "Raghu (Nayak) is always talking about how we need to appoint Jesse to the Senate. They are very close. Raghu is close to all the Jacksons. He even asked me to write a letter to the governor supporting Jesse for the senate."

## The art of the interview: the setup

- Research: Check news clips, read, ask around
- Plan: Who to interview first? Where to interview? How to interview (phone, face-to-face, email)?
- Organise: Minimum interview schedule: most important questions, key words
- Inner interviewing: Warm up, think of an icebreaker

## Your interview questions

- Open questions: (What do you think of...?)
- Questions that call for specific answers: WHO, WHAT, WHERE, WHEN, HOW, WHY? (5Ws, 1H)
- Questions that expand upon what's already known or said (Give me an example. Tell me how it happened.)
- Questions that clarify (What exactly do you mean? In what way?)
- Questions that probe (How do you know that? What proof do you have?)
- Questions that display objectivity (Your critics say that....It's been said that...)
- Questions with a logical sequence

## Problematic interview questions

- Closed questions, unless you're after a categorical answer (Questions that can be answered with "yes" or "no" or with other one-word answers)
- Leading questions (Aren't you angry at critics who are questioning your integrity?)
- Dualistic questions (Do you know whether or not you're healthy enough to run in the elections?)
- Apologetic questions (I hate to ask, but... I know it sounds stupid, but...)
- Questions with two or more parts (How did the standing committee find out about the anomaly and what did the committee do when they learned about it?)

## Be fair to sources

Agree on the interview conditions and categories with the sources: Is the interview?

- On the record
- Not for attribution
- Background
- Off the record
- Pseudonym

### **Note-taking**

- Tape the interview (audio or audio-video), but also do backup notes
- Note-taking
  - Adopt a personal system for highlighting most important quotes, details
  - Jot down personal observation on tone, colour, texture of interview



## Six difficult interview situations: getting your source to talk

### 1. Source seeks you out first with a tip or leak

- By all means, talk the source but ask for documents or other sources to check/prove what he or she is saying
- Investigate not only the issue, but the source (what's his/her motive?)
- If he or she's a whistleblower, be clear that you can't offer him/her protection
- If he or she's going on the record, get him/her to sign a paper (just in case he or she decides to withdraw in the future)

### 2. Source keeps refusing to meet you

- Find out why he or she refuses to talk
- Explore all possibilities (phone, email, fax, letter). Add clips to your letter to convince the subject
- Go through an intermediary (sons, relatives, friends, colleagues)
- Get a third party to assure them of your integrity as a journalist
- Tell source why you want to talk; reveal a little of what you know
- Find opportunities to meet source informally
- Send the questions and say: Here they are, it's now up to you
- In extreme cases, wait at the person's office door and forced entry

### 3. Source demands "no attribution" or "off the record"

- Persuade the source to go "on the record" (or no attribution) and fully explain why he or she should
- Listen respectfully and later inject: Is there any way I can quote you about that?
- If he's still reluctant, ask: Are there documents or other persons who might reveal the same information?
- Don't accept "after-the-fact" requests, especially from media-savvy sources
- Get him to agree to go on the record if you could find somebody who is similarly situated who will also go on the record
- An agreement is an agreement, so make sure you protect your source's identity

#### **4. The source shows up with their PRO, spokesman or secretary**

- Tell the source politely it's s/he you want to talk to ("I came to see you, not them, because the public — I don't mean to be rude — is not interested in hearing from a subordinate. The public wants to hear what the boss may have to say.")
- If the PRO answers, turn the question back to the source when they're done speaking ("And what's your response?")
- If the PRO tries to terminate the interview prematurely, tell them, "We'll stop this interview with your admission that we're not getting to main or crucial points."

#### **5. The source becomes furious**

- Don't get angry. Maintain control...
- ...but don't try to calm the subject either. Let him/her talk.
- Be polite but pop the question you need to (Why did you take the money? Why did you do it?)
- Avoid interrupting the source when conflict arises

#### **6. The source threatens you with dire consequences**

- Watch your back
- Don't get killed or kidnapped!
- Weigh what is more important – the cause that you are working on, or your life

## 2 The paper trail: principles and techniques

We need a ‘documents state-of-mind’ to be a good investigative journalist. This means we constantly tell ourselves that documents are important to support and back up allegations in our report.

**Example:** See a Pakistani reporter’s example of exposing the Chief Justice’s wrongdoing on pages ahead, and his use of paper trail.

Generally in the more developing and developed countries, there is no dearth of documents. You can find documents in:

- Hard copy: Personal files, project files, bidding documents
- Soft copy: Computer databases, CD-ROMs, online information

However, in the Afghanistan context, even this simple availability of documents may become cumbersome. Afghan senior journalists’ experience is that officials refuse to provide you a document in spite of all sorts of attempts. And the only way to gain access to a document may be bribing someone.

Another difficulty in the Afghan context is lack of digital or online information about the country because of the culture of secrecy prevalent in the country, thanks to Afghanistan being the frontline state in the ‘war on terror’.

### Two types of documents

- **Secondary sources:** Previously published books, reports, articles, etc. Easy to access
- **Primary sources:** Unpublished documents. Difficult to obtain

### Secondary sources

- Newspapers and other periodicals
- Corporate reports
- Directories and yearbooks
- Other specialised publications: Donor reports, industry studies, etc.

## Primary documents

- Public/official records
- Non-public records

## Non-public documents

- Investigative files
- Intelligence agency reports
- Bank records
- Income tax returns
- Loan payment investigations
- Medical/psychiatric files

## When you're denied a public record ...

- Assert your right to information (particularly when laws and constitution guarantee access. Although Afghanistan has yet to legislate a Freedom of Information Act, FOIA. More about this in Chapter 4)
- Follow-up. Follow-up. Follow-up
- Speak to somebody in the power other than you are investigating. They may help.
- If there are disciplining agencies like a Mohtasib or tribunal, let it be known to them
- Another person or office could have a copy. Remember that these documents often have more than one copy. In most cases, you may 'bribe someone' to get a copy

### **Obstacles to access to information in Afghanistan are:**

- Culture of secrecy as prevalent in Afghanistan because of its front-line status in 'war on terror'
- Political/warlords/drug lords' intervention/ use of secrecy by foreign forces
- Lack of public information about the right to information and procedures to access information in the absence of FOIA
- Unclear/undefined laws and procedures
- Inadequate/undeveloped information infrastructure

### **3 The electronic trail**

- Using information available electronically to perform tasks associated with journalism

#### **Computer-assisted research**

- Using secondary and primary sources in both online and offline databases
- Offline databases usually come in the form of CD-ROMs (such as encyclopaedia and specialised databases)
- The Internet is more of a tool, than a news source in itself
- Internet can be used to help reporters do background research; verify information gathered from other sources; frame questions to ask in interviews

#### **Search engines for online research**

- Crawler-based search engines, such as google
- Human-powered directories, such as the Open Directory

#### **Google – [www.google.com](http://www.google.com)**

- comprehensive coverage
- great relevancy
- used for finding web pages, images, discussions, products
- cached links – will find even “dead” pages; spell-checking; dictionary definitions

#### **Other search engines**

- Yahoo – [www.yahoo.com](http://www.yahoo.com)
- MSN - [www.live.com](http://www.live.com)
  - These search engines are capable of giving you not only web pages but also pictures, audio and video files, news, products

#### **The basics of Search [Google]**

## Choosing keywords

For best results, it's important to choose your keywords wisely

- Try the obvious first. If you're looking for information on Hamid Karzai, enter "Hamid Karzai", not "President"
- Use words likely to appear on a site with the information you want. "combating corruption Afghanistan" gets better results than "lessen incidence of corruption Afghanistan". Another example: "poor in Afghanistan" gets better results than "poverty alleviation in Afghanistan".

## Capitalisation

Searches are not case-sensitive. All letters, no matter how you type them, will be understood as lower case. For example, searches for "Transparency" and "Accountability" and "transparency" "accountability" and will get the same results.

## Automatic "and" queries

- There is no need to include "and" between terms
- The order in which the terms are typed will affect the search results
- To restrict a search further, add more terms
- For example, to find literature on ethical issues in journalism, type "ethics journalism". To find materials on ethical issues faced by journalists in Afghanistan, type "ethics journalism Afghanistan"

## Automatic exclusion of common words

- Google ignores common words and characters such as "where" and "how", as well as certain single digits and single letters, because they tend to slow down your search without improving the results.
- If a common word is essential in getting the results you want, do a phrase search, by putting quotation marks around two or more words. Common words in a phrase search (e.g., "where are you") are included in the search.

## Advanced search

- **Language:** Specify which language you would like your results returned in, like Dari
- **Date:** Restrict your results to the past three, six, or twelve months
- **Domains:** Search only a specific website or exclude that site completely from your search

### **Human-powered directories**

- **The Open Directory** - dmoz.org
  - uses volunteer editors to catalogue the web
  - but no backup results when there is no match with human-compiled lists
- **Google Directory** - directory.google.com
  - keyword searching
  - software creates backup for human-compiled searches

### **Metasearchers** (simultaneously makes use of more than one search engine)

- **Dogpile** – dogpile.com: sends a search to a list of search engines, directories and specialty search sites
- **Vivisimo** – vivisimo.com: automatically organises the pages into categories

## Internet IQ checklist for journalists (Poynter Institute)

What to look for in reports and data when searching the internet:

### 1. Authority

- Who wrote it and why? Who published it and for what purpose?
- Are the author's credentials provided? (look for a link to "About us")
- Is there contact information for the people who put up the site? (Look for a link to "Contact us" or "Email us")

To know who published the page ... check the URL: the top-level domain?

- com — commercial organisations
- edu — educational organisations
- gov — government organisations, non-military
- org — other organisations
- net — network resources
- mil — military (army, navy, etc.)

### 2. Objectivity

- What opinions or biases, if any, are expressed in the information?
- Is the site a mask for advertising or an agenda? (Is there advertising on the page?)

### 3. Timeliness or currency

- When was the page produced?
- When was it last updated?
- Is it up-to-date?
- Are the links current?



#### 4. Sourcing

- What is the source of information? Is it reliable?

#### 5. Verification

- Find at least one other reputable source, preferably not online, that provides similar information

Aside from research, the personal computer assists journalists in three other ways ...

- **Reference:** dictionaries, encyclopaedia, glossaries
- **Rendezvous:** Listservs/email lists, newsgroups, forums
- **Reporting:** Database software to build original collections of information; spreadsheet programs for analyses; statistical programs for large data sets

Although this may be too much to ask for in the current Afghan situation as we are still struggling with very basic journalistic infrastructure here and very little data are available on the internet regarding Afghanistan.

## 4a On-site fieldwork: Investigating corruption

### What is corruption?

**Lorenzo Delesgues**, Kevin Savage, Ellen Martin and Gul Pacha Ulfat in their 2007 report titled *Corruption Perceptions and Risks in Humanitarian Assistance: an Afghanistan Case Study* define corruption as ‘the misuse of entrusted power for private gain’.

In his 2006 study *Mapping the Risks of Corruption in Humanitarian Action*, **Ewins** explains that ‘in the context of humanitarian relief, this means thinking through where power lies, what would constitute misuse, how power has been entrusted and what “private” means.’

The Constitution of Afghanistan highlights that it’s the job of the government to eliminate corruption. In Article 75 Ch. 4. Art. 5, the constitution states:

Among others, “the government has the following duties:

- Maintenance of public law and order and elimination of administrative corruption.”

While investigating the cases of corruption by individuals or organisations, we will need to do these things:

We start by experimenting in these investigative techniques. There are four common and basic techniques:

1. Observation
2. Participant observation
3. Interview of victims of corruption
4. Use of hidden cameras to record bribe-taking

The impact of using these four techniques could be that we are only:

- Able to expose only petty corruption
- Only lower-level officials are caught
- Structures and culture like that of Afghanistan that make corruption possible but not exposed

**More sophisticated techniques** could include:

- More focus on public records
- Many more human sources
- Examining financial and corporate documents and government contracts
- More sophisticated fieldwork
- Building computer databases

**When investigating contracts, see the red flags!**

- No public bidding
- Rigged bidding
- Narrow specifications
- Splitting of contracts
- Change orders
- Cost overruns
- Overpricing
- Under-deliveries and non-delivery (ghost delivery)
- Inferior or substandard products or service
- Double payments
- Red tape
- Conflict of interest (a minister offering services to government)

**Salaries and appointments**

- Nepotism
- Special and confidential positions
- Contracted staff
- Appointments to juicy positions
- Ghost employees
- Employee overtime
- Incentives, benefits for select group

**Benefits**

- Government-paid expenses
- Travel
- Cell phone calls
- Acquisition/use of government property and supplies for personal use

- Discretionary spending: intelligence funds, development funds

## **Audits**

- Who audits?
- How thorough is the audit?
- Which agency or unit is unaudited?
- How did auditors audit?

**Paper trail** for investigating corruption includes:

- Asset declarations of ministry officials and politicians
- Corporate and property records
- Contracts
- Audit reports
- Court records

Some **human sources** for investigating corruption

- Contractors and suppliers, when investigating procurements or contracts
- Losing bidders or political/business rivals
- Former officials who know the system
- Lawyers or accountants are usually either accomplices in crime or else have been contracted to sniff it out
- Investigators (police, intelligence agencies, ombudsman, assembly standing committees, administrative bodies)
- Victims themselves

## 4b On-site fieldwork: Investigating public officials

### 1. Investigate assets

- Comparing asset statements (financial disclosures) with actual assets
- Showing disparities between what is declared and what is actually owned by examining other public records
- Exposing how officials hide assets (through dummies) or inflate liabilities (through fake loans)

#### Why investigate assets?

- To examine conflict of interest
- To show the fruits of corruption, rather than how the corruption was done
- To show what interests have an impact on laws, policies and decisions

#### Paper trail for investigating assets

- Statements/declarations of assets
- Property/ownership records
  - Land
  - Companies (registration and financial statements)
  - Vehicles
- Licenses and permits (for businesses, etc)
- Listings, records, publications of trade and professional organisations
- Biographies, news articles, family histories

### 2. Investigate the way they live

- Hobbies, recreation (including club memberships)
- Social affiliations
- Restaurants & VIP places frequented
- Foreign trips
- Schools where children go
- Shops they, their spouses and children patronise
- Clothes, jewellery they wear
- What they collect (like art, cars, horses, antiques)

### **3. Examine conflicts of interest**

- Compare what they own vs what they regulate, legislate, decide on, and have power over
- Did they inhibit themselves from discussions or decisions in which they have a conflict of interest?
- Do they use their powers to benefit their interests?

