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## Human Rights in Asia-Pacific; Review of 2019 - Afghanistan

The civilian population suffered crimes under international law, human rights violations and abuses because of the continuing conflict. Conflict-related violence led to thousands of deaths and injuries and the displacement of hundreds of thousands. The International Criminal Court (ICC) decided not to investigate crimes against humanity and war crimes committed, but the decision is currently subject to appeal. Human rights defenders were intimidated, threatened, detained and killed. European and neighbouring countries continued to forcibly return Afghan asylum-seekers and refugees. Gender-based violence against women and girls persisted due to weak rule of law and existence of harmful traditional and cultural practices. It became increasingly difficult for journalists to work and they faced reprisals from armed groups, state officials, and security forces. At least five journalists were killed by the Taliban and other armed groups.

### Armed conflict

In the first nine months of 2019, 2,563 civilians were killed and 5,676 injured, according to the United Nations' Assistance Mission in Afghanistan (UNAMA). July was the single deadliest month in the past decade of the conflict. The highest number of civilian casualties in 2019 were caused by attacks involving improvised explosive devices deployed by “anti-government elements.” There was an increase in casualties caused by aerial and search operations conducted by “pro-government” forces.

### Crimes under international law and abuses by armed groups

The Taliban unlawfully killed and injured civilians including in indiscriminate attacks; Islamic State Khorasan Province (IS-K) deliberately targeted civilians in attacks against Shi'a communities and the Hazara ethnic group – who mostly follow the Shia sect of Islam. In August, an IS-K suicide bomb attack at a wedding in Kabul killed at least 63 civilians and injured more than 200. At least 14 people, mainly civilians were killed and 145 injured in a suicide bomb outside a police station in a predominantly Shi'a neighbourhood in western Kabul, claimed by the Taliban.

### Crimes under international law and abuses by pro-government forces

Pro-government were responsible for 1,149 civilians killed and 1,199 injured, according to UNAMA figures for the first nine months of the year. Allegations of intentional unlawful killings, including possible extrajudicial executions, by special forces, who operated under the National Directorate of Security and CIA- trained Afghan militia remained uninvestigated. Aerial attacks were the single highest cause of civilian deaths.

### International justice

In April, the Pre-Trial Chamber of the ICC decided not to authorize an investigation into crimes under international law carried out during the last 18 years. The decision came days after the US revoked the chief prosecutor’s visa to the US in April 2019, where she had been due to travel to investigate crimes carried out in Afghanistan, some of which allegedly involved US forces. ICC judges claimed that their decision was influenced by the prospect of investigators having to deal with challenging investigations, a lack of ready state cooperation and budgetary constraints. On 17 September, the Pre-Trial Chamber II authorized the ICC Prosecutor’s request to appeal the Pre-Trial Chamber decision.

## Human rights defenders

Human rights defenders came under attack from both state and non-state actors. They faced intimidation, harassment, detention and even death. Measures to protect human rights defenders were inadequate and abuses against them were rarely investigated.[1] In September, the Taliban abducted and shot dead Abdul Samad Amiri of the Afghanistan Independent Human Rights Commission. No one had been held accountable for the killing which amounted to a war crime by the end of the year[2]. In November, two prominent human rights defenders were arbitrarily detained by the National Directorate of Security (NDS) for exposing existence of a paedophile ring in Logar province and uncovering more than 100 videos of the alleged abuse[3]. Women human rights defenders continued to be at particular risk of threats and intimidation from both state and non-state actors across Afghanistan.

In July, the government renewed the Afghanistan Independent Human Rights Commission’s mandate and appointed nine new commissioners, including a new chair.

## Refugees and internally displaced people

Half a million Afghans were forcibly returned from neighbouring countries in 2019, more than 476,000 of them from Iran alone, according to the International Organization for Migration (IOM). Thousands of Afghan asylum-seekers were also forcibly returned from Europe, either under the European Union’s Joint Way Forward Agreement or bilateral agreements with the Afghan government. The Turkish government also forcibly returned 19,000 people to Afghanistan by September, amid reports of Afghan asylum-seekers being held in poor conditions in detention centres there.

