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The Taliban and Suppression of Access  
to Information

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ANALYSIS

# Imprint


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# 1. Executive Summary

Access to information is the cornerstone of a free society, enabling the free flow of ideas and opinions without government or regime interference. This fundamental right is crucial for maintaining the integrity and accountability of an open society and a vibrant liberal democracy. However, the resurgence of Taliban rule in Afghanistan has gravely undermined the attempts, although with shortcomings, to gradually implement these principles, particularly the right to information. The Taliban's ironclad control over information has shrouded the country in profound darkness, severely affecting Afghan lives and exacerbating the humanitarian crisis. This dire situation is further compounded by the collapse of transparent governance and the complete absence of independent media.

Before the Taliban's return in 2021, Afghanistan had made notable strides in promoting transparency and civic engagement through progressive laws governing information access. These landmark measures, praised internationally, represented small but significant steps toward strengthening the country's nascent democracy. However, with the Taliban in power, these gains were swiftly dismantled, leading to a dramatic erosion of the free exchange of information and a gradual silencing of voices within the country.

This policy paper examines the profound consequences of the Taliban's assault on the right to information, emphasizing the erosion of established norms and their replacement with arbitrary decrees. The measures in these decrees to control the media and restrict access to information are systematic and targeted. Actions such as banning demonstrations, implementing strict guidelines for journalists, censoring foreign media, and suppressing criticism serve to manipulate public perception. These measures ensure that only information aligning with the Taliban's agenda is disseminated. The Taliban's violations constitute a flagrant breach of fundamental international legal standards, including the right to life and freedom from torture. Their actions not only infringe upon these essential human rights but also disrupt humanitarian aid efforts for Afghanistan and undermine the international rules-based order. The lack of information about the Taliban's engagement with terrorist organizations leaves the global community in the dark.

To address this crisis, the international community must isolate the Taliban and seek justice for their crimes against vulnerable populations in Afghanistan. Strengthening global and exile media is crucial for documenting and exposing these violations. The paper further recommends intensifying pressure on the Taliban to compel a reduction in their draconian measures and to restore some measures of information freedom.

## 2. Introduction

Access to information, often described as „the oxygen of democracy“ and „the mother of transparency,“ is crucial for fostering integrity, freedom of speech, and accountability in societies. It encompasses both the receipt and dissemination of information in various forms, including through media, print, oral communication, and other means. This right is enshrined in international human rights law and underpinned by principles of good governance, all in support of cultivating an open and liberal democratic society.

Despite being a relatively recent development in Afghanistan, the concept of access to information saw significant improvement in shaping the domestic legal framework for public information access before 15 August 2021. The 2004 Constitution and the 2018 law on access to information were groundbreaking democratic documents that safeguarded this right, earning acclaim among Afghanistan’s neighbors and internationally. However, since the Taliban regained power, this right has been severely violated, and its defenders have faced brutal persecution, plunging the entire population into the darkness of a closed legal and political space. An assessment by Freedom House shows that in the aftermath of the Taliban, the country scored 0 out of 4 in open and transparent governance, with no independent media and a selective release of information (Freedom House, 2024). This dreadful situation is exacerbated by severe obstacles to legal guarantees and violent practices by the Taliban.

In light of this, an analysis of the decline in access to information in Afghanistan under Taliban rule is of immense importance. This being said, the current climate not only exacerbates the humanitarian crisis but also negatively impacts international aid coordination and undermines the international rules-based order. Domestically, it has led to rampant corruption, severe human rights violations, and vicious consequences for journalists and human rights defenders.

This policy paper examines the repercussions of the infringement on Afghan citizens’ access to information and the international community.<sup>1</sup> As a first step, the paper will provide insights into the pre-Taliban legal framework and the practical challenges it faced. This will be followed by an examination of the erosion of existing legal measures and the Taliban’s control over information, including the violence against the defenders of this right. The section after will elaborate on the violation of the international obligations by the Taliban and the existing crisis for the global community, which not only involves providing aid packages for Afghans but also addresses concerns, as the Taliban appear to align with autocracies and terrorist groups in the region with no or little information available to the Afghans and international actors. The paper concludes with some recommendations.