### **4. Investigate their behaviour in the public**

- Who do officials meet with? Party with? Play golf with? Go out hunting with?
- Are there codes of ethics or codes of conduct that govern official behaviour?
- Can the behaviour be considered inappropriate or unethical even without such codes?

### **5. Investigate friends, relatives and cronies**

- Have family or friends been given favourable treatment – government job, contract, government loan, privileged information?
- Do cronies act as dummies for officials?
- Do certain individuals act as intermediaries for deal making by officials?

### **6. Establishing relationships**

- Family relationships: biographies, newspaper articles
- Schools: school records, listings of alumni
- Professional relationships: professional associations
- Clubs: membership lists
- Religious, geographical or ethnic group affiliation
- Election or fundraising campaign contributors: campaign records

### **7. Who is responsible?**

Tracing the route of corruption should begin with finding out where the power lies.

- Who makes the decisions?
- Who has the power to interpret or bend the rules?
- Whose signatures are required to sign a contract, permit, appointment, etc?

### Investigating the Supreme Court and other higher courts

- Examination of cases handled by law offices that included sons and daughters of Supreme Court justices
- Examination of voting by these justices on these cases
- Examination of overseas trips made by justices (with the help of flight records)
- Examination of lifestyles, including social schedules of justices

The Constitution of Afghanistan makes sure that judges are not above the law. In Article 133 Ch. 7. Art. 18, the constitution states:

- “When a judge is accused of having committed a crime, the Supreme Court shall inquire about the case involving the judge in accordance with the law.
- After listening to his defence, when the Supreme Court regards the accusation to be valid, it shall present a proposal about the judge’s dismissal to the President.
- After the Presidential approval, the accused judge is dismissed from duty, and punished in accordance with the provisions of the law.”

**Example:** Pakistan’s Chief Justice obtaining higher marks for her daughter to get admission in medical college (Case in point – Pakistani reporter Ansar Abbasi’s story about the Chief Justice of Pakistan’s daughter getting additional marks in the following pages).

**Hard fact:** So you have done your bits, took the risk of exposing a corrupt official and your report is on air or in paper. What happens then? Your reports are **IGNORED!**

As an Afghan journalist explains to a fellow media man: “My fear is that the government starts to ignore our reports and not react to them. Ignoring our reports is the biggest way they can hurt us. This is the threat, this is dangerous for us, this is painful, when your job is not effective; this is dangerous. I think it’s going to be like American democracy, the media is free to say anything, but the government is deaf to them.”

## Case in point: Pakistani Chief Justice's daughter got two marks out of one!

By Ansar Abbasi

ISLAMABAD, 19 January 2009: The two samples of Chief Justice's daughter, Miss Farah Hameed Dogar's answer sheets reveal another aspect of scandalous jacking up of her marks.

The answer sheets were made part of the Islamabad High Court's recent judgment to prove "irregularities" that were cited as the reason for the re-assessment of her papers. In one case pertaining to the paper of Physics II, despite her answer being incorrect, Miss Farah was given two marks while that part carried only one mark. In case of Urdu paper, despite making four mistakes in a two-line answer, she was given two marks out of three.

After this correspondent secured the question papers of Physics II and Urdu for the Federal Board HSSC-II Examinations 2008 and compared the same with the two samples, as reproduced in the IHC judgment, it is also revealed that the judgment pointed out a wrong answer for the Physics II answer reproduced in the verdict.

On page 13, the judgment said: "On visual examination of Physics-II paper, answer to question No 5(b) is given below: - "No, the plates of capacitor is not of different sizes; however to decrease the electrostatic factor a dielectric medium is putted in between them."

Then the judge wrote: "The examiner crossed the question and awarded zero mark. Later on, he gave one mark. On re-evaluation (re-assessment), another mark was added." It means that in this particular question of the paper, the candidate got two marks.

The question paper, however, shows that the above answer pertains to XIV (b) of Q.2, which reads as: "A capacitor is connected across a battery: (b) Is this true even if the plates are of different sizes?" It carries total one mark as part XIV, having three sub-parts — a, b and c — had total three marks. Against the answer reproduced above, the candidate, when reassessed, got two marks against the part that carried only one mark. It means even if Miss Farah's answer was 100 per cent correct, she would not have got more than one mark, but she got two.

Q.5(b) as referred by the IHC is irrelevant to the answer reproduced and reads as: "What is meant by half life of a radioactive element? How can it be determined from the decay constant of radioactive element?" And if the answer reproduced is considered as answer to Q.5(b), it is straightaway incorrect.



The Chairman Department of Physics, Quaid-e-Azam University, Islamabad, Dr Hoodbhoy, when contacted, said that in the Physics II sample in which Miss Farah was given two marks after the controversial reassessment, she actually deserved zero.

“I have seen the question sent to me which reads: “A capacitor is connected across a battery,” as well as the answer given by the examinee, said to be Ms Farah Dogar. The answer is incorrect and deserves zero mark,” Dr Hoodbhoy conveyed to *The News* in his written answer sent through an e-mail.

In Urdu paper, according to the judgment, one mark was awarded in answer to a question, reproduced in the judgment, while after re-assessment, the candidate was given an additional mark. The question paper of Urdu, as obtained by *The News*, shows that the question — 2(i) — that asked Babar’s toughness carries total three marks, out of which Miss Farah got two marks despite making two spelling mistakes and two mistakes of idioms. In a language paper, spelling and grammatical mistakes are taken seriously, but in Miss Farah’s case, after one mark, she was given two marks.

In both the sample answers, reproduced in the judgment, the judge pointed out in both the cases that the examiner initially gave zero mark, but reviewed his own assessment later and gave one mark to each question. Through re-assessment, marks in both the questions were jacked up to two marks each.

After reproducing the two samples and the details of numbers originally given and revised, the judge said: “I do find some of the irregularities in other papers too. In such a situation, when the chairman examined the answer books of the papers in dispute, he made a decision, rightly so to direct re-assessment.”

Overlooking the scandalous flaws discussed above, the judge ruled: “There is nothing wrong in the marks increased in re-evaluation by the experts in the field and no exception can be taken by this court to the procedure adopted by (the) chairman and the re-evaluation made by examiners.”

## Putting it all in practice

In order to practice what we have learnt so far, let us now carry out a practical exercise of doing some basic investigation and writing a 300-word story. The next exercise 2 is a bit more complex.

### Workshop Exercise 1: Starting with a simple investigation

Here is an exercise that is simple and can be lots of fun when working with other journalists in your media house. You can pair with another journalist. It deals not so much with investigative reporting as with the most basic steps of reporting. Our experience is that most reporters in Afghanistan may need to work on the basics.

#### Here's a fact sheet for the story:

A fire has occurred on the outskirts of the Kabul city, in an area called Company where many used-car showrooms are found. The fire has occurred in a refugee camp in a wired area. It was across the road from a petrol pump with 125,000 gallons of petrol.

The mother of a 12-year-old started the fire when she fell asleep and knocked over a candle. Her son is missing.

The alarm was called in by a neighbour. It took 35 minutes for the fire brigade to arrive. The fire-brigade chief could be seen talking to business people who have used-car stores/garages at the edge of the refugee settlement. He was seen taking money from businessmen.

The guard at the petrol pump was a witness to this. The fire was put out after two hours. Thirty family tents have been destroyed.

The 12-year-old boy is missing and there is a question about whether or not he burned in the fire.

There were rumours that the firemen protected the car businesses and didn't take care of the poor people who lived in the tented settlement.

As a group, choose three people among your other fellow journalists to interview about this story. Whom do you choose? Why?

It is your job to create a story. It is also your job in questioning these people to try to uncover the truth.

You have 15 minutes to talk with each of the three people in the form of a press conference.

**Your task: Write a 300-word news report.**

## How long should be the story?

### Short and Sweet: Storytelling in 300 Words

An American journalist, Brady Dennis, offers some insight on how long the story should be. Brady was a night cops reporter in the Tampa bureau of Poynter's *St. Petersburg Times* when he started writing "300 Words," a series of short stories, in 2004. In 2008, he won the Ernie Pyle Award for human interest writing for his series. The "300 Words" stories have been running on the front page of the paper's local-news section, about once a month.

*Excerpts from an interview with the writer of "300 Words":*

#### **Q: What did you learn about writing short stories with a beginning, middle and end?**

I learned it doesn't take 3,000 words to put together a beginning, middle and end. A good story is a good story, no matter the length. And sometimes the shorter ones turn out to be more powerful than the windy ones.

That said, there's a risk of sounding like I'm advocating super-short stories with no traditional nut graph. Not so. I believe no matter how long or short the story, people should know why it is important and worth their time. It's not enough just to paint a pretty picture. We must strive to tell them something about the world that matters, to be journalists and not simply storytellers. Hopefully, in a non-traditional way, "300 Words" does that.

#### **Q: Has it made you a better reporter? Better writer?**

Absolutely. "300 Words" made me a better reporter by forcing me to rely almost primarily on observation. Notice that most pieces contain almost no quotes. I didn't interview people as much as I simply shut my mouth and watched and listened. We don't do that enough.

It also made me a more economical writer. With only 300 words to spare, each one had to matter. I've tried to apply that rule to the other stories I do, even the long ones. The idea is to cut away the fat and leave only the muscle. As my editor repeated again and again: "Less is more." It's true for most stories we write.

## Putting it all in practice... continues

Let's now look at another investigation and writing exercise – a bit more complex with several threads of interviews, searches, researches and trails.

You may read this in conjunction with the Constitution of Afghanistan, which disallows public office holders to engage in a profitable business with the government:

Article 151 Ch. 11, Art. 1 states:

- “The President, Vice Presidents, Ministers, Head and members of the Supreme Court, Head of the Central Bank, National Security Directorate, Governors and Mayors **cannot engage in any profitable business contracts** with the government or individuals during their term of office.
- Contracts for the purpose of fulfilling personal needs are exception to this provision.”

### Workshop Exercise 2: Investigating an Afghanistan minister (or an official)

#### First lead: How we can begin

- We get reports that fancy homes are being built in Sherpur. Most of the reports come from residents of the areas where these houses are located.
- There are persistent rumours of big amounts of money being given to the Minister in exchange for government contracts.
- There are reports that middlemen of the Minister were involved in various businesses.

A **hypothesis** is a theory or a premise to focus an investigation

- **Example:** Since his becoming an Afghan Minister in 2004, this Minister has accumulated wealth and built big houses that cannot be explained by his statement of assets and what he earns as Minister.

#### The investigative trail

*(Make a strategy for the investigation)*

- The paper trail: documents
- The people trail: interviews
- The electronic trail: the use of computers and the internet for research and reporting
- On-site field work

Our strategy will be to find documentary proof that the houses are for Minister and of the extent of the business involvements of his wife and children

- Search of corporate records: Look for companies in which wives, children and Minister are listed as shareholders or board members
- Search of land records: Look for registered owners of houses being built or recently purchased

### **Strategy of investigation**

- Match acquisitions of companies and property with what Minister officially declared in his statement of assets before he became a Minister
- Interview knowledgeable sources: neighbours, associates, lawyers, architects, builders and suppliers

What we may find from **corporate search**:

- Minister and his families are listed as board members of 22 corporations. Most of the companies were formed after he became Deputy Minister. Since he became the full Minister, a dozen others were established.
- The assets of 14 companies alone total more than 600 million Afghanis
- But in 2004, the Minister declared a net worth of 40 million Afghanis and a net income of 3 million Afghanis.

Our search of **land records** and **interviews** with various sources may show:

- Since 2004, individuals or companies appearing to be fronting for the Minister or his family members acquired 17 properties in Kabul and the provinces.
- According to our estimates, these properties add up to about 2 billion Afghanis.

Most of these properties were acquired by businessmen very close to the Minister and their names are:

- This is where you can list the few names that emerge during the investigation.

**Your task: Write a 1,200-word investigative report.**

## Let's go fishing: A few recent cases of investigative journalism

Let us now look at a few recent cases of investigative journalism from around the world.

From ***Follow the Money: A Digital Guide for Tracking Corruption*** by Paul Cristian Radu (2008). This section is included with permission from author.

Online databases like **lexisnexis.com** or **dialog.com** offer endless possibilities when it comes to researching individuals and companies. A useful approach to database research is through “fishing” for names on databases.

The Center for Investigative Journalism in Bucharest (RCIJ) initiated a project looking for the names of members of Parliament on many databases, including **lexisnexis.com**, **Dun & Bradstreet** and national registries of commerce.

The name of a Romanian senator, who was head of the Juridical Commission of the Senate, popped up in the Swiss Registry of Commerce. The senator owned a company in Switzerland that was presented as being part of a “Romanian government programme.”

When training colleagues in the Balkans, former Soviet Republics or even South East Asia, journalists with the RCIJ always build databases containing the commercial enterprises of the countries where the training is conducted. For example, RCIJ would bring to Jakarta, Indonesia, spreadsheets with all the companies owned by Indonesian citizens in the United Kingdom and Switzerland.

Such data may lead to good investigative pieces on conflicts of interest and corruption. The United Kingdom and Switzerland are two countries of choice for corrupt officials and organised crime figures who want to place their money in banks they believe are safe.

A United Nations report on the global illegal weapons trade was another starting point for a 2002 RCIJ investigation. The UN published the names of companies and individuals involved in the illegal trade and RCIJ journalists looked the names up on the Romanian registry of commerce.

They found companies related to Viktor Bout, the famous Russian illegal arms dealer. His company, Flying Dolphin, based in Sharjah in the United Arab Emirates, owned a commercial enterprise in Romania and was using a Bucharest airport for weapons smuggling. Bout was arrested in Jakarta in 2008 in a joint operation of the United States, Romanian and Indonesian law enforcement.

## Layers of secrecy: cases from Europe

Determining the ownership of companies has become increasingly complex. A company in Belgrade, Serbia, could be owned by a firm in Rotterdam, the Netherlands, which could in turn be owned by a private foundation in Austria that has Russian oligarchs as its beneficial owners. This is a common scheme.

Journalists in the Balkans have identified schemes as complicated as twenty layers of companies. Searches performed for names of such companies often lead to lawyers or designated shareholders. But this should not be seen as a dead end.

Organised crime figures quite often rely on the same lawyers or the same formation agent when they establish new companies to limit the number of people who are aware of their moves.

Once a lawyer or straw party in such a company is identified, searches on the lawyer's name can be performed on various databases. This could reveal dozens or hundreds of companies associated with the solicitor's name.

Checking each of these records may yield surprising results. In one case, a lawyer used in shady deals in Eastern Europe was retained by companies belonging to a mobster's wife who had a fashion boutique. Although indirect, such cross and parallel searches could lead to the true owner of a company.

