

**AMNESTY INTERNATIONAL  
PRESS RELEASE**

AI Index: PRE 01/207/2008  
31 July 2008

## **Afghanistan: Protect media freedom from intelligence agency interference**

The Afghan government must prevent the country's intelligence agency, the National Security Directorate, from suppressing media freedom, said Amnesty International today.

On Monday 28 July, NDS agents briefly detained Mohammad Nasir Fayyaz, presenter of the popular programme *The Truth* on Ariana TV.

The following day, Tuesday 29 July, NDS agents again detained Fayyaz and released him after one night. According to the Afghan Independent Human Rights Commission, Fayyaz was detained for "misrepresenting" government officials on his programme on Sunday 27 July.

The NDS, according to Ariana TV, stopped the broadcast of the programme during which Fayyaz questioned the Minister of Urban Development, Youssef Pashtun, and Ismail Khan, the self-styled Emir of Herat and currently the Minister of Water and Power, about the involvement of government officials in illegal land grabbing.

According to a media report, Fayyaz has been charged with demanding 24-hour electricity for his home from Ismail Khan and "demanding a bribe" from Commerce Minister Mohammed Amin Farhang. His case has been referred to Attorney General's office. Abdul Qadir Mirzir, spokesperson for Ariana TV, reportedly dismissed these charges as unfounded.

"The NDS has no right to interfere in this case and its involvement signifies an unwarranted government intrusion on Afghanistan's media," said Sam Zarifi, Amnesty International's Asia Pacific Director. "The NDS should not become a tool for the government to intimidate its critics."

Officially the NDS only has the authority to address national security threats. The lawful grounds for, and scope of, its powers are not publicly available.

Amnesty International urged the Afghan government to comply with the 1995 Johannesburg Principles on National Security, Freedom of Expression and Access to Information -- standards drafted by international legal experts and endorsed by the United Nations special rapporteurs on freedom of expression and on the independence of judges and lawyers.

Principle 2 (b) of the Johannesburg Principles states that "... a restriction sought to be justified on the ground of national security is not legitimate if its genuine purpose or demonstrable effect is to protect interests unrelated to national security, including, for example, to protect a government from embarrassment or exposure of wrongdoing, or to conceal information about the functioning of its public institutions..."

In 2007 the NDS detained Kamran Mir Hazar, editor of an online news website, [kabulpress.org](http://kabulpress.org),

apparently for publishing articles critical of the government's performance. In April 2007, at the instruction of the former Attorney General, Abdul Sabit, police officers raided the offices of Tolo TV to arrest journalist Hamed Haidary as well as the station head, for "incorrectly" reporting Sabit's words in a news bulletin.

In June 2006, the NDS issued a directive demanding that media outlets restrict their reporting activities, including a restriction on coverage that is vaguely and broadly described as "against the national interest."

"It seems that Fayyaz' arrest had nothing to do with national security, and everything to do with officials violating human rights in promotion of their own personal, and possibly illegal, interests. Every incident like this sends a chill through the spines of Afghan journalists, who are already very vulnerable to violence and intimidation," said Sam Zarifi.

### **Background**

Journalists and media workers in Afghanistan have come under increasing threats and attacks by both state and non-state actors and several journalists have been killed. The government, in particular the NDS and the Ulema Council (council of religious scholars), have attempted to reduce the media's independence.

University student and journalist Perwiz Kambakhsh was sentenced to death on a charge of blasphemy by a provincial court in Mazar-e Sharif in Balkh province on 22 January 2008, for allegedly downloading material from the internet that examined the role of women in Islam.

Media freedom in Afghanistan could be further restricted by a revised media law that currently awaits President Karzai's approval. It contains several ambiguous provisions that could be used to restrict freedom of expression far beyond restrictions allowed under international human rights law, including a prohibition on content that is "contrary to the principles of Islam."