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<sup>1</sup> The authors thank Ms. Birgit Lamm, Director of the FNF Office in Pakistan, for her constructive comments and recommendations on the contents of this paper.

## 3. The Afghan legal architecture and pre-2021 insights regarding access to information

The legal tradition of Afghanistan, especially the 1964 Constitution (Art. 31), recognized and understood access to information under the right to freedom of expression and opinion. However, the 2004 Constitution of Afghanistan (herein and after: Constitution) marks the first ever domestic legislation of the country in recognition and protection of the right to access to information. The Constitution guaranteed Afghan citizens the right to access information within the government offices, based on the law, theoretically with no limits, other than harming the rights of others or national security (The Constitution of Afghanistan, 2004 Art. 50). Despite the explicit stipulation of an organic law for regulating the area of access to information in the Constitution and the subsequent pressure from the public to enforce that right by enacting a practical law it took the government of Afghanistan almost a decade to enact the first access to information law in December 2014. This law was a great step taken in Afghanistan in introducing a legal framework for recognition and protection of this right. Nevertheless, it did not sufficiently echo the international standards and best practices. This triggered pressure groups, such as civil society organizations, in the country to lobby for the amendment of the above law; and hence led to the amendment of this law in 2018 with a much more progressive orientation. Based on the RTI (Right to Information) assessment, developed by the Center for Law and Democracy (Canada) and Access Info Europe (Spain), the amended law of access to information was ranked 'first' in 2018 by getting 139 out of 150 points. This law was further amended in 2019 to fill the gaps regarding the missing 11 points that resulted from the assessment of the law.

### 3.1. Assessment of the access to information law

For a better understanding of the compatibility of the 2018 law of access to information with international standards and principles, a brief assessment of the law is necessary. This assessment should compare the law with the standards developed by Article 19, a non-governmental international organization that provides expertise in the field of freedom of expression and opinion. These standards were recognized by the United Nations Commission on Human Rights in its 2000 resolution on freedom of expression (UN Human Rights Council Resolution 44/12, 2020).

In accordance with Principle 1 of the Article 19 Standards on the issue of maximum disclosure, it is, *inter alia*, required that information and institutions be broadly defined, nationality limitations and specific interest requirements should not exist and destruction of information be sanctioned. These requirements are respectively met in Article 3 (1) (3) (6), Article 6 (3),

and Article 35 (4) of the access to information law. Similarly, Principle 2, regarding the obligation to publish information, requires that the dissemination of a minimum set of information by the public institutions should be enshrined in access to information law; and it is provided in Article 15 of access to information law in detail. Although Principle 3, which deals with the promotion of open government, is not explicitly addressed in law, the provisions of access to information law in their entirety pursue this goal.

Moreover, Principle 4 which addresses the limited scope of exceptions sets forth a 3-layer test of legitimate aims justifying exceptions, refusal based on meeting a substantial harm test, and overriding public interest. These layers are enshrined in access to information law under Article 16. Principle 5, which deals with the process to facilitate access to information, points out that the requests for information being rapidly and fairly processed, and appeal options exist. The rapid and fair process of requests for information provided under Article 8 and the appeal process by setting the 3-layer mechanism in Articles 32, 33, and 34 of access to information law is fulfilling this obligation. Principle 6 which sets out the requirements of low and fair costs for the requests is also addressed in Article 9 of access to information law in line with the objectives of the standards of Article 19. Similar to Principle 3, which was not directly and explicitly included in access to information law, Principle 7, which requires open meetings, is also not articulated and rather is enshrined in the entire body of access to information law. The precedence of disclosure under Principle 8 which requires the contradicting laws with the access to information laws be repealed or amended is provided in Article 19 of access to information law by giving superseding effect to the access to information law over the other legislative documents. Finally, the concept of protection of whistleblowers, which is an integral part of the access to information mechanisms (Principle 9), is observable under Article 36 of the access to information law.