Journalists with the Center for Investigative Reporting in Sarajevo, Bosnia-Herzegovina, found a formation agent in an off-shore company that was involved in a dubious energy-related transaction in the Balkan country.

They called the agent and told her they would print her name in the newspaper as being associated with the deal in Bosnia. After hesitating, the woman gave up the name of the real owner.

It could happen that such searches end up uncovering hundreds of interconnected companies all over the globe. In that case, visual and social networks analysis tools, presented in a subsequent chapter, could be very useful in tracking down

## Software-based and web-based analysis

With the rapid development of the Web, the cross border investigative journalist is literally assaulted and overwhelmed by huge quantities of data. To process and understand these data, journalists must make use of software and Web tools.

Journalists in the Balkans have been storing company records, phone numbers, court cases and all sorts of documents for more than ten years. The archives they are building are an invaluable resource when following money and criminal enterprises, if used in conjunction with assisting software.

To chart up and track down criminal enterprises, journalists with the centres for investigative journalism in the Balkans are using software called I2. Also known as the Analyst's Notebook, according to its creators it is a leading visual investigative analysis software tool for law enforcement, government, military, intelligence and commercial organisations. It enables investigators and analysts to quickly understand complex scenarios and volumes of seemingly unrelated data, perform analyses, and communicate the results.

I2 also can help investigative journalists to analyse large volumes of company data or government records and to build charts connecting the missing dots in the process.

In fact, I2 is a social network analyses (SNA) tool that allows the user to map his knowledge in order to identify relationships among individuals, key moments, companies or various types of other entities. Besides I2, there's a wide range of available SNA software such as NetMiner, UCInet, Pajek, etc.

For example, hundreds of .txt pages or excel documents containing company information like names of companies, shareholders, addresses, dates of birth can be imported into I2 in such a way that the Analyst's Notebook will establish visual connections among common denominators. If the same address is encountered on page 564 as it is on page 3, I2 will find this connection and represent it in a chart. The same kind of connections will be established using names, dates of birth or countries. This way, connections that would be impossible for the journalist to establish because of the large quantity of data are quickly found by the software.

Consequently, many other types of analyses can be performed on the data and important patterns can be established. For instance, while working on an investigation I found, through I2, that the same street address was used by traffickers in cigarettes who were establishing companies in Romania. After establishing this, I performed a timeline analysis of the data that indicated how the traffickers were moving in and out of Romania after getting into trouble with the police.



I2 is also very useful when organising a large volume of data, specifically when manually inputting data into I2 charts. For instance, you can place at the top of an I2 chart the name of the company and beneath that the characters involved with the company and their other business connections.

Of course, this could be done even in Word or PowerPoint. But the utility of I2 lies in its ability to place all supporting material in metatext in attributes behind each entity. Then, multiple charts - charts with hundreds of connections – can be merged so that additional connections are established. Each icon on the chart can be backed by a document and a source whose strength in relation to the investigation is chosen by the journalist.

E.g., if the information is from an official company record, then that information can be classified as very strong. If the information is from an intelligence report that has not yet been confirmed by other sources, the information can be classified with a weaker indicator.

I2's utility is increased when used over networks of data created by journalists. It can be used with **Groove**, collaborative software that enables the creation of virtual newsrooms.

Groove functions as a pier-to-pier over the Internet bridge and allows the creation of secure workspaces that journalists can use to share data, photos, video and audio. Groove is also used in the Balkans by journalists working on regional projects. Some of these projects can be found at: **www.reportingproject.net**. Data posted on Groove workspaces can be run through I2 to established connections in information derived from many countries.

**I2, Pajek, UCInet** and similar software are ultimate tools for cross-border investigative journalists and will provide new value to the networks of journalists already established in many areas of the world.

## On-site fieldwork and cross-border cooperation

Afghanistan borders with China, Tajikistan, Turkmenistan, Pakistan and Iran. Many trails of corruption may lead the Afghan journalists to collaborating with journalists from these countries to unveil the stories of corruption. Similarly, the trail can reach any continent where Afghan diaspora are living – countries in Australia, Middle East, Europe and North America.

*The Follow the Money* manual highlights the cross-border cooperation between East European journalists with their counterparts elsewhere, below.

While computer-assisted techniques and documents analysis might connect the dots in an investigation, field work is equally important because it provides access to data outside the digital realm. Direct observation is a process that can enable the journalist to deepen his understanding of the facts and also help create a narrative.

A few years ago, Romanian journalists found lots of company records related to the handover of an oil refinery to a London-based company. Before the handover, the refinery was owned by a Romanian politician and had accumulated a huge debt to the state because it didn't pay taxes. The refinery was taken over by a newly formed British company, which assumed the debt, but the Romanian Ministry of Finance refused to offer any data about the deal.

Documents obtained from the British registrar of companies showed that one of the directors was a Romanian living in Bucharest. The name of the director was unknown to journalists and the public, and was nowhere to be found on Romanian company registration databases.

Journalists went to the address indicated in the British registry of companies and found out about the director, a woman, from neighbours. They said she was driving an Audi A6 with the license plate B-26-ZRB.

Through police sources, the journalists managed to find out that the car was stolen from Belgrade and was registered in the name of a different person.

Further searches and inquiries led to additional information: the owner of the car was working for the then-Romanian president and the oil refinery deal led straight to a group of people now charged with organised crime activities. The director of the British company was

in fact a friend of the owner of the car and was given the car as an incentive to agreeing to take part in the British company.

Direct observation and interviews with neighbours proved crucial in this case and tied everything together.

This series of articles, which highlighted connections between politicians and organised crime, would have been incomplete without fieldwork.

There are, however, instances when fieldwork might be too expensive for the journalist, especially in the case of cross-border investigations. The solution to this is, in most cases, is cooperation with local journalists. They are on the ground and often are better connected to the local realities and sources of information.

In 2007 and 2008, Romanian journalists worked with their Australian counterparts to uncover a transnational scam called Firepower.

The company, which had subsidiaries in many regions of the globe, claimed to have invented a wonder pill that, if added to a car's fuel, would enhance performance and decrease fuel consumption and pollution. No scientific proof stood behind the claims. Despite this, the company was establishing a flourishing business in Europe, Asia, and Australia.

The Australian and Romanian journalists exchanged data on the Firepower deal and found out that the scam was concocted by controversial businessmen in Australia and Romanian citizens connected to the former Communist Secret Services. The deal went bankrupt and official investigations were initiated into the group's dealings in Australia.

There are a number of investigative journalists' e-groups where contacts between foreign journalists can be established. The most active is **globalinvestigativejournalism.org**. By becoming a member of this group, one can have access to hundreds of investigative journalists across the world.

## **Part 3**

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# **Journalism Ethics**

## What are journalism ethics?

**Think Task:** How can a country like Afghanistan, long held hostage to war, conflict and foreign intervention including buyout of loyalties with big-time money remain ethical? If most of the people in politics, government, business and nongovernment organisations are not ethical, how can you expect journalists and media organisations to be ethical? This was the consensus emerged during discussions with local journalists in Kabul. Combine this with the threats journalists receive to their lives every day and the perks they can have by rubbing shoulders with those in power, who would put their neck out – to seek and report truth?

This brings journalism ethics in perilous conditions in this country. People and media houses are not shy of taking money for favourable reporting or suppressing the negative reporting.

So putting the Afghan journalism on an ethical highway could be a long, arduous job. Any dissenting voice here?

First, we will discuss the issues in journalism ethics in theory – to enhance our understanding of this challenging area. In the later part of this section, we will talk about the practical ethical issues faced by an Afghan journalist on a day-to-day basis.

Journalism ethics and standards comprise principles of ethics and of good practice as applicable to the specific challenges faced by professional journalists. While various codes have some differences, most share common elements including the principles of truthfulness, accuracy, objectivity, impartiality, fairness and public accountability as these apply to acquiring newsworthy information and its subsequent dissemination to the public.

It also includes the principle of ‘limitation of harm.’ This often involves the withholding of certain details from reports such as the names of minor children, crime victims’ names, etc.

### Common elements

The primary themes common to most codes of journalistic standards and ethics are the following:

#### 1. Objectivity and fairness

- Clear separation between news and opinion. Editorials and op-eds are clearly separated from news pieces. News reporters and editorial staff are distinct.
- Clear separation between advertisements and news. All advertisements must be clearly identifiable as such.
- Reporter must avoid conflicts of interests - incentives to report a story with a given slant. This includes not taking bribes and not reporting on stories that affect the reporter's personal, economic or political interests.
- Competing points of view are balanced and fairly characterised.
- Persons who are the subject of adverse news stories are allowed a reasonable opportunity to respond to the adverse information before the story is published or broadcast.
- Interference with reporting by any entity, including censorship, must be disclosed.

## **2. Sources**

- Confidentiality of anonymous sources
- Avoidance of anonymous sources if possible
- Accurate attribution of statements made by individuals or other news media
- Pictures, sound and quotations must not be presented in a misleading context

## **3. Accuracy and standards for factual reporting**

- Reporters are expected to be as accurate as possible given the time allotted to story preparation and the space available, and to seek reliable sources.
- Events with a single eyewitness are reported with attribution. Events with two or more independent eyewitnesses may be reported as fact. Controversial facts are reported with attribution.
- Independent fact-checking by another employee of the publisher is desirable.
- Corrections are published when errors are discovered.
- Defendants at trial are treated only as having 'allegedly' committed crimes, until conviction, when their crimes are generally reported as fact (unless, that is, there is serious controversy about wrongful conviction).
- Opinion surveys and statistical information deserve special treatment to communicate in precise terms any conclusions, to contextualise the results, and to specify accuracy, including estimated error and methodological criticism or flaws.

#### 4. Slander and libel considerations

- Reporting the truth is never libel, which makes accuracy very important.
- Private persons have privacy rights that must be balanced against the public interest in reporting information about them.

#### 5. 'Minimise harm' principle

During the normal course of an assignment a reporter might go about - gathering facts and details, conducting interviews, doing research, background checks, taking photos, videotaping, recording sound - harm limitation deals with the questions of whether everything learned should be reported, and if so, how.

The **American Society of Professional Journalists'** code of ethics offers the following advice, which is representative of the practical ideals of most professional journalists. Quoting directly:

- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognise that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a licence for arrogance.
- Recognise that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention.
- Show good taste. Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.

#### 6. Presentation

Ethical standards should not be confused with common standards of quality of presentation, including:

- Correctly spoken or written language (often in a widely spoken and formal dialect, such as Standard English, Dari or Pushto)
- Clarity
- Brevity (or depth, depending on the medium's reputation)

## **7. Ethics and standards in practice**

There are concerns that the standards of journalism are being ignored. One of the most controversial issues in modern reporting is media bias, especially on political issues, but also with regard to cultural and other issues.

## **8. Investigative methods**

Investigative journalism is largely an information-gathering exercise, looking for facts that are not easy to obtain by simple requests and searches, or are actively being concealed, suppressed or distorted. Where investigative work involves undercover journalism or use of whistleblowers and even more if it resorts to covert methods more typical of private detectives or even spying, it brings a large extra burden on ethical standards.

Anonymous sources are double-edged - they often provide especially newsworthy information, such as classified or confidential information about current events, information about a previously unreported scandal, or the perspective of a particular group that may fear retribution for expressing certain opinions in the press. The downside is that the condition of anonymity may make it difficult or impossible for the reporter to verify the source's statements.



## Examples of ethical dilemmas

One of the primary functions of journalism ethics is to aid journalists in dealing with many ethical dilemmas they may encounter. From highly sensitive issues of national security to everyday questions such as accepting a dinner from a source, putting a bumper sticker on one's car, publishing a personal opinion blog, a journalist must make decisions taking into account things such as the public's right to know, potential threats, reprisals and intimidations of all kinds, personal integrity, conflicts between editors, reporters and publishers or management.

The *Pentagon Papers* dealt with extremely difficult ethical dilemmas faced by journalists. Despite government intervention, *The Washington Post*, joined by *The New York Times*, felt the public interest was more compelling and both published reports. (The cases went to the Supreme Court where they were merged and are known as *New York Times Co. vs United States*, 403 U.S. 713.

*The Washington Post* also once published a story about a listening device that the United States had installed over an undersea Soviet cable during the height of the cold war. The device allowed the United States to learn where Soviet submarines were positioned. In that case, *Post* Executive Editor Ben Bradlee chose not to run the story on national security grounds. However, the Soviets subsequently discovered the device and, according to Bradlee, 'It was no longer a matter of national security. It was a matter of national embarrassment.'

However, the U.S. government still wanted *The Washington Post* not to run the story on the basis of national security, yet, according to Bradlee, 'We ran the story. And you know what, the sun rose the next day.'

The **Ethics Advice Line of USA** provides some examples of typical ethical dilemmas faced by many professional journalists.

**Some questions received by The American Ethics Advice Line:**

- Is it ethical to make an appointment to interview an arsonist sought by police, without informing police in advance of the interview?
- Should a reporter write a story about a local priest who confessed to a sex crime if it will cost the newspaper readers and advertisers who are sympathetic to the priest?
- Is it ethical for a reporter to write a news piece on the same topic on which he or she has written an opinion piece in the same paper?
- Under what circumstances do you identify a person who was arrested as a relative of a public figure?
- Freelance journalists and photographers accept cash to write about, or take photos of, events with the promise of attempting to get their work on the AP or other news outlets, from which they also will be paid. Is that ethical?
- Can a journalist reveal a source of information after guaranteeing confidentiality if the source proves to be unreliable?

## **Code of ethics by Afghan journalists (draft translation of key words only; code in full in Dari on pages ahead)**

1. No mention of racism, nationalism, sex and linguistic affiliation
2. Realistic approach
3. Facts while respecting the norm and values
4. Respect for human values
5. Minimise harm
6. Respecting national values
7. Justice with their work
8. Independent work
9. Maintain the confidentiality
10. Not to accept bribe
11. Respect towards source
12. Correction of the incorrect reporting
13. Not to abuse the freedom of expression
14. Respect human rights
15. Respect for special people
16. Transparency
17. Social accountability so that it's lesson for people
18. No advertisement against national values
19. Not to be used against state

## مقدمه

اخلاق یکی از منابع قانون در جامعه است و شیوه های برخورد و ارتباط مردم را با همدیگر شکل می دهد. اخلاق در تمامی علوم و رشته ها یکی از مباحث اساسی است. در خبرنگاری نیز رعایت اخلاق حرفه ای، شرافت حرفه ای خبرنگاران را تضمین می کند و جوهر کار حرفه ای هر خبرنگار متعهد را تشکیل می دهد. خبرنگاران بدون در نظر داشت اخلاق حرفه ای در خبرنگاری نمی توانند اعتماد و اطمینان مخاطبین را جلب کنند و با اعتبار رسانه ها در جامعه بیافزایند.

