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STATEMENT

Afghanistan: ARTICLE 19 Calls for Investigation into Journalist's Death

ARTICLE 19 calls for an immediate investigation into the death of Afghan journalist Sultan Munadi. He was shot dead on 9 September during an armed raid by British-led NATO forces to rescue him and British journalist Steven Farrell.

Sultan Munadi and Steven Farrell had been kidnapped and held captive by the Taliban in the northern Afghan province of Kunduz since 5 September. At the time, Sultan Munadi had been working as a fixer and interpreter for Farrell, who was investigating the NATO air attack on two fuel tankers which had been hijacked by Taliban militants. Media reports suggested that the air strike had killed many people, including many civilians.

At dawn on 9 September, British-led NATO forces raided the place where Taliban militants were holding Farrell and Munadi. Although Steven Farrell was rescued, Sultan Munadi was killed in the gunfire. One British NATO soldier and two civilians were also killed.

ARTICLE 19 welcomes the rescue of Steven Farrell and supports the decision of journalists like him to undertake such investigations, which are clearly in the public interest, provided they are confident about their personal safety and that of their local colleagues. However, ARTICLE 19 is profoundly saddened by Sultan Munadi's death, which raises serious questions about the safety of Afghan journalists employed by foreign media organisations in Afghanistan and the extent to which international forces are committed to protecting their right to life. ARTICLE 19 emphasises the importance of finding out how Sultan Munadi was killed during the rescue raid not only for his family but also because a lack of credible information and accountability may lead to rumours, misrepresentation and further mistrust of international forces in Afghanistan. This may exacerbate tensions and fuel the armed conflict.

ARTICLE 19 emphasises that NATO-led forces and the Afghan government must respect international human rights law by *inter alia* ensuring protection against arbitrary killings. Possible violations of the right to life in Afghanistan that involve NATO-led forces need to be investigated under Article 6 of the International Covenant on Civil and Political Rights. ARTICLE 19 also reminds states contributing to the NATO-led forces in Afghanistan that they should comply fully with the

obligations applicable to them under international humanitarian law related to the protection of civilians,, including journalists and other media professionals.

In particular, ARTICLE 19 emphasises the obligations upon states to respect and ensure respect for Article 79 of the Additional Protocol I, regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict. We also call attention to UN Security Council Resolution 1738 on attacks against journalists in conflict situations. The latter emphasises “*the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of international humanitarian law*”.

ARTICLE 19 also recalls the UNESCO Charter for the Safety of Journalists Working in War Zones or Dangerous Areas which states that “[r]isks to be taken by staff or freelance journalists, their assistants, local employees and support personnel require adequate preparation, information, insurance and equipment” and that “[e]ditors should beware of exerting any kind of pressure on special correspondents to take additional risks.”

Recommendations

ARTICLE 19 urges the NATO-led forces and the Afghan government to:

- Ensure that the killing of Sultan Munadi is promptly and thoroughly investigated, and if a violation of applicable international human rights law and/or humanitarian law is found as a result, that the responsible parties are made accountable
- Exercise due diligence and protect the human rights of everyone under their jurisdiction, in particular both Afghan *and* non-Afghan journalists, including their rights to life, liberty and security of person, and freedom of expression
- Ensure that all attacks against journalists, as well as other abuses of international human rights and humanitarian law, are promptly and thoroughly investigated and that those suspected of carrying out or ordering such actions, as well as those organising or assisting in such actions, are brought to justice, according to procedures that meet international standards of due process
- Ensure that all operations by NATO-led forces against armed groups, such as the Taliban, comply with applicable international human rights and humanitarian law, in particular the prohibition on attacks against civilians and other non-combatants (including journalists), indiscriminate attacks, torture and ill-treatment, excessive use of force and arbitrary detention.

ARTICLE 19 urges media organisations operating in Afghanistan to:

- Properly train their journalists and media professionals operating in Afghanistan – whether they are international, local or freelance – in safety procedures in situations of armed conflict
- Ensure that these journalists and media professionals have adequate insurance cover for illness, injury and death
- Support the establishment of a solidarity fund to compensate the families of journalists who have been killed whilst practicing their profession in Afghanistan, where insurance is insufficient or non-existent.

ARTICLE calls on *The New York Times* to:

- Ensure that Sultan Munadi’s family receives all necessary financial support for their loss and the damage suffered as a result of Munadi’s death. Such support

must take into account the drastic loss of income resulting from his death and the material well-being of the family, including education of his children.

FURTHER INFORMATION:

- For more information please contact: Dr Sejal Parmar, Senior Legal Officer, sejal@article19.org +44 20 7324 2500
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.