This assessment indicates that the legislative framework of access to information in Afghanistan was primarily in conformity with the international principles that serve as best practices for many national legal frameworks and provide practical and effective government solutions. This conformity per se was a significant milestone that among others could facilitate access of the people to information in practice. However, in practice, there were a set of challenges and barriers for which the country, despite having the standardized law, was impaired to properly facilitate access to information as required by the law.

### 3.2. Practices on the ground

Although Afghanistan had a specific legislative framework on access to information since 2014, the legal provisions were not implemented in practice. Arguably, the provisions of the access to information law were very ambitious putting forth a very ideal scenario, but the realities on the ground were ignored so that people could not access the necessary information they needed from different public institutions. The requirement for the private service providing institutions to be bound by the same measures applicable on the public institutions, amongst several, was one of the instances that indicated the ambitious nature of the law. This nature of the access to information law was not the only problem standing in the way of access to information in practice. Several factors had a significant impact and exacerbated the lack of proper enforcement. These factors included but were not limited to the lack of political will, security challenges, corruption, and lack of awareness on the side of government officials.

The political will, which is one of the fundamental requirements for the promotion of freedom of expression, accountability, and transparency, was not proportionate to the provisions of the access to information law and the demand for access to information on the ground. The Afghan National Unity Government, which came to power with the slogan of accountability and transparency, failed to take any bold steps in that direction and hence was extensively criticized for not being able to promote and provide necessary information to the people.

Above all, due to the gradual deterioration of the security in the country, the government was barely providing information on the security sector, which was one of the highest-spending sectors and arguably one of the least transparent and accountable institutions in Afghanistan (Vittori, September 2021). Corruption, having the dichotomy of being the cause or effect, was also playing a vital role in barring the requisite information to be accessible to people. In some instances, it was very systematic and organized, while in others, it was mostly the choice of the relevant responsible officer who did not feel accountable to facilitate access of the people to information despite having that legal obligation.

The lack of awareness on the side of government officials about the advantages of access to information and their firm belief in the culture of administrative secrecy can be counted as one of the main challenges towards access to information in Afghanistan. Despite the existence of explicit provisions in the laws, the officials were not convinced that making information accessible to people is not a harm but rather a benefit to the promotion of professionalism, integrity, and transparency in society.

It should however be admitted that despite these challenges and barriers, the flow of information was still there, and the government institutions were obliged to make information available via both dissemination and responding to the

request of the people. The role of the free media was quite significant in revealing the secret aspects of the conduct of the government institutions that would have remained out of sight and knowledge of people otherwise. The culture of accessibility with the support of media was slowly and gradually institutionalizing in the society and the government was surrendering to minimize secrecy and promoting transparency. However, the collapse of the country to the Taliban in August of 2021 entirely changed the direction of this fundamental aspect, vital for the survival of the newly emerged democracy in Afghanistan, and brought a halt to the accessibility of information in the country. This had a drastic and catastrophic impact on the lives of the people, which will be elaborated on in the next section.

## 4. Navigating in the darkness of the Taliban

Since the fall of the country to the Taliban in August 2021, access to information has been severely affected by their policies and decisions. The Taliban have not only dismantled the existing legal framework, especially the Constitution and 2018 law, and mechanisms for enforcing access to information but have also restricted the right to information in a very brutal way. When journalists and media outlets report on gross violations of Afghans' fundamental rights, especially women's rights, by the Taliban, they are threatened, arrested, tortured, and even murdered.

The only information that still can flow under the Taliban regime is the one that pertains to or promotes their radical and fundamentalist views. The restrictions on access to information have been either in the form of a lack of legal and legislative measures and replacing them by decrees and circulars of the leader of the Taliban, Mullah Hibatullah Akhundzada, or the practical problems and limitations that the Taliban have imposed on the people (see the sections below).