داشتن متن مکتوب اصول اخلاقی برای خبرنگاران یکی از نیاز های عمده عصر امروز است. نهاد های بین المللی، ملی و صنفی خبرنگاری از سال 1920 میلادی بدینسو در سراسر جهان به ساختن چنین اصولی دست یازیده و صد ها سند ملی و بین المللی را در این راستا به میان آورده اند. در این جمع، اصول بین المللی اخلاق حرفه ای در خبرنگاری مصوب 1983 میلادی در پاریس مورد تأیید غالب خبرنگاران است و به عنوان آبشخور فکری اصول اخلاقی شناخته می شود.

با اینکه اخلاق در هر جامعه ای با توجه به ساختار های اقتصادی، سیاسی و اجتماعی، فرهنگی، سنتی و دینی آن به صورت متفاوت و نا همگون مطرح می گردد، با این هم تمامی اصول اخلاقی حرفه ای پایه ها و ارزش های همسان مطرح گردیده اند که توافق نظر نسبت به آن وجود دارد و نشان می دهد که اخلاق حرفه ای ارزش های همگونی را در سراسر جهان دنبال می کند.

*اصول اخلاقی خبرنگاران و رسانه های افغانستان به منظور رهنمایی و تشویق خبرنگاران به ارج گذاشتن به ارزش های اخلاقی حرفه ای که در جریان کار هر خبرنگاری با آن روبرو می گردد، تهیه گردیده است. در این اصول با نظر داشت معیار های بین المللی حرفه ای، مسائل ویژه فرهنگ خودی و باور های جامعه افغانستان را مطرح می سازد و خبرنگاران را در چگونگی برخورد آنان با افراد و رویداد ها رهنمایی می کند. این اصول ضمانت اجرایی ندارد، تنها وجدان و تعهد خبرنگار او را ملزم به اجرای آن می کند و خبرنگاران با در نظر داشت وجدان فردی آن را به منصفه اجرا می گذارند.*

1. ژورنالیست، در فرایند کار حرفه یی خود از اعمال تبعیض نژادی، مذهبی، جنسی، قومی، زبانی و فرهنگی می پرهیزد.
2. ژورنالیست، در کار حرفه یی و بازتاب حقایق دقت به خرج می دهد و از تحریف، بد نام سازی، اتهامات بی اساس، تهدید، افتراء، شایعه پراگنی و مخفی نگهداشتن حقایق به صورت عمدی جلوگیری می کند.
3. ژورنالیست، به حق دسترسی مردم به معلومات و اطلاعات، برای دریافت یک تصویر جامع و دقیق از واقعیت های عینی، احترام می گذارد و تحقق آن را جزیی از مسؤولیت های اجتماعی خود می داند.
4. ژورنالیست، احترام به کرامت انسانی، تنوع فرهنگی و ارزش های قبول شده جهانی را به منظور رشد فرهنگ انسانی جز اخلاق حرفه یی خود میداند و نسبت به عموم حسن نیت دارد.
5. ژورنالیست، محو جنگ، نفرت، خشونت، بی باوری، فقر زدایی و انواع جهل و سایر بیماری های اجتماعی مسؤولیت دارد و در فرایند کار حرفه یی خود به آن توجه می کند.
6. ژورنالیست، منافع ملی را در مطابقت با اسناد تقنینی نافذ، در کار های حرفه یی اش در نظر می گیرد.
7. ژورنالیست، توازن، بی طرفی و انصاف را در کارهای حرفه یی اش رعایت می کند.
8. ژورنالیست، هیچ گونه فشاری را از جانب مقامات دولتی و غیر دولتی نه پذیرفته و خود سانسوری نمی کند.
9. ژورنالیست، نام منابعی را که نمی خواهند افشا شوند، محرم نگاه می دارد و هم چنان از نشر مطالب با استناد بر منابع غیر موثق جلوگیری می کند. اطلاعاتی که به شرط محرمانه بودن برای ژورنالیست داده شده اند، نباید

- چاپ و یا پخش شوند مگر اینکه نشر و پخش آن برای منافع جامعه ضروری باشد.
10. ژورنالیست، به خاطر پخش یا نشر و یا عدم پخش و نشر به گرفتن هدیه و رشوت نمی پردازد.
11. ژورنالیست، در هنگام مصاحبه، با مصاحبه شونده برخورد مودبانه می داشته باشد و هیچگاهی با استهزاء و تمسخر با دیگران رفتار نمی کند.
12. ژورنالیست، در صورتی که مرتکب خطا و یا اشتباهی می شود و به آن پی می برد باید از راه های ممکن و به زودترین فرصت دست به تصحیح آن بزند.
13. ژورنالیست، از آزادی بیان به منظور توهین، تحقیر، دشنام، تهمت و افترا به دیگران استفاده نمی کند.
14. ژورنالیست، به حقوق معنوی دیگران احترام می گذارد و طور ویژه از سرقت ادبی می پرهیزد.
15. ژورنالیست، به جرم خصوصی افراد احترام می گذارد و اسرار خصوص آنان را افشا نمی کند.
16. هویت رسانه ها باید شفاف باشد و از نام و ارزش های رسانه بی سوء استفاده نشود.
17. رسانه ها به اساس مسؤولیت اجتماعی به نشر و پخش برنامه های آموزشی می پردازند.
18. اعلان ها و آگهی ها طوری ارائه شوند که جای هیچ شک و شبهه در مورد طبیعت حقیقی آنها وجود نداشته باشد.
19. اجراء و در نظر گرفتن مسؤولیت های اخلاقی که در فرایند کار ژورنالیستی مطرح است به خود ژورنالیستان بر می گردد. این اصول نباید هیچ گونه زمینه بی را برای مداخله دولت به وجود آورد.

## Ethical issues in investigative reporting: the day-to-day practice

### Law ≠ Ethics

**Ethics** = ideal behaviours: what we ought to do in order to be moral individuals and professionals

**Law** = minimal standards: the bottom line, below which we should not fall

### Why is ethics important?

Good investigative journalism = skills + critical thinking + ethical decision-making

While seeking the truth and report it as fully as possible, journalists should:

- Be honest, fair and courageous in gathering, reporting and interpreting information
- Inform themselves so that they can competently inform the public
- Give voice to the voiceless
- Hold the powerful accountable

**Deception** happens when a journalist uses deceptive methods, such as ...

- Misrepresentation (false identity)
- Hidden camera / recorder
- Entrapment
- Undercover reporting

### When is deception justified?

- The information obtained is of profound importance and other ways of getting it have been tried
- The journalists are willing to disclose the nature of the deception and the reason/s for it
- The harm prevented by reporting that information outweighs any harm caused by the deception

- The journalists invest time, effort, and resources to pursue the story fully. Meaning, that the deception is not a shortcut

### **Deception is never justified when ...**

- The motivation is to win a prize or beat ('out-scoop') the competition
- It is used as a short-cut to what should be a deliberate and thorough process
- The journalist's justification is that the subject is unethical anyway

### **When deciding whether or not to use deception, you weigh ...**

- The consequences of the deception on those being deceived
- The impact on journalistic credibility
- The motivations for your actions
- The editorial policy/mission
- The legal implications

Strive to act independently. Journalists should:

- Be free of obligation to any interest other than the public's right to know
- Resist pressure from sources
- Not accept bribes or other offers

From *News for Sale*, a 1998 PCIJ study on the corruption of the Philippine media:

- **When offered money by their sources, one of every three beat reporters admitted to taking it**
- Many of them justified accepting money by saying they did not ask for it and that the sources did not ask for anything in return
- (The survey asked 100 reporters [69 from print & 31, broadcast]; covering ten major beats)

But ethical standards do not only speak about not accepting bribes and inducements. Ethical dilemmas can come in as well even without attempts at direct bribery.



### **Sources of journalists' conflicts of interest**

- Involvement in particular activities
- Affiliation with groups or causes
- Acceptance of favours and money
- Financial investments
- Outside employment
- Friendships

### **Minimise harm. Act with compassion**

- Portray subjects as human beings deserving respect, not merely as means to your journalistic ends.
- Keep sources confidential if that is what they demand.
- Do not endanger sources.
- Respect an individual's right to her/his privacy.

### **Be accountable**

- Abide by the same high standards to which you hold others
- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct
- Admit mistakes and correct them promptly
- Expose unethical practices of journalists and the news media

### **Using anonymous sources**

- Is the story important enough?
- Does the source know the information first hand?
- Is the information confirmed by a reliable second or third source?
- Can I explain in the story the reason for the anonymity?
- Would more reporting get the material on the record?

- If the anonymous source is used, will the story still be accurate, complete, fair and balanced?
- Does the source realise the consequences of revealing the information?
- Will the reporter take all the risks to protect the source's identity?
- Can the story stand without this source?

Journalists who face **ethical dilemmas** are reminded to ask themselves ...

- What should we do in cases like this?
- Who will be hurt and who will be helped?
- Is there a better alternative?
- Can I justify this to other people or to the public?
- What principles or values can I apply?

## **Part 4**

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# **Freedom of Expression**

## What is freedom of expression?

**Freedom of expression** or **freedom of speech** is the freedom to speak freely without censorship or limitation. The term is used to denote not only freedom of verbal speech but any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

The right to freedom of speech is recognised as a human right under Article 19 of the **Universal Declaration of Human Rights** and recognised in international human rights law in the **International Covenant on Civil and Political Rights** (ICCPR). The ICCPR recognises the right to freedom of speech as ‘the right to hold opinions without interference. Everyone shall have the right to freedom of expression.’

Some forms of censorship (right or wrong) might suppress freedom of speech or deletion of materials which may be considered objectionable, harmful or sensitive, as determined by a censor.

The **Constitution of Afghanistan** guarantees **freedom of expression**. In Article 34 Ch. 2, Art. 13, the constitution states:

- “Freedom of expression is inviolable.
- Every Afghan has the right to express his thought through speech, writing, or illustration or other means, by observing the provisions stated in this Constitution.
- Every Afghan has the right to print or publish topics without prior submission to the state authorities in accordance with the law.
- Directives related to printing house, radio, television, press and other mass media, will be regulated by the law.”

Similarly, Afghanistan’s media laws as approved by Wolesi Jirga also permit freedom of expression and report and provide legal protection to the journalists. The 21-page report comes with this Guide. Ask Saba Media for a copy.

## What are types of censorship or limitations imposed on a journalist?

**Moral censorship** is the removal of materials that censor deems to be obscene or otherwise morally questionable. Pornography, for example, is often censored under this rationale. In Afghan society, for example, showing a free mixing of men and women on media will come under moral censorship.

**Military censorship** is the process of keeping military intelligence and tactics confidential and away from the enemy. Example: US military movements in Iraq and Afghanistan will be subject to Pentagon/military censorship. Very often, militaries will also attempt to suppress politically inconvenient information even if that information has no actual intelligence value.

**Political censorship** occurs when governments hold back secret information from their citizens. The logic is to prevent the free expression needed to rebel. Any dissent against the government is thought to be a 'weakness' for the enemy to exploit. Campaign tactics are also often kept secret: Example: the Watergate scandal during Nixon time in the US (watch movie: *All the President's Men*).

**Religious censorship** is the means by which any material objectionable to a certain faith is removed. In Afghanistan, for example, any derogatory or ridiculing remark to an Islamic tenant will be considered insulting and thus will be subject to religious censorship.

**Corporate/advertisers censorship** is the process by which editors in corporate media outlets intervene to halt the publishing of information that portrays their business or business partners in a negative light. Privately owned corporations in the *business* of reporting the news also sometimes refuse to distribute information due to the potential loss of advertiser revenue which adverse publicity may bring.

## **What does ‘right of expression’ mean to you in the Afghan context?**

### **Think task**

- Do you have the right to free expression, not just in theory or laws statutes, but in practice?
- Are there any cultural or religious limitations that you need or like to adhere to?
- Besides these two limitations are there any other external limitations that you are forced to accept, like political and ethnic affiliations?

## **Part 5**

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# **Access to Information**

## What is a right to access information?

**Hard Fact:** When it comes to access to information, journalists in Afghanistan may still be struggling like their colleagues in the 17th or 18th century Europe. People in the power – and they may vary from a small-time police officer to a Minister – can deny them access to any public records. They do not need to offer any excuse; they can simply shut the door on them. And they have no recourse to going to a higher level.

In a scenario like this, it is unthinkable that a legislation like Freedom of Information Act is any close or on the cards. Journalists are then at the mercy of those in power. They can only push for accessing a document at the cost of their job, or at worst their life.

Access to information is a basic human right, which is essential for the development of democracy and good governance, for the promotion of popular participation and social justice and for preventing and fighting corruption.

It is also a precondition for informed public participation in governance, i.e. for democracy. Open and transparent governance was considering a precondition for preventing and revealing corruption and maladministration.

Consequently, knowledge about openness and access to information is a crucial element in the implementation and promotion of human rights and democratic principles.

When observing the legislation and administrative practice in various countries, whether developed or developing, it becomes quite clear that there is a need for more awareness and knowledge about principles of openness and access to information.

Problems vary from country to country: in some cases there may be no legislation at all, in others legislation may not live up to international standards, or proper legislation may be available while administrative practice and implementation do not live up to the legislation.

### Freedom of information legislation

These are laws which set rules on access to information or records held by government bodies. Such laws define a legal process by which government information is required to be available to the public. In many countries there are constitutional guarantees for the right of



access to information, but usually these are unused if specific legislation to support them does not exist.

Over 70 countries around the world have implemented some form of this legislation. Sweden's Freedom of the Press Act of 1766 is thought to be the oldest.

Other countries are working towards introducing such laws, and many regions of countries with national legislation have local laws. For example, all states of the United States have laws governing access to public documents of state and local taxing entities, in addition to that country's **Freedom of Information Act (FOIA)** which governs records management of documents in the possession of the federal government.

More recently, a few years ago, UK legislated a FOIA which was followed by India and Pakistan in the South Asian region. Afghanistan constitution may allow a citizen a right to access public information but there is no specific piece of legislation in Afghanistan as these lines were written in early 2009. A senior journalist apprehended that the government may not be willing to accept any attempt to lobby for such legislation in the near future.

A basic principle behind most freedom of information legislation is that the burden of proof falls on the body asked for information, not the person asking for it. The requester does not usually have to give an explanation for their request, but if the information is not disclosed a valid reason has to be given.