Upon their return, many Afghans were exposed to renewed threats and violence from armed groups and local militias they had sought to escape.

In May, Iran’s deputy foreign minister threatened to forcibly return all Afghan refugees from the country as the United States of America continued to impose economic sanctions on Iran.

## Violence against women and girls

Afghan women and girls continued to face gender-based violence throughout the country, especially in areas under Taliban control. Incidents of violence against women are believed to be significantly underreported. Where they have been reported, there has often been a failure to investigate these attacks, or pressure has been applied on the victims to withdraw their complaints, or mediation has been used to resolve complaints outside of the legal framework and

without human rights protections. The perpetrators of the attacks, which included beatings and killings, torture or other ill-treatment, corporal punishments against women for having sex outside marriage, continued to enjoy impunity.

In areas under its control, the Taliban continued implementing medieval punishment of women and girls that included stoning to death and shot dead women and girls. On the other hand, the government is failing to establish Elimination of Violence Against Women courts and prosecution units in all 34 provinces.

Women constitute 27 per cent of the lower house of parliament. Women are also part of the cabinet and provincial councils. Women, however, are substantially excluded from the political arena at the sub-national level. There were no women candidates among the 18 people who ran for the presidency in the September elections.

## Freedoms of expression and association

The rights to freedom of expression and association were severely restricted. It became increasingly difficult for journalists to operate freely and without reprisals. Dozens of journalists were attacked by security forces and members of armed groups. Ten journalists were shot dead during the year by unknown gunmen and some were abducted by armed groups. In January, journalist Javid Noori was attacked and killed by members of the Taliban and in February, two others were shot dead in a radio station in Takhar province by unknown gunmen. Others were beaten, threatened, intimidated and harassed by state officials security forces and members of armed groups. Threats and attacks against journalists were rarely investigated by the authorities. In April, two suspects were sentenced to death for the 2018 killing of Kabul News journalist Abdul Manan Arghand.

In June, the Taliban declared that journalists and media workers were a legitimate military target so long as they disobeyed the group's orders to stop broadcasting anti-Taliban statements. In August, they issued a statement on the “Voice of Jihad” website warning people to stay away from election campaign rallies during the presidential elections and issued threats of violence to anyone who disobeyed.[4]

## Children's rights

Despite the revised Penal Code was enforced in 2018 which prohibits and criminalizes the recruitment and use of children by armed forces and criminalize “bacha bazi”, a harmful practice of which involves the sexual abuse of boys, there was evidence that security forces continued to recruit child soldiers and that the government fails to protect victims of “bacha bazi”. There were no steps taken to eradicate child marriage. Poverty, lack of family or child labor to provide livelihood to entire family have forced children to work on the streets in Kabul and other cities. There is inadequate protection and support by the government.

## Service Delivery, Poverty, and Traditional Justice

An estimated 55 percent of the population is living below the poverty line, and people's access to basic and necessary health service, education, and clean water is limited. Despite public's limited access to basic and necessary healthcare, the Taliban flagrantly announced a “ban” on International Committee of Red Cross (ICRC) and the World Health Organizations (WHO) activities

in its controlled areas in April. However, the group revoked the ban in September. Traditional and informal forms of justice continued to be implemented in the country, contrary to the principle of rule of law, human rights standards, and Afghan laws.

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[1] Afghanistan - Defenseless Defenders: Afghanistan's Human Rights Community Under Attack (ASA 11/0844/2019)

[2] Afghanistan: Killing of human rights defender is a war crime (news story (<https://www.amnesty.org/en/latest/news/2019/09/afghanistan-killing-of-human-rights-defender-is-a-war-crime/>), 5 September)

[3] Afghanistan: Intelligence agency must release human rights defenders who exposed paedophile ring (news story, 25 November)

[4] Afghanistan: Taliban Threatens political rallies (news story (<https://www.amnesty.org/en/latest/news/2019/08/afghanistan-taliban-threatens-political-rallies/>), 6 August)

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**Austrian Red Cross**

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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