

HUMAN RIGHTS COUNCIL 49TH SESSION

Victims of Enforced Disappearances
& Arbitrary Detentions

Online Side Event

Report by Afghanistan



EMBASSY & PERMANENT MISSION *of*
THE ISLAMIC REPUBLIC OF AFGHANISTAN
Geneva - Switzerland

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CONTEXT

A. Situation of Human Rights in Afghanistan: Report of the United Nations High Commissioner for Human Rights A/HRC/49/24

- a. Since August 2021, UNAMA/OHCHR have received credible allegations of numerous extrajudicial killings, torture, ill treatment, and enforced disappearance by the *de facto* authorities in Afghanistan. In several cases, dismembered bodies were found by the roadside
- b. Despite the *de facto* authorities' repeated public commitments to respect human rights, civic space has shrunk rapidly and dramatically since their return to power. Civil society actors, including women's rights activists and human rights defenders, have been subjected to killings, enforced disappearances, incommunicado detentions, attacks, harassments, threats, and arrests by the *de facto* authorities.
- c. The *de facto* authorities have subjected journalists to arbitrary imprisonment, physical attack, intimidation, and harassment. In 44 cases that UNAMA documented, 42 cases of arbitrary detention and intimidation were attributed to *de facto* authorities.

- d. De facto authorities continue to arrest and detain individuals for peaceful of opinion or dissent, including university professor Faizullah Jalal.
- e. Several musicians and artists have informed OHCHR that they feel vulnerable to attack, arrest, and detention due to their public profile.
- f. Reports of the de facto authorities conducting illegal house-raids to target protestors have escalated, including those involving the arrests of activists Parwana Ibrahimkel and Tamana Paryani.
- g. Since 15 August 2021, ten civil society activists have been killed. Another 36 have been arrested, beaten, or threatened by the de facto authorities.

B. Situation of Human Rights in Afghanistan, and Technical Assistance Achievements in the Field of Human Rights A/HRC/49/90

- a. In Kandahar province, after 16 July 2021, UNAMA and OHCHR received credible allegations that at least 85 individuals might have been victims of Taliban abuses, including killings, enforced disappearances and unlawful detention.
- b. UNAMA and OHCHR documented 16 allegations of enforced disappearances and sent eight cases to the Working Group on Enforced or Involuntary Disappearances.
- c. Despite general promises of amnesty for former members of Afghan national security forces, credible allegations were received of the killing, detention, and other abuses against 80 former Afghan national security forces and others associated with the previous Government.
- d. In the period from 16 August 2021 to 30 November 2021, UNAMA and OHCHR documented incidents affecting 23 civil society activists due to their work. In the same period, 48 incidents were recorded affecting journalists and media workers.

VIDEO SUMMARY

There has been a surge in threats, intimidation, arbitrary arrests, unlawful detentions, abductions, enforced disappearances, and killings of journalists, human rights defenders, female activists, and former members of Afghan National Security Forces. Despite repeated promises of amnesty and willingness to uphold human rights, the Taliban have systematically abducted women protestors. Concurrently with the abductions, the Taliban have repeatedly called protestors and threatened them with retaliation, further contributing to an intimidating and repressive climate.

Human rights violations in Afghanistan have not been contained to abductions. On 23 March 2022, the Taliban turned girls away from schools, despite promises of allowing them to continue their education.

Numerous reports have come from activists on the ground. Those that have been subject to human rights violations include:

- Enforced disappearance of Tatar Naqshbandi;
- Enforced disappearance and killing of Ismayel Dildar, former NDS officer;
- Abduction of Jawad Jawari, former ANDSF;
- Abduction of Azim Azizi;
- Enforced disappearance of Mirwais Ahmadi, former ANDSF;
- Enforced disappearance of Mawlavi Din Mohammad Azimi
- Enforced disappearance of Khalil Rahman;
- An additional abduction of 40 individuals, including 29 women.

SPEAKERS

- H.E. Nasir Ahmad ANDISHA, Permanent Representative of the of Afghanistan to the UNOG
- H.E. Ms. Lotte KNUDSEN, Head of Delegation of the European Union to the UNOG
- Mr. Rajat KHOSLA, Senior Director for Research, Advocacy and Policy at Amnesty International
- Mrs. Fawzia KOOFI, former Deputy Speaker of Afghanistan's Parliament
- Mr. Sam ZARIFI, Secretary General at International Commission of Jurists
- Mr. Luciano A. HAZAN, Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances
- Ms. Elina STEINERTE, Chair-Rapporteur of the Working Group on Arbitrary Detention
- Mrs. Shaharзад AKBAR, former Chairperson for The Afghanistan Independent Human Rights Commission
- Ms. Lailuma NASIRI, Co-Founder and President of Afghanistan Justice Organization

REMARKS & RECOMMENDATIONS

Throughout the statements and during the panel discussions, it was emphasized that the international human rights law should play a significant role in ensuring the rights of members of civil society living under de facto military regimes. The right to peaceful protest, freedom of opinion and expression, and freedom to seek information are all violated when enforced disappearances or arbitrary detentions occur. Recalling that all these freedoms are protected under international human rights law, including the International Covenant on Civil and Political Rights, to which Afghanistan and many other states are parties to, panelists discussed ways forward to ensure that these rights are protected even in particularly volatile regions.