## The right to access information in the Afghan context:

The Constitution of Afghanistan allows access to information. In Article 50 Ch. 2. Art. 29, the constitution states:

- “The citizens of Afghanistan have the right of access to the information from the government offices in accordance with the provisions of law.
- This right has no limits, unless violation of the rights of the others.”

At the same time, it has provisions to resort to maintaining secrecy as Article 105 Ch. 5, Art. 25 states:

- “The sessions of the National Assembly are open unless the Chairman of the assembly, or at least ten members of the National Assembly request their secrecy and the assembly accepts this request.
- No one shall enter the building of the National Assembly by force.”

### Think task

**Do you get this right in letter and spirit? The questions to think about your work are:**

- As an investigative journalist can you access what you want to access in public records?
- Do you need to use your contacts in the high places to get information?
- What are the obstacles in your accessing the information?
- What are the cultural limitations imposed by the Afghan society?
- How does these limitations compare with those in the cultures of a developed country like the UK?

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# **Part 6**

# **Media Self-regulation: Concept and Practice**

## Media self-regulation: concept and practice

Self-regulation is the new mantra replacing the old notion of external media regulation like the government censor.

Adapted Excerpts from *Imperfect Freedom: The Case for Self-Regulation in the Commonwealth Press, Commonwealth Press Union and the Press Complaints Commission, UK* (the author has been a contributor to the report):

In a perfect world there would be no regulation of a free press. The whole concept is a contradiction in terms. But the 21st century reality is that there is no absolute morality. Neither the world nor the press makes any claim to being perfect and the need for some sort of regulation has been widely accepted.

The dilemma lies in constructing a regulatory regime that minimises the mutual pain. It must enshrine the essential rights of the individual - the right not to be falsely accused, misrepresented, traduced or suffer invasions of privacy without reason - without trampling on the vital essence of press freedom: the right to free expression, the right to be fearless and robust, the right to investigate and expose and, indeed the right to be wrong. There can be no perfect freedom which does not uphold the right to be imperfect.

Too often the temptation to square the circle by wading in and legislating has proved irresistible to governments, most of which have a vested interest in controlling the mechanisms which govern the media.

A press which is regulated by the government or the courts cannot be truly free. At best it is loosely tethered by light touch regimes; at worst, it is ruthlessly shackled. And since a free press is universally regarded as one of the benchmarks of a democratic society, the moral imperatives against having state controls as a means of regulation become undeniable.

If these moral imperatives were not enough, the gale of change surging through the global communications industry has given the debate new impetus and urgency. If statutes cannot effectively police the internet, then why should they still be retained for traditional media? It is illogical and ultimately unsustainable.

So if and when the old forms of regulation are dismantled, the alternatives become stark: either *nil* regulation or *self* regulation. In an age of public accountability the first is unlikely to be an acceptable option.

Thus the case for the second becomes more urgent and compelling – always provided it can be delivered efficiently and effectively. This means winning and carrying the trust of civil society and government in the press industry’s competency to regulate itself and strike the critical balance of freedom and responsibility.

The guiding principle has been that there could not be a one-size-fits-all model of self-regulation of the press. Each country would have to customise its system to meet regional and national cultures, traditions and social mores.

We can examine the philosophy and the practice of self-regulation: the principles which underpin it and the administrative system which might deliver it. Although this is often discussed in the context of the UK and other experiences, the alternative options could be debated to suit the regional conditions.

Should the press council have powers to fine, or order compensation payments, or suspend newspapers or journalists? Should it have a role to protect press freedom as well as readers’ rights? Should it be a multimedia council also covering broadcasting and the internet? Should the code set a high ethical tone or aim for less ambitious minimum standards of conduct? Should it cover taste and decency and how should it deal with contentious questions of privacy?

There are a variety of issues which could be handled very differently according to local circumstances. However, the central, binding philosophy – the fundamentals which distinguished true self-regulation from pseudo versions – remain substantially the same from sub-Saharan Africa to Southern Asia, and from the Caribbean to the Pacific.

The strong commonality in the problems faced across the Commonwealth press meant there was usually a corresponding similarity in the solution.

Those key common principles – listed below can be crystallised as: recognising the duty of the press to attempt to persuade government and civil society that self-regulation is faster, more accessible, more flexible and has far greater moral authority than a state-operated regime, which anyway would be inimical to most accepted notions of the media’s role as democratic stakeholders and watchdogs.

## The twin pillars of regulation

At the very centre of the philosophy are the twin pillars of professional and lay involvement: the symmetry of industry ownership of the system and the rules on the one hand, and the major role of lay members in the administration and adjudication on the other.

In a genuinely self-regulatory regime, the state is kept at arm's length, neither providing funding nor having undue influence. For, in reality, a state system is almost always seen by the press as a barrier to be surmounted, a target to be attacked, an imposition to be constantly challenged and sometimes defied. It is a constantly fraught relationship.

The strength of self-regulation lies in the industry's commitment to uphold it: the very fact of industry ownership of the code of conduct makes confrontation by newspapers perverse. It is their code, written by editors for editors - why challenge themselves?

Conversely, only a voluntary system can genuinely expect and require that parties to the covenant observe the code not just to the letter, but in the spirit.

The fact that the industry pays for the system and writes the code has a dual advantage. Not only does it deliver the sort of universal commitment that would be simply impossible in a state regulatory regime, it creates a level playing field where one publication is unable to secure a commercial advantage over a rival by introducing lower ethical thresholds.

But these fundamental tenets beg their own questions: how big and costly would the press council need to be to do its job? Would the indigenous press industry be able to fund it? Would truly disinterested donors be available? And, crucially in countries with fierce media competition, could the industry really deliver universal voluntary compliance?

As we have seen, the counterpoint to this press ownership of the code is the strong representation – ideally a majority – of independent lay members on adjudication panels. Their presence is not simply a device designed to add credibility and balance to the process, though they achieve both. Their impartiality protects not only the reader, but also the press itself.

Without lay membership there is the double danger of either the press sitting as an uncritical sole judge in its own court or, at the other extreme, of a newspaper being judged entirely by its – sometimes deadly - rivals whose findings might be motivated by hopes of winning a commercial advantage. Both are invidious and the risks of either are minimised by the presence of lay members and the moral authority they bring to the process. However, impartiality alone cannot deliver sound judgments: lay members have to be happy with the

rules they are operating. Therefore the symmetry of the twin-pillar system is only complete when they have the opportunity to ratify the code which they are required to administer.

Both parties benefit from self-regulation: the media and the government

## **The benefits for the media...**

The benefits of such a system for the press are largely self-evident – once there is a consensus that nil regulation isn't an option. Although acceptance of self-regulation clearly requires the imposition of self-restraint and the observance of common rules, it can help the media to seize the moral and political initiative, preserving editorial freedom and independence and helping to head off political interference and legal constraints.

As a direct spin-off, it promotes higher standards and professional maturity and responsibility, benefits which are particularly - though not exclusively – welcome in countries where the press industry is relatively undeveloped, as in much of the Commonwealth.

The mantra of a free and responsible press will in time assume a new, physical dimension once a self-regulatory regime is in place – though it is usually a gradual process. However, the immediate and most vital effect is that such a system protects the reader while leaving editors and publishers in charge of their own destinies.

## **...and for the state**

Nor is the enlightened self-interest in self-regulation necessarily confined to the media. There are powerful attractions for governments wishing genuinely to show they have all the credentials of modern democratic nationhood and that their commitment to press freedom is not merely ritualistic rhetoric.

For a 21st century state not to have a transparently free press, untrammelled by governmental oversight and legal constraint, does not look good at home or abroad. State intervention or prior restraint on publication is a form of censorship, the absence of which is one of the indicators of democratic health.

This is not merely a case of cosmetic political correctness: there may be a price attached. Increasingly, foreign aid or sponsorship from donor communities is contingent on such tests. Governments and projects which fail to meet basic requirements of international citizenship risk losing financially. That risk increases if oppressive laws are used against publishers,

editors and journalists, creating martyr figures against the over-mighty state who become focal points for public unrest.

The legal route works traditionally for the rich and powerful – or the criminal and corrupt – but seldom for ordinary citizens who cannot afford to pay and who would not necessarily wish to drag their complaints through the courts. One of the essential tests of efficient self-regulation is that it should be free and easy and accessible to *all* the people.

The speediness of press council procedures, taking days not months or years to resolve disputes, is another obvious benefit of self-regulation.

But there is an additional bonus for civil society and government: the same turn of speed which applies to delivering adjudications and resolutions is matched by the rule-making process.

A standing committee of experienced professional editors can adapt the code to changing circumstances – shifts in public attitudes, or political, social or technological developments – in weeks rather than the years it would take in the legislative process.

This responsiveness to changing circumstances, which flows from having control of their own remit and being able to fast-track the consultative process, means the code committee can similarly encompass a breadth of issues which it would be difficult, if not impossible, to embrace in a state regime.

The use of long-lens photography, listening devices or digital picture enhancement, for example, comes under the same regulatory umbrella as covers privacy or harassment issues, the need to protect vulnerable groups such as children, the sick or the grieving and the ethical implications of payments to criminals or witnesses.

In a typical legislation-based system each of these issues would soak up hours of Parliamentary time, often taking years to fill volumes of lengthy statutes with regulations which relied for their success on their sheer complexity.

The self-regulatory regime, with its lower thresholds, simplicity and requirement to comply with the spirit of the rules rather than the letter of the law, can respond to such urgent pressures in days or weeks. In an efficient self-regulatory regime, the entire code covering all these highly contentious areas – and more – is compressed into one side of an A4 sheet.



## Ten key elements of self-regulation

1. The system should not be controlled by State or statute.
2. It should be independently funded, preferably by the industry, without strings.
3. Self-regulation should be voluntarily delivered by universal industry commitment.
4. The code of conduct should be written and approved by the industry itself.
5. It should reflect the national culture.
6. It should protect the rights of the individual.
7. It should uphold freedom of expression and the public's right to know and the press's right to publish without prior restraint.
8. It should provide quick, free and easy resolution of complaints
9. While pursuing the principles of natural justice, it should not be over legalistic or bureaucratic.
10. There should be significant lay membership, independently selected, on adjudication panels.

**Source:** *Imperfect Freedom: The Case for Self-Regulation in the Commonwealth Press*, Commonwealth Press Union, London

## Case in point: Self-regulation by Indian media after Mumbai attacks

Here is a recent example of self-regulation by **media in India**, our neighbouring country. The story given below is self-explanatory:

### Indian TV agrees code on covering terrorism after Mumbai attacks

Mumbai: India's television networks in December 2008 agreed to ban live phone-ins with "terrorists", avoid broadcasting security operations and drop repeated shots of the aftermath of violent crime after being criticised for coverage of the Mumbai terror attacks.

The guidelines, overseen by a former chief justice, are a response to the minute-by-minute coverage of last month's three-day assault, during which the government temporarily shut television stations for a little less than an hour.

Under the "emergency protocol", broadcasters in the country will now delay live coverage of sensitive incidents and withhold information on security operations. Ministers will still be able to take channels off air, but it is seen as a "nuclear option".

Television stations gave audiences a ringside seat to the violence in Mumbai as 10 militants ran amok, killing 170 people in India's financial capital. Many channels ran startling live images of gunmen spraying bullets into crowds of people. Even before the Mumbai attacks, stations often broadcast graphic shots of bloodied crime-scenes which would rarely be aired elsewhere.

India's booming news industry has grown exponentially in recent years with dozens of 24-hour news stations opening but some say that the regulation has failed to keep pace.

"It is a failure of self-regulation which by its nature is left up to individuals' consciences," said Rajdeep Sardesai, editor-in-chief of CNN-IBN, an Indian news channel. "We had set a code of conduct up in October but then came Mumbai. The challenge is whether (the new protocol's) intent can be translated into implementation."

The News Broadcasters Association (NBA) managed to stave off the threat of a new government body, headed by a civil servant, to regulate news content in the country. Senior politicians claimed the militants had been able to check counter-terrorist measures during the attacks by watching Indian television.

According to senior opposition figures, the most egregious complaint was that the live feed of commandos being dropped onto the roof of the Jewish centre in Mumbai directly endangered the success of operations and safety of hostages as well as security forces.

Another channel, India TV, had been given a dressing down by India's broadcasting ministry for airing an interview with "terrorists" which the government said was affording a "platform to espouse their cause".

Arnab Goswani, the editor-in-chief of *Times Now*, India's biggest English-language news channel, which had been accused of adopting a "Fox News, war-mongering stance", defended broadcasters saying that criticism had to be seen as part of the "government and media learning how to deal with sensitive issues".

"Self-regulation remains the key. We do not want regulation thrust upon us and we want to protect the media's independence. I think we asked tough questions of everyone including politicians and human rights activists. In a democracy nothing should be left unquestioned."

International news channels, which take live footage from local broadcasters, already operate in India under strict government guidelines.

**Source:** *The Guardian* UK 18 December 2008

# **Part 7**

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# **Appendices**

## Appendix 1: Afghanistan: death threats, intimidation part of journalists' daily lives

By Ron Synovitz

Afghan journalists are becoming increasingly bold about reporting on serious problems facing their society - the drug mafia, warlordism, and corrupt police or government officials.

But the more these daring investigative journalists reveal about deeply rooted problems in Afghan society, the more dangerous their jobs become.

Intimidation and death threats against reporters or their families have become commonplace - not just from Taliban militants, but also from warlords, drug barons, but even corrupt government officials and police who do not want the media spotlight cast upon their activities.

The killing in the southern Helmand Province of BBC reporter Abdul Samad Rohani is seen by journalists in Afghanistan as the latest example of a worrying trend. Rohani was kidnapped on June 7 while working on a story about illegal opium-poppy cultivation in Helmand. His body was discovered the next day.

The Taliban - usually eager to claim responsibility for such high-profile attacks - denied any role in Rohani's abduction and execution-style killing. Many journalists in Afghanistan think Rohani was killed by gunmen with links to the illegal drug trade - and possibly with connections to local authorities.

Rahimullah Samadar, the head of the Afghan Independent Journalists Association, says that journalists "have always faced tremendous challenges from different groups and factions" in Afghanistan. "They have faced suppression and have been killed in the past. I think illegal gunmen who are working within the government - or in an area under governmental control - are involved in this."

Jean MacKenzie, the Afghan country director for the Institute for War and Peace Reporting (IWPR), oversees a network of Afghan correspondents who file reports for the nonprofit investigative-journalism organisation. MacKenzie tells RFE/RL there are vested interests in Helmand Province, besides the Taliban, who may have been responsible for Rohani's murder. She suspects powerful local figures who also have threatened her own reporters.