### 4.1. Suspension of national laws

In the pluralistic legal system of Afghanistan, existing of positive laws (written laws), which made more or less the entire body of the legal system, had been quite vital. In Afghanistan, where the civil law (continental) legal system was applicable, written laws were the main sources in providing justice to the people, leaving a specific, and narrow in scope, role to Hanafi Jurisprudence being the primary source in capital crimes (*Hudud and Qisas*) (Penal Code of Afghanistan, 2017, Article 2) and secondary source in non-criminal cases (*Diyat*),<sup>2</sup> in case of absence of any provision in the constitutional framework (Penal Code of Afghanistan, 2017, Art. 130). With this nature of the legal system of Afghanistan, the legal structure for guaranteeing this right is completely destroyed.

Currently, almost all the laws, including the 2004 Constitution of Afghanistan, are suspended. Despite the claim of the spokesperson of the Taliban about access to information and the media law being in force (Taliban's' directive, September 2023), both of the above are of no practical application. This has already led to severe deprivation of people from being informed about the crucial issues related to their lives. Although no law is officially exempted from this suspension, in practice, some laws, such as the Afghan criminal procedure law,<sup>3</sup> are still selectively being referred to in the executive and judicial institutions under the Taliban. The first drawback of this type of selective practice is the lack of a wide and unified practice that is quite discretionary and dependent on the personal decision of the person who is making that decision. The second

drawback of it is, that it could only be referred to by the executive and judicial authorities with no possibility of being relied upon by the justice seekers under the system of the Taliban.

It is therefore fair to conclude from the above analyses that the beliefs and practices reflect the rule of men (here the Taliban), instead of the rule of law as understood internationally. In these circumstances, when the Taliban implement laws and directives, they are not good laws – for being discriminatory, and with apartheid characteristics.

### 4.2. Islamic *Sharia* as a substitute

Despite the claim of the Taliban that their legal system is based on Islamic *Sharia*, it is ignorant of the basics that Islamic countries have been resorting to for the application of Islamic *Sharia* in their legal systems. Based on the modern constitutional safeguard for Islamic *Sharia* that is called the "*Sharia* Guaranteeing Clause,"<sup>4</sup> almost all of the Islamic countries, have utilized codification for regulating their societies. The core purpose behind this maxim is to confine the boundaries of the applicable scope of Islamic *Sharia*. This brings the broad and unlimited body of Islamic *Sharia* within the boundaries of laws to avoid any abuse of the sphere of *Sharia* that is subject to interpretation by the authorities.

Under the 2004 Constitution, this principle was stipulated in Article 3 requiring all the enacted legislations in Afghanistan to not contradict with the beliefs and provisions of Islam. With the takeover of the country by the Taliban and the suspension of the Constitution, Islamic *Sharia* is claimed to be directly applied as the legal system of Afghanistan. This has provided the authorities of the Taliban with a broad discretionary power to select the applicable Islamic *Sharia* provision without any control or supervision. This has certainly caused the application of the personal understanding of Islamic *Sharia* in different issues – feeding the extremist agenda of the Taliban. It becomes more problematic when the selection is made by an individual who is lacking any professional capacity, or is an extremist, in understanding and delivery of justice. Of similar importance is the lack of unified application of Islamic *Sharia* that is caused by this unsupervised and limitless discretion of an individual to pick the applicable provisions.

<sup>2</sup> Hanafi Jurisprudence are the jurisprudence that belongs to Hanafi School of Islamic law, one of the four main Schools of law in Islam. *Hudud and Qisas* are Islamic rules for capital crimes, such as murder; however, *Diyat* belongs to the rules regarding civil and non-criminal issues.

<sup>3</sup> There are a number of areas in which the pre-Taliban legal framework is still applied. However, by virtue of the focus of this study on access to information, those areas are not discussed in this paper.

<sup>4</sup> *Sharia* Guaranteeing Clause (SGC) is a constitutional approach that is being stipulated in the constitutions of Islamic countries which are intending to avoid contradiction of their laws with the Islamic *Sharia*. This principle articulates that any law that is in contradiction with the Islamic *Sharia* principles would be of no applicability and thus null and void.



