

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

Organization: Lawyers' Rights Watch Canada

Item: Item 4: General debate on human rights situations that require the Council's attention

Date: 24 September 2021

Speaker: Paria Saremi

Oral Statement to the 48th Session of the UN Human Rights Council from Lawyers' Rights Watch Canada (LRWC), NGO in special consultative status

Afghanistan: Urgent need for international mechanism for investigation and monitoring of human rights violations

Mme President,

Lawyers' Rights Watch Canada is increasingly concerned¹ about the need for concerted international action to prevent further deterioration of the alarming human rights situation in Afghanistan.

Those who have advocated implementation of human rights and the rule of law are in particular danger in Afghanistan. Judges, prosecutors, lawyers, human rights defenders, parliamentarians, and journalists, particularly women, are among those at risk. Also facing grave risks are ethnic and religious minorities. There are increasing worries about destruction of evidence of grave violations, including fears for the safety of victim witnesses and those who have amassed archives of information about atrocity crimes over the past two decades.²

This month, Taliban security forces violently suppressed peaceful protests, killing several people. Journalists covering demonstrations have been arbitrarily detained and tortured.³ There are reports of reprisal killings of persons who worked with previous Afghan administrations.⁴

The resolution of the 31st special session was inadequate⁵ to address the now even more obvious need for action.

We call on the Council to establish a mechanism adequately staffed and resourced:

- To conduct sustained investigation, monitoring and reporting on the human rights situation; and
- To collect, secure, and prepare evidence of serious violations for use in fair and independent prosecutions.

Thank you, Mme. President.

¹ Lawyers' Rights Watch Canada, International Bar Association, and The Law Society of England and Wales, "Serious human rights concerns and situation in Afghanistan: Oral Statement to the 31st Special Session of the UN Human Rights Council, 24 August 2021, available at: https://www.lrwc.org/wp-content/uploads/2021/08/LRWC.IBA_LSEW_HRC31SS.Afghanistan.24Aug2021.F.pdf

² Nema Milaniniam "Evidence Destruction and the Crisis in Afghanistan," *Just Security*, 20 August 2021, available at: <https://www.justsecurity.org/77831/evidence-destruction-and-the-crisis-in-afghanistan/>.

³ "Taliban response to protests increasingly violent, warns OHCHR," UN News, 10 September 2021, available at: <https://news.un.org/en/story/2021/09/1099552>.

⁴ Statement by Michelle Bachelet, UN High Commissioner for Human Rights, Oral update on the situation of human rights in Afghanistan, 48th Session of the Human Rights Council, 13 September 2021, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27445&LangID=E>.

⁵ At the 24 August 2021 Special Session of the Council, it was reported that: "Speakers noted that in recent weeks, atrocities by the Taliban had escalated, restricting women's ability to work. An international, independent monitoring and accounting mechanism had to be created to ensure that all violations and crimes were documented – this was the bare minimum of what the Council should do. Yet the tabled resolution failed to even do that and was more of an insult to the Afghan people than a response to the crisis." UN Human Rights Council, "Human Rights Council Expresses Grave Concern at All Violations and Abuses of Human Rights in Afghanistan and Stresses the Need for Investigation into Reports of Such Violations by All Parties." Meeting Summary, OHCHR, 24 August 2021, available at: <https://www.ungeneva.org/en/news-media/meeting-summary/2021/08/le-conseil-conclut-sa-session-extraordinaire-sur-lafghanistan-en>.