“Our reporters are working in some very risky areas and are taking on some very edgy topics,” MacKenzie says. “That brings them into conflict with various members of the Afghan society. Certainly, our reporters in the south are under constant threat from a variety of sources. And, as the murder of Abdul Samad Rohani is testament to, it is not necessarily the Taliban or the insurgents who are the major source of risk.”

## **Criminalised Society**

MacKenzie agrees that the threats against Afghan journalists are growing as they increasingly cover stories about government corruption and the drug trade.

“I don’t want to downplay the dangers associated with covering the Taliban or covering the war in the south. But Afghanistan is also a deeply corrupt and criminalised society,” MacKenzie says. “There is very big money involved in the [illegal drug] trade. And certainly, there is a very long chain of traffickers. These people are very sensitive to being exposed and being written about or covered in any way by the media.”

MacKenzie cites the case of Sayed Perwiz Kambakhsh, an Afghan journalism student sentenced to death on blasphemy charges by a provincial court in northern Afghanistan. She says the sentence is in fact an attempt to stop journalists from covering corruption in the local government in Balkh Province, noting that Kambakhsh’s brother is an IWPR journalist who has filed investigative reports on local officials there.

She says Afghan journalists also face intimidation and death threats from powerful warlords - some of whom have links with the government.

“These are sometimes very big commanders, and sometimes more petty commanders who are surrounded by their own private militias,” MacKenzie says. “They engage in extortion, both large and small, in the communities around them...including rape, murder, and just plain robbery. These people are also very sensitive to being covered. And in many cases, they are entwined with sources within the police and within the government.”

Akbar Ayazi, the director of RFE/RL’s Radio Free Afghanistan, agrees with MacKenzie’s assessment about sources of intimidation for reporters, pointing out that the threats vary depending on the location in Afghanistan. Journalists “are not only faced with the challenges of the Taliban. They are faced with challenges from the drug lords and warlords, and also, sometimes, with challenges from government officials,” Ayazi says. “We have had reporters who are detained and questioned by governors or district chiefs - asking them questions about why they are reporting on an issue or why they are not reporting on certain issues.”

Ayazi says Radio Free Afghanistan's reporters - like journalists from other media organisations - receive threatening phone calls not only from within Afghanistan, but also from neighboring Pakistan. Sometimes, he says, the threats have a chilling effect upon the reporters.

"There are times when the reporter would get threatened and he will have this fear [about] reporting," Ayazi says. "When they are threatened, we transfer them from one province to another. We temporarily stop their reporting - not airing their voice or their name. We get the audio. We get the material to [RFE/RL's] Prague headquarters. And then we put them together and write a report without giving the source. These are ways that we can manage things."

In fact, Ayazi says he has to deal with a death threat or other form of intimidation against a Radio Free Afghanistan correspondent almost every month. One female correspondent was moved to a different province and stopped reporting temporarily until she and her colleagues believed the threat had subsided. Another reporter was kidnapped by the Taliban for four days, but the service managed to secure her release.

In another case last year, Ayazi says, a reporter from Quetta, Pakistan, was threatened by Pakistani officials. "He was arrested on the border [of Pakistan and Afghanistan] and then he had to quit the job. He just could not take it anymore because he and the lives of his family were threatened. So these are extreme cases that we have," Ayazi says.

## Appendix 2: Attacks on the Press in 2008: Afghanistan – CPJ Report

The security situation deteriorated as reporters came under increasing threats, both political and criminal in nature. At least three foreign correspondents and two local reporters were kidnapped across the country, not only in the provincial areas that became exceedingly dangerous after the U.S.-led invasion in 2001, but in the area surrounding the capital, Kabul, that had once been considered safer.

Freelance documentarian Sean Langan was working for Britain's Channel 4 program "Dispatches" when he was abducted near the border with Pakistan on March 28 by a Taliban group. He was released three months later. Dutch journalist Joanie de Rijke, who wrote for the Belgian magazine *P*, was released November 7 after being held captive for six days near Kabul. She had been working in an area near the city. On November 8, CBC reporter Mellissa Fung was freed after a month in captivity. She had been grabbed while conducting interviews at a refugee camp near Kabul, which had been considered a safe area for foreigners.

And on November 30, Taliban militants freed two Afghan journalists—Dawa Khan Menapal of the U.S. government-funded Radio Free Europe/Radio Liberty and local television reporter Aziz Popal—after holding them captive for three days, The Associated Press reported. Kidnappers seized the two as they were driving on the Kabul-Kandahar highway in Ghazni province. In some cases, the journalists' media outlets asked that colleagues observe a news blackout during the abductions, citing concerns that publicity could endanger the captives' lives. The blackouts were widely observed by media and CPJ.

The pressures facing journalists reflected conflicts within Afghan society as a whole. The push to modernize under a liberal economic model collided with traditional forms of Islam, a clash compounded by one of the world's lowest standards of living. Violence and corruption were common. As with other segments of the population, Afghan journalists were targeted by all sides: resurgent Taliban and al-Qaeda factions, prospering drug dealers and arms traders, feudal clan leaders, and government officials cashing in on international aid largesse.

One journalist was killed in direct connection to his work. Carsten Thomassen, a reporter for the Oslo daily *Dagbladet*, was among eight people who died January 15 in a suicide bomb attack conducted by three men at Kabul's Serena Hotel, a gathering place for much of the country's expatriate community. The attack came during a visit by Norwegian Foreign Minister Jonas Gahr Støre, who was in the hotel but was uninjured.

The NATO-led International Security Assistance Force, which included more than 47,000 foreign troops, resorted to increasingly heavy-handed tactics, leading to civilian casualties and eroding the government's popularity and political control. The case of a local journalist



who was jailed for 11 months by the U.S. military reflected the sort of tactics that sowed discontent. Afghan journalists told CPJ that they were angered by the military's handling of the case.

On September 21, Jawed Ahmad, 22, was released from Bagram Air Base north of Kabul. He had been held as an "unlawful enemy combatant" but was never charged with a crime or provided due process; military officials did not explain the basis for his prolonged detention. He was working under contract as a field producer with the Canadian broadcaster CTV when he was picked up by Canadian troops at the International Security Assistance Force's Kandahar air base and moved to the American facility at Bagram.

Ahmad, who is known by his nickname, Jojo, and also uses the surname Yazemi, said he did not know why he had been freed or why he was detained in the first place. During his detention, he told reporters, he was frequently beaten—two of his ribs were broken—and was deprived of sleep. In a statement, CPJ said his detention added "to the U.S. military's appalling record of detaining working journalists in conflict zones, without a modicum of due process, based on allegations which are shrouded in secrecy and have apparently proved to be unfounded."

The only explanation for his release came from a U.S. government statement that said Ahmad had been released because he "was no longer considered a threat." The statement offered no further explanation for the 11-month detention. A military spokesman told CPJ that Ahmad suffered broken ribs in an altercation with other detainees but was not mistreated by U.S. forces.

One journalist remained jailed in an Afghan prison in late year. Parwez Kambakhsh, a college student who wrote for the daily *Jahan-e-Naw*, was sentenced to death in January in a provincial court in Mazr-i-Sharif, in the northern province of Balkh. He was accused of anti-Islamic activities, including distributing an online article that critiqued the role of women in Islam and making irreligious comments in classes at Balkh University. His brother, reporter Yaqub Ibrahim, had produced critical pieces for the Institute for War and Peace Reporting, leading many journalists to believe that the prosecution was retaliatory.

In October, a Kabul appeals court overturned the death sentence and imposed a 20-year prison term. Defense lawyers said they would take the case to the Supreme Court, and they urged international advocates to ask President Hamid Karzai to intercede in the case. The high court was expected to hear the appeal in early 2009.

Kambakhsh denied the charges. He declared himself a devout Muslim and said he had been coerced into signing a confession after he was beaten. Kambakhsh did not have a lawyer when the provincial court, acting on the recommendation of local clerics, sentenced him to death on January 22. Several defence lawyers declined to represent him because of the

religious implications of the case and fears for their own safety, according to local journalists.

The Karzai government found itself in a difficult position with Kambakhsh. The charge of blasphemy is considered extremely serious within Afghanistan. The government had to balance the demands of powerful traditional sectors of the population with the expectations of largely Western donors, who saw the young reporter's case as one of free expression.

As the government's popularity waned, so did its commitment to open media. According to the Nai Center for Open Media, a local nongovernmental organization, the government was responsible for at least 23 of 45 instances of press intimidation, violence, or detention between May 2007 and May 2008. That reflected a 130 percent increase over the same period a year earlier, the center said.

Some cases had potentially sweeping ramifications. On January 4, Karzai met with influential clerics who called on him to ban popular music shows and Indian soap operas broadcast by privately owned Tolo TV because they were deemed un-Islamic. Shortly after that meeting, Minister of Culture and Youth Abdul Khurram directed all private channels to halt programming "contrary to Afghanistan's culture and laws" on threat of prosecution, according to a copy of his letter obtained by CPJ. Khurram's ministry is responsible for the government's media policies.

In 2002, Karzai pledged to turn state-owned Radio Television Afghanistan (RTA) into a public service broadcaster. But Karzai rejected draft legislation in 2007 and 2008 that would have established a commission of legislative and judicial representatives to govern RTA, saying the measure would be unconstitutional. RTA's director of planning and foreign relations, Abdul Rahman Panjshiri, resigned in September 2007, citing Culture Minister Khurram's efforts to curb the station's independence. "During my 29 years of service with RTA I have not seen such an attempt to suppress freedom," he said in comments published on the Web site of Radio Netherlands.

Breshna Nazari, a respected Afghan reporter, wrote to CPJ in September with a reminder for colleagues worldwide. "We have many journalists who really work in difficult circumstances, even killed for their struggle for freedom of the press," he wrote. With conditions deteriorating for journalists, CPJ honored Danish Karokhel and Farida Nekzad, director and deputy director of the national news agency Pajhwok Afghan News, with International Press Freedom Awards in November. Pajhwok maintained a network of bureaus throughout the country, staffed and managed by Afghans. Karokhel and Nekzad are also media rights activists, both committed to the advancement of press freedom since the fall of the Taliban. The pair said they accepted the award in the name of all Afghan journalists.

### **Appendix 3: Corruption and incompetence cripple reconstruction effort, say aid workers: *The Guardian* of 19 February 2009**

- Profiteering undermines Nato's fight against Taliban
- Use of free market policies to blame, says contractor

Kabul: Clancy Chassay hears charges of corruption levelled against the UN and aid agencies after millions earmarked for a Kabul hospital disappear.

Chronic mismanagement and profligacy are blighting reconstruction efforts in Afghanistan, international aid officials have warned, wasting up to a third of the \$15bn (£10.55bn) in funding already delivered and deepening local resentment towards foreign troops stationed there.

Senior British, US and local aid workers have described a number of problems including bribery, profiteering, poor planning and incompetence. The overall effect has been to cripple the development effort structured under the Bush administration's insistence on an unregulated and profit-driven approach to reconstruction.

"The major donor agencies operate on the mistaken assumption that it's more efficient and profitable to do things through market mechanisms," a senior American contractor working in Afghanistan told the Guardian on condition of anonymity. "The notion of big government is a spectre for American conservatives and this [the reconstruction process] is an American conservative project."

The contractor said the "original plan was to get in, prop up Karzai, kill al-Qaida, privatise all government-owned enterprises and get out. It wasn't a development project, that wasn't a concern. Development was an afterthought.

"The process of directing aid and development resources is completely haphazard. The right hand doesn't know what the left hand is doing."

The contractor, who has worked across the governance, security and development sectors of the reconstruction process, also said the lack of tangible development had hampered Nato's effort to win the support of Afghans.

Amid blast barriers, checkpoints and foreign troop patrols, the badly finished schools, crumbling clinics and sinking roads stand as monuments to the shortfalls of reconstruction. There have been notable improvements in education and healthcare, but despite the

billions dispersed in aid the majority of Afghans still lack access to safe drinking water and sanitary facilities. The country's child mortality rates remain among the highest in the world, with more than 25% dying before their fifth birthday, according to Unicef.

An Afghan contractor, who has handled reconstruction contracts for some large foreign donors since Nato took over, said he was routinely asked to pay bribes or kickbacks to western construction firms. "If we want a contract from a foreign firm we have to pay a 10% bribe, that's the culture ... [but] our profits are nothing in comparison to the money that is made at the top, by the foreigners," he said.

He also accused some foreign companies of profiteering, describing a school construction project he worked on for one of the largest US firms in Afghanistan. He said nearly 75% of the \$260,000 budget was swallowed as the project was subcontracted out, first to an American firm and then to two Afghan companies.

Sayeed Jawed, the chairman of the Agency Coordinating Body for Afghan Relief (Acbar), an umbrella organisation for local and international NGOs operating in Afghanistan, made similar allegations about profiteering. "The budgets should not be subcontracted away like this," he said. "Maybe once, but not six times. There should be a limit to the amount of money made. There really are no records of how much money is spent, where it goes and where it came from. There is corruption but there is no way of documenting it."

The Afghan government now says \$5bn, a third of all the international aid delivered, cannot be accounted for.

More than two-thirds of all aid bypasses the government in Kabul completely, and according to a recent Acbar report, less than 40% of technical assistance to Afghanistan is coordinated with the government. Some aid officials attribute this to high levels of corruption within the government itself.

Among the greatest drains on the aid budget are the sums paid to foreign consultants. "We have seen massive waste in technical assistance in the form of expatriate consultants," said Matt Waldman, who heads Oxfam's Kabul office and who authored the Acbar report. "Despite the fact that thousands have come and gone with very little impact, the cost of these consultants remains between \$200,000 and \$300,000 a year [each]." Such a salary equates to about 200 times the amount paid to a local Afghan employee.

More than 40% of aid goes back to donor countries in corporate profits - an estimated \$6bn since the start of reconstruction seven years ago. According to Acbar, profit margins for foreign contractors are sometimes as high as 50%. A lack of accountability provides a

smokescreen for such excesses, making it difficult to establish how much is being made at each stage of subcontracting.

Aid workers said recent quick-fix solutions handed down by donor nations were usually aimed at domestic audiences and hobbled the process further. They also said a disproportionate amount of money has been spent on military initiatives since foreign forces took control of the country. At present, the US military spends about \$100m a day on security in Afghanistan, while the average expenditure on development by all donor countries put together was less than \$7m a day.

“In 2007, the US provided some \$70m to the agricultural sector and some \$7bn to the security sector,” said Waldman.

Some measures are now being taken to address such issues. Last year, Congress approved an office of the Special Inspector General for Afghanistan Reconstruction (Sigar) under the auspices of the Pentagon and investigations have been launched into some organisations operating in the country. But Waldman said much more needed to be done.