### 4.3. Decrees, edicts and circulars

Since the takeover of the country by the Taliban, there have been multiple decrees and edicts issued either by their leader, Mullah Hibatullah Akhundzada, or by institutions in the form of circulars at the national or local levels. However, all these decrees and edicts are issued by the authorities that are of no legitimacy themselves, let alone the power to issue edicts and decrees that are applicable to people. As it will be shown below, almost all of the issued decrees and edicts are in violation of the fundamental rights of individuals, even those that are protected by the principles of Islamic Sharia.

Regarding the freedom of media and the right to access to information, there have been 17 draconian decrees and edicts since August 2021. An elaboration of the eight examples that directly affect the right to access to information will be provided below.

1. On September 8, 2021, the so-called Ministry of Interior of the Taliban banned any kind of demonstrations. Pursuant to that, they prohibited the media from coverage of the demonstrations and protests (Radio Liberty, September 8, 2021). This was done mostly to prevent the public from being informed of the demands and requests of the people for their fundamental rights.
2. With a similar intent, on September 19, 2021, a directive was issued by the media center of the Taliban, introducing new guidelines for journalists restricting access to information by the public. In Article 11 of this directive, the following restrictions were imposed: prohibition of publishing topics that conflict with Islam, forbidding insult of national figures, national and personal privacy in the media, requiring balance in their publications, exercising caution in publishing matters that hurt public opinion or undermine people's moral, requiring neutrality of the media in the dissemination of truth, and requiring the media to coordinate their reports with the media center of the Taliban on a specific format. These limitations drastically affected access to information to the extent of no information at all (The Taliban's 17 Directives, September 2023). The usage of ambiguous terms in this directive which could be openly interpreted by the Taliban in any way, was deliberately used to limit the impart of information in the society.
3. Moreover, on September 25, 2021, the Taliban issued a letter to the media in Afghanistan requiring them to avoid calling the Taliban as a group and rather call them the Islamic Emarat of Afghanistan, which is the name that the Taliban have given themselves (The Voice of America, n.d.) The purpose of this, beyond pressuring the media, was conveying the misinformation of the Taliban being the legitimate government of Afghanistan, despite the lack of domestic and international legitimacy for the group.
4. Furthermore, on November 22, 2021, the so-called Ministry of Vice and Virtue of the Taliban issued a directive prohibiting the media from interviewing the opposition and critics of the Taliban or inviting them to their debates (The BBC, September 28, 2023). The general nature of this ban, particularly that it included the critics of the Taliban, indicates that on the one hand, the Taliban are not tolerant of any valid criticism towards them; and on the other hand, there is a systematic hindrance on allowing people to receive credible information that is not in line with their agenda.
5. To further suppress access to information, on March 27, 2022, the Taliban prohibited the broadcast of foreign TV programs via Afghanistan TV channels (Afghanistan Journalist Center, 2023). This was claimed to be banned for imbalanced broadcasts of their programs; however, the real purpose behind this ban was limiting access of the people to information that was not accessible through the domestic channels in the country controlled by the Taliban.
6. Targeting the flow of information in the country, on April 26, 2022, a letter was issued by the Taliban Ministry of Information and Culture, requiring the media to coordinate the commercials with a political, security, and social nature with the Media Supervision Department of that ministry before being screened (Radio Azadi, 2023). One of the main goals of this requirement was to control any information that was shared with the public for its conformity with the agenda of the Taliban.
7. On July 21, 2022, a decree of *Hibatullah Akhundzada*, on the prohibition of the criticism of the officials of the Taliban in the media was issued (Independent Farsi, 2022). This decree, inter alia, was aimed at avoiding any criticism of the Taliban with the ultimate goal of not leaving any documents on the shortcomings of their officials to avoid any future accountability.
8. Finally, on February 21, 2024, the so-called Prime Ministers Office of the Taliban instructed all its subordinate offices to refrain from publishing any orders, decrees, and other important documents issued by their leader without prior permission (Decree 420, February 21, 2024). This restriction is imposed at times when all the decrees and edicts issued by the leader of the Taliban are containing provisions that are related to the fundamental issues of the people in the country. This cannot be interpreted as anything other than controlling the flow of information in a way that secures the interest of themselves.

