

Open Letter

04 September 2023

To: Permanent Representatives of Member and Observer States of the United Nations Human Rights Council

Dear Excellencies,

We, the undersigned organisations, take this opportunity to write to you regarding the dire human rights situation in Afghanistan and the urgent need for accountability for gross and systematic human rights violations and abuses, including crimes under international law. We call upon the Member and Observer States of the U.N. Human Rights Council to: (1) renew the mandate of the Special Rapporteur on the situation of human rights in Afghanistan, (2) establish a parallel independent investigative mechanism during the upcoming September session of the Council, and (3) ensure meaningful follow-up to the report of the Special Rapporteur and the Working Group on discrimination against women and girls as well as continuation of a dedicated discussion at the Council on the situation of women and girls in Afghanistan.

This is a call from human rights defenders and civil society organisations inside and outside Afghanistan developed through participatory interviews, conducted with human rights defenders to get their views on the 54th session of the Human Rights Council. The collected recommendations have been endorsed by a wide range of civil society organisations inside and outside Afghanistan as well as international human rights NGOs working on Afghanistan.

The last two years have been marked by increased reprisal killings, summary executions, torture and ill-treatment, arbitrary detentions, and enforced disappearances, not only of human rights defenders, journalists and artists, but also of at least 800 former government officials and members of the national security forces, as documented in the most recent report by the United Nations Assistance Mission in Afghanistan (UNAMA). There have furthermore been forced displacements, crackdowns on civil society, targeting of minority communities, and violations of fundamental human rights on discriminatory grounds - acts that could amount to gender persecution, a crime against humanity.¹ These widespread and systematic violations and abuses are being committed with complete impunity. The Council has responded appropriately to situations comparable in terms of gravity and extent to the situation in Afghanistan with the establishment of Commissions of Inquiry for Syria² and Ukraine,³ an Independent Investigative Mechanism for Myanmar,⁴ and a Fact Finding Mission for Iran.⁵ By establishing a fully resourced independent investigative mechanism on Afghanistan, the Council will act consistently with its approach to these situations and demonstrate that it can take meaningful steps towards ensuring accountability for violations and abuses committed in Afghanistan.

¹ [A barrier to securing peace: Human rights violations against former government officials and former armed force members in Afghanistan 15 August 2021 – 30 June 2023](#), UNAMA; [A/HRC/53/21](#): Situation of women and girls in Afghanistan - Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls; [A/HRC/52/8](#): Situation of human rights in Afghanistan - Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett; [A/HRC/51/6](#): Situation of human rights in Afghanistan - Report of the Special Rapporteur on the situation of human rights in Afghanistan; [A/HRC/35/27/Add.3](#): Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Afghanistan.

² [Resolution S-17/1](#). Situation of human rights in the Syrian Arab Republic.

³ [Resolution 49/1](#). Situation of human rights in Ukraine stemming from the Russian aggression.

⁴ [Resolution 39/2](#). Situation of human rights of Rohingya Muslims and other minorities in Myanmar.

⁵ [Resolution S35/1](#). Deteriorating situation of human rights in the Islamic Republic of Iran, especially with respect to women and children.

Therefore, we call upon Member and Observer States of the U.N. Human Rights Council to, in addition to renewing the important mandate of the Special Rapporteur on the situation of human rights in Afghanistan, establish an independent investigative mechanism for Afghanistan, that would:

1. Investigate all alleged violations and abuses of human rights, violations of international humanitarian law, and international crimes, including the crime of gender persecution;
2. Collect, consolidate, and analyse evidence, and prepare files of such violations and abuses, including their gender dimension, and systematically record and preserve all information, documentation and evidence, consistent with international law standards, in view of any future legal proceedings and accountability efforts;
3. Document and verify relevant information and evidence;
4. to identify, where possible, the individuals and entities responsible with a view to ensuring they are held accountable; and
5. Make recommendations with a view to ending impunity and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims.

Afghanistan's independent legal and judicial system and the rule of law have been dismantled, no investigations are being carried out, and there is no possibility of credible national justice efforts. Systematic and widespread violations and abuses are being committed with a complete guarantee of impunity for perpetrators as the vast majority of these crimes go undocumented and unreported, particularly gender-based crimes and human rights violations. In this context, the situation in Afghanistan meets any objective criteria to warrant an independent investigative mechanism by the Council and it is one where such a mechanism has never been more crucial. Such a mechanism would also be complementary to the efforts of the investigation by the Office of the Prosecutor of the International Criminal Court.

We believe that with the establishment of an independent investigative mechanism for Afghanistan:

- The majority of human rights violations and abuses being committed in all parts of the country will no longer go undocumented and unreported;
- Gender-based crimes and human rights violations would be documented and analysed;
- The culture of impunity of the perpetrators will be weakened;
- The possibility of a continuation of the vicious cycle of violence will be reduced; and
- Further human rights violations and abuses will be prevented.

We therefore call upon Member and Observer States of the Council to once again stand together with the people of Afghanistan, and on the side of victims and survivors who deserve the chance to be heard and to have access to justice.

Excellencies, we extend our highest appreciation.

Sincerely,

Supported by: National Organizations





نهادهای اجتماعی راه سوم (اعتدال)
Third Way Association





Supported by: International Organizations