“Just like in western countries we would expect that major operations of any kind should be subject to scrutiny ... well, we should see the same kind of scrutiny, of analysis, of oversight in Afghanistan.”

By Clancy Chassay in Kabul

## Appendix 4: The scam of reconstruction in Afghanistan

**Student researchers:** Madeline Hall and Julie Bickel | **Faculty evaluator:** James Dean, Ph.D.

A report issued in June 2005 by the non-profit organisation Action Aid reveals that much of the US tax money earmarked to rebuild Afghanistan actually ends up going no further than the pockets of wealthy US corporations. “Phantom aid” that never shows up in the recipient country is a scam in which paychecks for overpriced, and often incompetent, American “experts” under contract to USAID go directly from the Agency to American bank accounts.

Additionally, 70 percent of the aid that does make it to a recipient country is carefully “tied” to the donor nation, requiring that the recipient use the donated money to buy products and services from the donor country, often at drastically inflated prices. The US far outstrips other nations in these schemes, as Action Aid calculates that 86 cents of every dollar of American aid is phantom.

Authors Ann Jones and Fariba Nawa suggest that in order to understand the failure and fraud in the reconstruction of Afghanistan, it is important to look at the peculiar system of American aid for international development. International and national agencies—including the World Bank, the International Monetary Fund and USAID, that traditionally distribute aid money to developing countries—have designed a system that is efficient in funneling money back to the wealthy donor countries, while undermining sustainable development in poor states.

A former head of USAID cited foreign aid as “a key foreign policy instrument” designed to help countries “become better markets for US exports.” To guarantee that mission, the State Department recently took over the aid agency. USAID and the Army Corps of Engineers now cut in US business and government interests from the start, making sure that money is allocated according to US economic, political, strategic, and military priorities, rather than according to what the recipient nation might consider important.

Though Afghans have petitioned to allocate aid money as they find appropriate, donor countries object, claiming that the Afghan government is too corrupt to be trusted. Increasingly frustrated and angry Afghan communities meanwhile claim that the no-bid, open-ended contracts being awarded to contractors such as Kellogg, Brown, and Root/Halliburton, DynCorp, Blackwater, and the Louis Berger Group are equivalent to licensed bribery, corruption, theft, and money laundering.

The Karzai government, confined to a self-serving American agenda, has delivered little to the average Afghan, most of whom still live in abject poverty. Western notions of progress evident in US-contracted hotels, restaurants, and shopping malls full of new electronic

gadgets and appliances are beyond the imaginations or practicalities of 3.5 million war torn Afghan citizens who are without food, shelter, sewage systems, clean water or electricity.

Infrastructure hastily built with shoddy materials and no knowledge or respect for geologic or climatic conditions is culminating in one expensive failure after another. USAID's website, for example, boasts of its only infrastructure accomplishment in Afghanistan - the Kabul-Kandahar Highway - a narrow and already crumbling highway costing Afghans \$1 million a mile.

The highway was featured in the *Kabul Weekly* newspaper in March 2005 under the headline, "Millions Wasted on Second-Rate Roads." The article notes that while other bids from more competent construction firms came in at one-third the cost, the contract went to the Louis Berger Group, a firm with tight connections to the Bush administration—as well as a notorious track record of other failed and abandoned construction projects in Afghanistan.

Former Minister of Planning, Ramazan Bashardost, complained that when it came to building roads, the Taliban had done a better job. "And," he also asked, "Where did the money go?" Now, in a move certain to lower President Karzai's approval ratings and further diminish US popularity in the area, the Bush administration has pressured Karzai to turn this "gift from the people of the United States" into a toll road, charging each driver \$20 for a road-use permit valid for one month. In this way, according to American "experts" providing highly paid technical assistance, Afghanistan can collect \$30 million annually from its impoverished citizens and thereby decrease the foreign aid "burden" on the United States.

Jones asks, "Is it any wonder that foreign aid seems to ordinary Afghans to be something only foreigners enjoy?"

**Afghanistan, Inc.** is a 30-page report that digs deep into the corruption involved in the reconstruction of Afghanistan. The report focuses on US government-funded companies contracted to rebuild Afghanistan. The importance of this report is that it's the first serious look at corruption of aid money spending from a grassroots level. It includes an emphasis on various projects in villages and the cities and it covers all sides of the issue. It shows how big money is spent on bad work.

The report was first published in English through CorpWatch, a watchdog of corporations, on May 2, 2006. It was translated into the Persian languages of Dari and Pashto in September 2006. The companies investigated in the report continue to receive millions of dollars in contracts from the US government despite their incompetence and wasteful spending. Louis Berger, Bearing Point, Chemonics, and DynCorp are still taking American taxpayers' money and showing minimum results in Afghanistan.

## Appendix 5: Investigating drug traffickers and corruption in Afghanistan: Ideas from the Latin American colleagues

### Sixth Austin Forum unites journalism groups around investigative journalism

Representatives from journalistic organisations in 14 countries met in Austin, Texas, USA, in 2008 for the sixth Austin Forum on Journalism in the Americas.

In the final hours, participants divided into working groups to discuss three specific issues: drug trafficking and organised crime, corruption and violations of human rights.

Most of these recommendations are likely to apply in the Afghan context.

As according to **CIA Factbook on Afghanistan** of 10 February 2009:

**Illicit drugs:** Afghanistan is the world's largest producer of opium; poppy cultivation increased 17% to a near-record 202,000 hectares in 2007; good growing conditions pushed potential opium production to a record 8,000 metric tons, up 42% from last year; if the entire opium crop were processed, 947 metric tons of heroin potentially could be produced; drug trade is a source of instability and the Taliban and other anti-government groups participate in and profit from the drug trade.

Widespread corruption impedes counter-drug efforts; most of the heroin consumed in Europe and Eurasia is derived from Afghan opium; vulnerable to drug money-laundering through informal financial networks; regional source of hashish.

Selections from their recommendations follow:

### Drug trafficking and organised crime

This group emphasised the need for the following practices:

- Provide security for journalists as a primary concern



- Promote collaborative activities such as investigations involving more than one news organisation
- Help journalists to understand changing business patterns of drug trafficking and to maintain ongoing discussion about drug policies
- Create a workshop for journalists who specialise in drug trafficking, to promote regional collaboration
- Cultivate and quote more sources
- Create an online group that can share documents and sources, and a type of “Narcopedia” based on the Wikipedia format

## Corruption

This group reported the following:

- Frequent types of corruption include political campaigns, public contracts, legislative and judicial systems, poverty alleviation programmes, investments and within the communications media
- Corruption is evolving more quickly than investigative journalism, and is therefore difficult to document
- At the same time, certain laws do not work, or journalists do not know about them
- To resolve these problems, journalists need more training, more expert sources who can assist them in their investigations, improved resources (such as databases) for conducting investigations
- Prizes for investigative journalism can be improved and can be promoted more vigorously in the interior of countries

*The meeting was organised by the Knight Center for Journalism in the Americas at the University of Texas, and the Media Program of the Open Society Institute (OSI) to review the situation of investigative journalism and discuss ways to help journalists to improve its quality.*

*The Austin Forum is a network of organisations that focus on media development and training in Latin America and the Caribbean.*

## Appendix 6: Iran: Unprecedented report details official corruption

TEHRAN: An unprecedented and highly sensitive investigative report prepared for Iran's Parliament has detailed instances of corruption throughout the country's judiciary. But in an apparent political tug-of-war between rival Iranian leaders, the 200-page document has been suppressed and never released to the public. VOA has obtained a copy and Payam Yazdian of VOA's Persian News Network reports exclusively on the document's findings.

Iran's constitution authorises the country's parliament to conduct investigations and, based on this right, several Iranian parliamentary deputies in 2004 requested a probe of alleged corruption by Iran's judiciary. Investigators working for the parliament's Judicial Inquiry and Review Committee, many of them deputies themselves, subsequently reported a variety of corrupt practices.

According to the report, these range from cases of judicial officials conspiring with convicted drug dealers who received reduced jail sentences or were allowed to escape custody, to instances of apparent profiteering by judicial officials who collaborated with private businesses for personal gain.

Among the cases cited in the extensive report: justice officials appeared to have turned a blind eye to a problem-plagued construction project through the mountains north of the Iranian capital, Tehran – an expansion of the Kandovan tunnel that was originally built 70 years ago. The report notes construction took 10 years and came in way over budget. The report says there were no legal consequences.

In another scandal, the report cites the case of Almakaseb, a large state-run trading company headed by Vaez Tabasi, son of one of Iran's most important religious leaders. The company was partially privatised seven years ago in a process that the report says was not transparent and that \$100 million went unaccounted for. Several courts heard cases related to the financial losses, but the company and its officials were not penalised.

The Parliamentary probe also found judges were allowed to purchase new Iranian Khodro automobiles at the reduced rates normally charged for vehicles that came off the assembly lines with defects. The auto manufacturer then allowed the substandard cars to be sold to the public at full, new car prices.

In another case, the report says a drug dealer named Ali Azadi was arrested with 95 kilograms of opium and 40 kilos of morphine in his possession. He was convicted and sentenced to 10 years in prison, but after two years was granted a short prison furlough and never returned. Judiciary officials did not inform the police of his escape. Six months later

the dealer was arrested again, according to the report, and this time with 300 kilograms of opium.

The report even documents such problems as the sale of university entrance exam questions, a practice that allowed unqualified students to secure coveted university admission slots. The report found that none of those identified as perpetrators ever faced punishment. In one instance, a judge ruled that the exam questions that were sold were fake, thereby allowing a suspect to go free.

The names of top Iranian political and religious leaders allegedly linked to corruption are not mentioned in the report obtained by VOA, which Iranian sources say appears to have been heavily edited to protect reputations.

However, Abbas Palizdar, who has been identified in state-controlled Iranian media as a key investigator for the parliamentary probe, discussed the findings in speeches at Iranian universities earlier this year. He asserted that some of the country's top leaders were implicated.

Those mentioned by Palizdar include Ayatollah Mohammad Emami Kashani, a member of the powerful Council of Guardians; Hojatolislam Ali Akbar Nategh Noori, head of special investigations in the office of Iran's supreme leader Ayatollah Ali Khamenei; former Iranian President Ayatollah Akbar Hashemi Rafsanjani; Mohammad Rafighdoost, former head of the Islamic Revolutionary Guards; and former intelligence minister Hojatolislam Ali Fallahian.

Palizdar was detained in June after speaking out and has not been heard from since. Some members of the investigative committee have denied knowing him even though state-controlled Iranian news organisations have confirmed his official involvement in the probe.

Palizdar had previously been identified publicly as a supporter of Iranian President Mahmoud Ahmadinejad. Mr. Ahmadinejad had in the past threatened to expose officials involved in corruption.

But Western experts on Iran interpreted this as a challenge to conservative backers of supreme leader Khamenei, and before Palizdar's allegations could spread, he and several associates were arrested and the parliamentary report suppressed.

Palizdar had claimed those who were corrupt were protected by the head of Iran's Judicial Branch.

The report says Judiciary officials did not respond to the requests of the committee, ignoring most of the 300 questions the panel submitted.

Ayatollah Seyyed Mahmoud Hashemi Shahrudi, the head of the Judiciary since 1999, wrote a letter to the Investigative Committee, claiming security officials within the Judiciary did not have to answer to parliament.

The problem of corruption in Iran has been studied in the West. In 2007, the international private watchdog group, Transparency International, ranked Iran 131st out of 179 countries in its corruption index. The conservative Heritage Foundation, a U.S. based policy study group, asserted that in Iran: Corruption is perceived as widespread. Graft is extensive and viewed as growing worse by the day. The anti-corruption agency has less than 1,000 inspectors to monitor the 2.3 million full-time civil servants and numerous government contractors who control most of Iran's economy.

The U.S. State Department has also described official corruption in Iran as persistent. In its 2007 Human Rights report, the State Department stated: Corruption was a problem in the police forces and revolutionary courts and to a lesser extent in the criminal and civil courts.

Meanwhile, in Iran, a top official recently has publicly praised the Judiciary for its role in fighting corruption. According to Iran's official IRNA news agency, Ayatollah Ahmad Jannati, speaking to thousands of worshipers at the central campus of Tehran University, voiced appreciation for the Judiciary, the Intelligence Ministry and the Disciplinary Forces for arresting, putting to trial, and executing murderers, rapists and drug traffickers. He was quoted as saying: This decisive move was praiseworthy, since the roots of corruption need to be dried.

**Source:** VOA *Afghanistan Report*, 19 June 2008

## Appendix 7: Investigating the German giant Siemens

### December 2008 report: At Siemens, bribery was just a line item

In this *Frontline* interview, Reinhard Siekaczek, a former Siemens executive, describes how bribery was “customary” at the company

MUNICH - Reinhard Siekaczek was half asleep in bed when his doorbell rang here early one morning two years ago.

Still in his pajamas, he peeked out his bedroom window, hurried downstairs and flung open the front door. Standing before him in the cool, crisp dark were six German police officers and a prosecutor. They held a warrant for his arrest.

At that moment, Mr. Siekaczek, a stout, graying former accountant for Siemens A.G., the German engineering giant, knew that his secret life had ended.

“I know what this is about,” Mr. Siekaczek told the officers crowded around his door. “I have been expecting you.”

To understand how Siemens, one of the world’s biggest companies, last week ended up paying \$1.6 billion in the largest fine for bribery in modern corporate history, it’s worth delving into Mr. Siekaczek’s unusual journey.

A former midlevel executive at Siemens, he was one of several people who arranged a torrent of payments that eventually streamed to well-placed officials around the globe, from Vietnam to Venezuela and from Italy to Israel, according to interviews with Mr. Siekaczek and court records in Germany and the United States.

What is striking about Mr. Siekaczek’s and prosecutors’ accounts of those dealings, which flowed through a web of secret bank accounts and shadowy consultants, is how entrenched corruption had become at a sprawling, sophisticated corporation that externally embraced the nostrums of a transparent global marketplace built on legitimate transactions.

Mr. Siekaczek (pronounced SEE-kah-chek) says that from 2002 to 2006 he oversaw an annual bribery budget of about \$40 million to \$50 million at Siemens. Company managers and sales staff used the slush fund to cozy up to corrupt government officials worldwide.

The payments, he says, were vital to maintaining the competitiveness of Siemens overseas, particularly in his subsidiary, which sold telecommunications equipment. “It was about keeping the business unit alive and not jeopardizing thousands of jobs overnight,” he said in an interview.

Siemens is hardly the only corporate giant caught in prosecutors’ cross hairs.