In conclusion, the existing architecture of decrees and edicts that have practically replaced the laws is not there to facilitate access to information or the minimum to regulate the area. They fail the test of conforming to the provisions of Islamic Sharia – what the Taliban consider to be their official legal system. It mostly inflicts further restrictions on the flow of information in the country.

#### 4.4. The Taliban's grip on information

Access to information, besides requiring a well-functioning and fair legislative mechanism, needs many practical tools and approaches for its enforcement. The Taliban not only suspended the legal and legislative mechanism to this effect but have also created specific control measures, which are mostly a barrier rather than a facilitator for access to information.

The full or partial blockage of the internet and the downgrading of it on specific occasions, such as during the demonstrations are widespread practices by the Taliban. Likewise, the fact that the de facto authorities often search mobile phones of individuals in checkpoints to control information is another prime example of the attacks on the infrastructure of access to information (Nusratty & Crabtree, March 8, 2023). As such, it not only violates the right to information of every Afghan citizen but also largely infringes the right to privacy of individuals safeguarded within the pre-Taliban Afghan laws and international instruments.

Moreover, the Taliban have dissolved the Access to Information Commission, which was established based on the 2018 access to information law. This Commission *inter alia* was responsible to monitor access to information mechanisms in Afghanistan (Intimidation, Repression, and Censorship, 2024). The nonexistence of the Commission as the highest executive institution for resolving disputes on access to information has left the right with no protection at the executive level.

With regard to the communication of the information to the media, the Taliban either do it via unofficial means such as WhatsApp, Messages, or through press conferences in which the journalists do not have any rights to ask critical questions. The information provided via these means have often no details and the media should cover them without knowing the details and are forced to broadcast them in a manner that is in line with the interest of this extremist group (Intimidation, Repression and Censorship, 2024). Official dissemination of information only takes place through the state media, the content of which is being controlled by different institutions such as the National Directorate of Security, the Ministry of Information and Culture, and the Ministry of Vice and Virtue of the Taliban. According to the findings of Rawadari's report "Intimidation, Repression and Censorship":

*The Taliban prohibit publishing news and information related to human rights violations, security and political events, attacks by opposing military fronts, disputes among Taliban factions, conflicts between nomads (Kuchis) and residents over pastures and agricultural lands, the expenditure of the national budget, information related to administrative corruption, news about murder, detention, and imprisonment of employees of the previous government, journalists, and human rights defenders, violence against women, specially cases of forced and underage marriages, information related to crimes committed by the Taliban, and protests. (Intimidation, Repression and Censorship, 2024, p.9)*

Coverage of issues of this nature has already had tremendous consequences for journalists and led to severe punishments of them, in case they conduct independent journalistic work. This has created fear and thus self-censorship by the remaining media and journalists in Afghanistan.

## 5. Infringement of international obligations

Under international law, access to information is a fundamental human right, intertwined with the freedoms of expression and opinion. The 1948 Universal Declaration of Human Rights (UDHR), as a common standard for humankind, champions this right in that it: “includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (UDHR, Art. 19). Likewise, the 1966 International Covenant on Civil and Political Rights (ICCPR) imposes binding obligations on State Parties. According to Article 19 (3) of the ICCPR this right „carries with it special duties and responsibilities”. In other words, States should not only respect this right but also implement legal and institutional measures to ensure the seeking and sharing of information in various forms, including orally, in print, via media, etc.