Numerous remarks were made impugning the Taliban's actions recently, particularly their shuttering of girl's schools and their usage of enforced disappearances and arbitrary detentions to intimidate and stifle civil society. The climate of fear in Afghanistan, terminology used by Mr. Khosla, stifles critical voices and prevents individuals from advocating for their rights.

Despite repeated promises to uphold the human rights of Afghans, the Taliban have consistently and systematically violated these human rights, particularly those rights affected by enforced or involuntary disappearances and arbitrary detentions. As such, the Taliban need to be measured not by their promises, but vis-à-vis their actions, as indicated by Ambassador Knudsen.

In order to pave a way forward, numerous recommendations were made, including:

- The authorities must abide by their commitments under the international human rights law standards. They must allow Afghans to freely exercise their rights without any fear of reprisal. They must immediately and unconditionally release all those detained for exercising their rights or reveal their fate and whereabouts. They must put an end to the current ongoing climate of fear in Afghanistan and stop the practice of arbitrary arrests and unlawful detention. All international actors should join in demanding these of the Taliban. *Rajat Khosla.*
- The UN must fill the vacuum created by the departure of most diplomatic missions, the dismantling of national independent bodies monitoring and investigating human rights, and the closure of civil societies and media organisations. *Rajat Khosla.*

- Accountability of the Taliban for their egregious violations committed must be a top priority for the international community. *Rajat Khosla.*
- Are investigations being carried out? Are violators being held accountable? If the Taliban are adamant that these violations are isolated incidences, not the implementation of a policy, they must do more to prevent them from occurring. *Lotte Knudsen.*
- Documentation of reported cases has been difficult. We need to use as many on the ground contacts as possible to help document cases. We need to create a system where people could access information more easily to assist accountability efforts. A streamlined system where individuals can report cases must be implemented. *Fawzia Koofi.*
- We can send general allegations or joint communications regarding patterns of abuse to raise awareness in the Human Rights Council and for the international community. Civil society organizations could also give support to victims and prepare reports. We can prepare observations for the report in September. *Luciano Hazan.*

- The authorities must ensure that the relatives of disappeared persons and the human rights activists carry out their legitimate work in a safe and enabling environment without fear of threats, intimidation or reprisals of any kind. *Luciano Hazan.*
- The Working Group on Arbitrary Detentions is the only mandate that is able to publish quasi-judicial decisions on allegations of arbitrary deprivation of liberty. Thus far, no complaints have made it through to the mechanism. Working on heralding cases to the Working Group may enable accountability and increase transparency. It is paramount that every allegation of arbitrary detention is announced and investigated. *Elina Steinerte.*
- Any discussions with the Taliban on human rights must be critical and evidence-based. *Shahrazad Akbar.*
- International engagement with Taliban should be guided by the Afghan civil society, it should have human rights at its heart – through resources, political support, ongoing consultations, through making sure that every engagement is informed by the voice of the Afghan people inside and outside the country. It should be based on the aspirations of the Afghan people. *Shahrazad Akbar.*

- Through the strengthening of the Afghan human rights culture and movement, the belief that it is possible now, with social media, with more Afghans studying human rights, and with more Afghans are talking about human rights, we will have greater ability to put pressure on the Taliban to respond to the population for their demands to uphold their human rights. *Shahrzad Akbar.*
- The Taliban should be held accountable for agreements they have made in the past, including their 2021 agreement. *Lailuma Nasiri.*
- The international community has a shared responsibility to address the situation in Afghanistan and find possible solutions. The Afghanistan problem needs a political solution, and with that, the international community can fulfil its responsibility towards us, the Afghan people. *Lailuma Nasiri.*
- A mechanism for monitoring and recording human rights violations must be fully supported. *Lailuma Nasiri.*
- Humanitarian aid must be unconditional, but the international community should work to make sure that Afghanistan doesn't become reliant on aid. Conversely, any form of development assistance should be conditional and also should not be run through institutions controlled by the Taliban. *Lailuma Nasiri and Shahrzad Akbar.*