Three decades after Congress passed a law barring American companies from paying bribes to secure foreign business, law enforcement authorities around the world are bearing down on major enterprises like Daimler and Johnson & Johnson, with scores of cases now under investigation. Both companies declined comment, citing continuing investigations.

Albert J. Stanley, a legendary figure in the oil patch and the former chief executive of the KBR subsidiary of Halliburton, recently pleaded guilty to charges of paying bribes and skimming millions for himself. More charges are coming in that case, officials say.

But the Siemens case is notable for its breadth, the sums of money involved, and the raw organizational zeal with which the company deployed bribes to secure contracts. It is also a model of something that was once extremely rare: cross-border cooperation among law enforcement officials.

German prosecutors initially opened the Siemens case in 2005. American authorities became involved in 2006 because the company’s shares are traded on the New York Stock Exchange.

In its settlement last week with the Justice Department and the Securities and Exchange Commission, Siemens pleaded guilty to violating accounting provisions of the Foreign Corrupt Practices Act, which outlaws bribery abroad.

Although court documents are salted throughout with the word “bribes,” the Justice Department allowed Siemens to plead to accounting violations because it cooperated with the investigation and because pleading to bribery violations would have barred Siemens from bidding on government contracts in the United States. Siemens doesn’t dispute the government’s account of its actions.

Matthew W. Friedrich, the acting chief of the Justice Department’s criminal division, called corruption at Siemens “systematic and widespread.” Linda C. Thomsen, the S.E.C.’s enforcement director, said it was “egregious and brazen.” Joseph Persichini Jr., the director of the F.B.I.’s Washington field office, which led the investigation, called it “massive, willful and carefully orchestrated.”

Mr. Siekaczek's telecommunications unit was awash in easy money. It paid \$5 million in bribes to win a mobile phone contract in Bangladesh, to the son of the prime minister at the time and other senior officials, according to court documents. Mr. Siekaczek's group also made \$12.7 million in payments to senior officials in Nigeria for government contracts.

In Argentina, a different Siemens subsidiary paid at least \$40 million in bribes to win a \$1 billion contract to produce national identity cards. In Israel, the company provided \$20 million to senior government officials to build power plants. In Venezuela, it was \$16 million for urban rail lines. In China, \$14 million for medical equipment. And in Iraq, \$1.7 million to Saddam Hussein and his cronies.

The bribes left behind angry competitors who were shut out of contracts and local residents in poor countries who, because of rigged deals, paid too much for necessities like roads, power plants and hospitals, prosecutors said.

Because government contracting is an opaque process and losers don't typically file formal protests, it's difficult to know the identity of competitors who lost out to Siemens. Companies in the United States have long complained, however, that they face an uneven playing field competing overseas.

Ben W. Heineman Jr., a former general counsel at General Electric and a member of the American chapter of Transparency International, a non-profit group that tracks corruption, says the enforcement of some anti-bribery conventions still remains scattershot. "Until you have energetic enforcement by the developed-world nations, you won't get strong anti-bribery programs or high-integrity corporate culture," he said.

Afghanistan, Haiti, Iraq, Myanmar and Somalia are the five countries where corporate bribery is most common, according to Transparency International. The S.E.C. complaint said Siemens paid its heftiest bribes in China, Russia, Argentina, Israel and Venezuela.

"Crimes of official corruption threaten the integrity of the global marketplace and undermine the rule of law in the host countries," said Lori Weinstein, the Justice Department prosecutor who oversaw the Siemens case.

All told, Siemens will pay more than \$2.6 billion to clear its name: \$1.6 billion in fines and fees in Germany and the United States and more than \$1 billion for internal investigations and reforms.

Siemens's general counsel, Peter Y. Solmssen, in an interview outside a marble-lined courtroom in Washington, said the company acknowledged that bribes were at the heart of

the case. “This is the end of a difficult chapter in the company’s history,” he said. “We’re glad to get it behind us.”

Mr. Siekaczek, who cooperated with German authorities after his arrest in 2006, has already been sentenced in Germany to two years’ probation and a \$150,000 fine. During a lengthy interview in Munich, a few blocks from the Siemens world headquarters, he provided an insider’s account of corruption at the company. The interview was his first with English-language news outlets.

“I would never have thought I’d go to jail for my company,” Mr. Siekaczek said. “Sure, we joked about it, but we thought if our actions ever came to light, we’d all go together and there would be enough people to play a game of cards.”

Mr. Siekaczek isn’t a stereotype of a white-collar villain. There are no Ferraris in his driveway, or villas in Monaco. He dresses in jeans, loafers and leather jackets. With white hair and gold-rimmed glasses, he passes for a kindly grandfather — albeit one who can discuss the advantages of offshore bank accounts as easily as last night’s soccer match.

Siemens began bribing long before Mr. Siekaczek applied his accounting skills to the task of organizing the payments.

World War II left the company shattered, its factories bombed and its trademark patents confiscated, according to American prosecutors. The company turned to markets in less developed countries to compete, and bribery became a reliable and ubiquitous sales technique.

“Bribery was Siemens’s business model,” said Uwe Dolata, the spokesman for the association of federal criminal investigators in Germany. “Siemens had institutionalized corruption.”

Before 1999, bribes were deductible as business expenses under the German tax code, and paying off a foreign official was not a criminal offense. In such an environment, Siemens officials subscribed to a straightforward rule in pursuing business abroad, according to one former executive. They played by local rules.

Inside Siemens, bribes were referred to as “NA” — a German abbreviation for the phrase “nützliche Aufwendungen” which means “useful money.” Siemens bribed wherever executives felt the money was needed, paying off officials not only in countries known for government corruption, like Nigeria, but also in countries with reputations for transparency, like Norway, according to court records.



In February 1999, Germany joined the international convention banning foreign bribery, a pact signed by most of the world's industrial nations. By 2000, authorities in Austria and Switzerland were suspicious of millions of dollars of Siemens payments flowing to offshore bank accounts, according to court records.

Rather than comply with the law, Siemens managers created a "paper program," a toothless internal system that did little to punish wrongdoers, according to court documents.

Mr. Siekaczek's business unit was one of the most egregious offenders. Court documents show that the telecommunications unit paid more than \$800 million of the \$1.4 billion in illegal payments that Siemens made from 2001 to 2007. Managers in the telecommunications group decided to deal with the possibility of a crackdown by making its bribery procedures more difficult to detect.

So, on one winter evening in late 2002, five executives from the telecommunications group met for dinner at a traditional Bavarian restaurant in a Munich suburb. Surrounded by dark wood panels and posters celebrating German engineering, the group discussed how to better disguise its payments, while making sure that employees didn't pocket the money, Mr. Siekaczek said.

To handle the business side of bribery, the executives turned to Mr. Siekaczek, a man renowned within the company for his personal honesty, his deep company loyalty — and his experiences in the shadowy world of illegal bribery.

"It had nothing to do with being law-abiding, because we all knew what we did was unlawful," Mr. Siekaczek said. "What mattered here was that the person put in charge was stable and wouldn't go astray."

Although Mr. Siekaczek was reluctant to take the job offered that night, he justified it as economic necessity. If Siemens didn't pay bribes, it would lose contracts and its employees might lose their jobs.

"We thought we had to do it," Mr. Siekaczek said. "Otherwise, we'd ruin the company."

Indeed, he considers his personal probity a point of honour. He describes himself as "the man in the middle," "the banker" or, with tongue in cheek, "the master of disaster." But, he said, he never set up a bribe. Nor did he directly hand over money to a corrupt official.

German prosecutors say they have no evidence that he personally enriched himself, though German documents show that Mr. Siekaczek oversaw the transfer of some \$65 million through hard-to-trace offshore bank accounts.

“I was not the man responsible for bribery,” he said. “I organized the cash.”

Mr. Siekaczek set things in motion by moving money out of accounts in Austria to Liechtenstein and Switzerland, where bank secrecy laws provided greater cover and anonymity. He said he also reached out to a trustee in Switzerland who set up front companies to conceal money trails from Siemens to offshore bank accounts in Dubai and the British Virgin Islands.

Each year, Mr. Siekaczek said, managers in his unit set aside a budget of about \$40 million to \$50 million for the payment of bribes. For Greece alone, Siemens budgeted \$10 million to \$15 million a year. Bribes were as high as 40 percent of the contract cost in especially corrupt countries. Typically, amounts ranged from 5 percent to 6 percent of a contract’s value.

The most common method of bribery involved hiring an outside consultant to help “win” a contract. This was typically a local resident with ties to ruling leaders. Siemens paid a fee to the consultant, who in turn delivered the cash to the ultimate recipient.

Siemens has acknowledged having more than 2,700 business consultant agreements, so-called B.C.A.’s, worldwide. Those consultants were at the heart of the bribery scheme, sending millions to government officials.

Mr. Siekaczek was painfully aware that he was acting illegally. To protect evidence that he didn’t act alone, he and a colleague began copying documents stored in a basement at Siemens’s headquarters in Munich that detailed the payments. He eventually stashed about three dozen folders in a secret hiding spot.

In 2004, Siemens executives told him that he had to sign a document stating he had followed the company’s compliance rules. Reluctantly, he signed, but he quit soon after. He continued to work for Siemens as a consultant before finally resigning in 2006. As legal pressure mounted, he heard rumours that Siemens was setting him up for a fall.

“On the inside, I was deeply disappointed. But I told myself that people were going to be surprised when their plan failed,” Mr. Siekaczek recalled. “It wasn’t going to be possible to make me the only one guilty because dozens of people in the business unit were involved. Nobody was going to believe that one person did this on his own.”

The Siemens scheme began to collapse when investigators in several countries began examining suspicious transactions. Prosecutors in Italy, Liechtenstein and Switzerland sent requests for help to counterparts in Germany, providing lists of suspect Siemens employees. German officials then decided to act in one simultaneous raid.

The police knocked on Mr. Siekaczek's door on the morning of Nov. 15, 2006. Some 200 other officers were also sweeping across Germany, into Siemens's headquarters in Munich and the homes of several executives.

In addition to Mr. Siekaczek's detailed payment records, investigators secured five terabytes of data from Siemens's offices — a mother lode of information equivalent to five million books. Mr. Siekaczek turned out to be one of the biggest prizes. After calling his lawyer, he immediately announced that he would cooperate.

Officials in the United States began investigating the case shortly after the raids became public. Knowing that it faced steep fines unless it cooperated, Siemens hired an American law firm, Debevoise & Plimpton, to conduct an internal investigation and to work with federal investigators.

As German and American investigators worked together to develop leads, Debevoise and its partners dedicated more than 300 lawyers, forensic analysts and staff members to untangle thousands of payments across the globe, according to the court records. American investigators and the Debevoise lawyers conducted more than 1,700 interviews in 34 countries. They collected more than 100 million documents, creating special facilities in China and Germany to house records from that single investigation. Debevoise and an outside auditor racked up 1.5 million billable hours, according to court documents. Siemens has said that the internal inquiry and related restructurings have cost it more than \$1 billion.

Siemens officials "made it crystal clear that they wanted us to get to the bottom of this and follow it wherever the evidence led," said Bruce E. Yannett, a Debevoise partner.

At the same time, Siemens worked hard to purge the company of some senior managers and to reform company policies. Several senior managers have been arrested. Klaus Kleinfeld, the company's C.E.O., resigned in April 2007. He has denied wrongdoing and is now head of Alcoa, the aluminium giant. Alcoa said that the company fully supports Mr. Kleinfeld and declined to comment further.

Last year, Siemens said in S.E.C. filings that it had discovered evidence that former officials had misappropriated funds and abused their authority. In August, Siemens said it seeks to

recover monetary damages from 11 former board members for activities related to the bribery scheme. Negotiations on that matter are continuing.

Earlier this year, Siemens's current chief executive, Peter Löscher, vowed to make Siemens "state of the art" in anticorruption measures.

"Operational excellence and ethical behaviour are not a contradiction of terms," the company said in a statement. "We must get the best business — and the clean business."

Siemens still faces legal uncertainties. The Justice Department and German officials said that investigations were continuing and that current and former company officials might face prosecution.

Legal experts say Siemens is the latest in a string of high-profile cases that are changing attitudes about corruption. Still, they said, much work remains.

"I am not saying the fight against bribing foreign public officials is a fight full of roses and victories," said Nicola Bonucci, the director of legal affairs for the Organization for Economic Cooperation and Development, which is based in Paris and monitors the global economy. "But I am convinced that it is something more and more people are taking seriously."

For his part, Mr. Siekaczek is uncertain about the impact of the Siemens case. After all, he said, bribery and corruption are still widespread.

"People will only say about Siemens that they were unlucky and that they broke the 11th Commandment," he said. "The 11th Commandment is: 'Don't get caught.' "

*This article is a joint report by ProPublica, PBS's FRONTLINE, the The New York Times, and the Investigative Reporting Program at UC Berkeley.*

*By Siri Schubert, Frontline World and T. Christian Miller, ProPublica – 20 December 2008*

## **Appendix 8: Resources: Global initiatives on investigative journalism**

1. Columbia University's Stabile Center for Investigative Journalism offers a specialised curriculum for students
2. American University's Investigative Reporting Workshop, run by Chuck Lewis, aims to conduct investigations and serve as an incubator for new economic models and techniques for such work
3. The Schuster Institute for Investigative Journalism at Brandeis University, headed by Florence Graves, enables experienced journalists to work on major projects
4. The Knight Foundation is interested in finding new ways to support investigative work
5. The non-profit ProPublica is now reporting stories and partnering with other news organisations

## **Appendix 9: Websites on investigative journalism and subjects covered in this Guide (please use www. before each URL)**

abcusinc.com

cnn.com

cpj.org

dialog.com

directory.google.com

dogpile.com

foia.cia.gov

globalinvestigativejournalism.org

google.com

i2.co.uk

icij.org

ire.org

iwaweb.org

knight.icfj.org

lexisnexis.com

live.com

news.bbc.co.uk

poynter.org

readnotify.com

transparency.org

vivisimo.com

wikileaks.org

wikipedia.org

yahoo.com

## **Appendix 10: The Journalism / Investigative Journalism Movies**

The Paper (the best journalism movie ever)

Deadline USA

-30-

The Front Page

His Girl Friday

Switching Channels

Absence of Malice

Blessed Event

The Big Clock

I Love Trouble

Up Close and Personal

Broadcast News

All The President's Men (the best investigative journalism movie ever)

The Insider

S1MONE

Ace In The Hole

Sweet Smell of Success

Citizen Kane

Live from Baghdad

Shattered Glass

## Appendix 11: References

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11. Transparency International, *Preventing Corruption in Humanitarian Assistance* (2008)
12. Various newspapers and media websites for individual stories