Afghanistan became a member of the ICCPR on January 24, 1983, and regardless of who is in power, the state – even if the Taliban are not politically recognized by the international community – has the responsibility to fulfill its obligations vis-a-vis the above Covenant. However, as highlighted in the previous discussions, the situation in Afghanistan took a dark turn after the Taliban’s capture of Kabul. Not only did they dismantle laws that protected access to information in clear violation of international rules, but also launched a brutal campaign against independent journalists and media outlets. This includes torture, detention with no information about the whereabouts of the persons, persecution, and even systematic murder of those who dared to provide critical information to the public. Right now, media outlets inside the country face stringent control, and any act of disobedience leads to severe punishment and often the tragic loss of journalists’ lives, especially women journalists who are the prime target of this group. Reporters Without Borders has disclosed that journalists associated with foreign media or those in exile are particularly targeted, facing accusations of espionage and disseminating adverse information about the Taliban. A notable case is that of Franco-Afghan journalist *Mortaza Behboudi*, who was imprisoned for nine months following his arrest on January 5, 2023 (Reporters Without Borders, Country Profile: Afghanistan, 2024). This prevailing situation exerts a profound effect not only domestically but also internationally.

In doing so, the Taliban dragged the whole country into a hollow of darkness, resulting in gross violation of the right to access information and other fundamental rights of persons targeted by the Taliban. In other words, the limitations imposed by the Taliban violates the inalienability and interdependence of human rights beyond a simple violation of the right to information. For instance, punishment of journalists for publishing government critical content leads to a gross violation of freedom from torture and the right to life incorporated under ICCPR and the 1984 Convention Against Torture to which Afghanistan is a member.

Along with infringements of the fundamental rights of individuals, the Taliban further enforce a system characterized by a lack of transparency and integrity, especially regarding judicial impartiality, the conduct of judges, and decision-making procedures under Sharia. Afghanistan ratified the United Nations Convention against Corruption (UNCAC) in 2008, which obligates State Parties to provide information to the public on judicial decision-making and public administration matters (UNCAC, 2004, Arts. 10-11). It is therefore important to note that these are not empty concepts when referenced by the media and international watchdogs; they are fundamental international obligations that the Taliban are violating when they persecute media and journalists who disobey their practices.

To draw international attention to these issues, they should be further tinted at international gatherings and forums to establish a discourse of documenting the Taliban’s inhumane approach. It is important to highlight that their conduct is not merely a violation of a single article of a convention and human rights treaties, but a transgression of the entire system of human rights and these treaties in their entirety, as the group systematically eschews both the positive and negative state obligations in favor of a draconian way of governance fed by propaganda and arbitrariness.

### 5.1. Immense human rights crisis in the absence of information

Dismantling the work of international media, aid organizations, and watchdog institutions since August 2021 – essential for the collection, dissemination, seeking, and imparting of information (ICCPR, Article 19) – has severely impeded the international community’s capacity to respond effectively to the urgent humanitarian crisis; and by extension, seek protection for the vulnerable groups, particularly human rights defenders and women’s rights activists. According to the United Nations Development Programme (UNDP), international agencies struggle to conduct accurate needs assessments in the absence of reliable data in Afghanistan, mostly due to the limitations imposed by the Taliban, thereby compromising the delivery of effective aid packages (UNDP, April 18, 2023). This situation has already led international non-governmental organizations to face significant challenges in securing funding and providing humanitarian assistance. For donor countries, this has heightened their hesitation to provide funding due to the lack of transparency and accountability (The UN in Afghanistan, June 28, 2024) that is hijacked by the Taliban, resulting in funding gaps and inadequate response plans.

The profound impact on the lives of women and children in Afghanistan has been likewise unprecedented. These vulnerable groups confront “systematic, widespread, and institutionalized” discrimination exercised by the Kabul regime

(OHCHR, September 11, 2023). It is therefore a right approach that human rights organizations, including the UN Special Rapporteur, continue and further enhance advocacy for the official classification of the Taliban as a regime practicing gender apartheid.

Human rights advocacy groups particularly face formidable obstacles in gathering evidence due to Taliban-imposed barriers, particularly regarding the conditions and locations of activists detained by the regime. Since 2021, dozens of women's rights activists have been apprehended by the Taliban, leaving their families, with no information on their whereabouts, often in vain. The Taliban either refuse to disclose their detention locations or feign ignorance, exacerbating the anguish of the families (Heather Barr, November 30, 2023). This dire situation demands immediate attention from the international community to avert further humanitarian crises as well as the occurrence of crimes against humanity to which dozens of evidence prove this crime beyond reasonable grounds.

## 5.2. A chilling effect on the international rule-based order

As perilous terrorism and extremism are for the international community as a whole and for committing gross violations of human rights that often amount to international criminal acts, the Taliban provide little to no information about the presence of international terrorist groups, such as Al-Qaeda and ISIS. This is exemplified by the killing of Ayman al-Zawahiri, Al-Qaeda's second-in-command, whose presence in the heart of Kabul, near the government offices, was denied by the Taliban (Gul, July 24, 2023). This lack of transparency and the downplaying of such critical information pose an existential risk not only to Afghan citizens but also to those in Western countries that initially toppled the Taliban in 2001.

Indeed, it is important to underscore the critical mistake of differentiating between the Taliban and other terrorist organizations housed by the Taliban against the will of the Afghan citizens. The recent inclusion of the 61 Taliban members on the United Nations sanctions list is a significant step in addressing this misconception (Afghanistan International, July 21, 2024). It highlights the ongoing concerns about the Taliban's ties to terrorist activities and their potential threat to international security and rule-based order. Autocratic neighbors of Afghanistan such as Iran, Russia, and China in furtherance of their agenda to undermine the rule-based international order can benefit from the situation. Not to forget that such extremist groups are often employed by the Mullahs in Iran for their interests in the Middle East.

Moreover, the recent move of President Putin towards delisting the Taliban members who were responsible for numerous atrocities against Afghans and internationals from the terrorist groups should be alarming for the international community. To the extent that on May 17, 2024, Moscow invited Taliban officials to an economic forum in St. Petersburg (Reuters, May 17, 2024). Upon return from such forums, where the important geo-economics issues of Afghanistan are discussed, or a number of economic deals the Taliban made so far with Chinese companies, the people of Afghanistan experience no accountability and transparency showcased by the Taliban via providing information, documentation, or recordings in this regard.

This means that there is a significant potential for the above regimes to leverage their economic influence to foster a Taliban-proxy similar to Hezbollah, and that will pose a substantial threat to Western values and the international rule-based order. Unlike Hezbollah, which focuses primarily on the Middle East, the Taliban, as a terrorist group, could present a more extensive danger to the world.

## 6. Conclusion and recommendations

This paper demonstrated that the lack of access to information has had devastating consequences for the lives of Afghans, with significant international implications. It is thus imperative for liberal democracies, particularly the US and its allies, such as Germany, to recognize this potential threat, create a united front, and implement as much isolation of the Taliban as possible. Additionally, investigations and prosecutions against the Taliban should be initiated at the international level.

Protecting independent journalists in exile is a crucial step forward. It is no surprise that in 2022, Ms. Marie-Agnes Strack-Zimmermann of the Free Democratic Party (FDP) in Germany advocated for a proactive role for the German government in supporting Afghanistan's civil society and ensuring that human rights, including access to information, are prioritized (How did Afghanistan Mission go wrong, 2022). This can help ensure that credible information is disseminated despite the Taliban's restrictive policies.

Moreover, enhancing digital infrastructure and internet access can help bypass some of the restrictions imposed by the Taliban. Tech companies and international organizations play a crucial role in providing secure internet access and digital tools. Initiatives to improve digital literacy, especially among women and marginalized groups, can empower more people to access and share information, thereby mobilizing against the Taliban. Educational programs should include components on media literacy and critical thinking to help Afghans navigate and scrutinize available information.

Finally, the more pressure the Taliban feel, the better protected human rights activists and journalists, who are essential for the delivery of credible information, will be. Further measures, such as sanctioning individual members of the Taliban and freezing their assets in Qatar and other Middle Eastern countries, can also help improve the situation.

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