



Inter-Parliamentary Union

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# Afghanistan

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164<sup>th</sup> session (virtual session, 8 to 20 March 2021)*



© IPU – Fawzia Koofi

AFG-05 – Fawzia Koofi  
AFG-08 – Maryam Koofi

## Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Threats, acts of intimidation<sup>1</sup>
- ✓ Impunity
- ✓ Lack of due process at the investigation stage
- ✓ Right of appeal
- ✓ Other violations: Right to take part in the conduct of public affairs
- ✓ Other violations: Discrimination

## A. Summary of the case

Ms. Fawzia Koofi, a former member of the House of the People (*Wolesi Jirga*) of Afghanistan, has been a long-standing champion of women's rights in Afghanistan. She has been the victim of numerous unpunished attacks and death threats and her case has been before the Committee on the Human Rights of Parliamentarians since 2010. Ms. Maryam Koofi, her sister, is also a member of parliament. The complaint regarding Ms. Maryam Koofi's situation was received in 2018.

## Case AFG-COLL-01

**Afghanistan:** Parliament affiliated to the IPU

**Victims:** Two female opposition members of parliament

**Qualified complainant(s):** Section I.(1)(a) of the [Committee Procedure](#) (Annex I)

**Submission of complaints:** April 2010 (Ms. Fawzia Koofi) and September 2018 (Ms. Maryam Koofi)

**Recent IPU decision:** October 2018

**IPU mission(s):** - - -

**Recent Committee hearing:** Hearing with members of the delegation of Afghanistan to the 132<sup>nd</sup> IPU Assembly (March 2015)

### Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainants: February 2021
- Communications addressed to the authorities: Letters addressed to the President of Afghanistan and the President of the House of the People (*Wolesi Jirga*) (January 2021)
- Communication addressed to the complainants: February 2021

<sup>1</sup> This allegation concerns events that occurred between 2010 and 2018 in relation to Ms. Fawzia Koofi exclusively. In October 2018, the Committee decided to merge the cases of Ms. Fawzia Koofi and Ms. Maryam Koofi.

The complainants have claimed in the past that the investigations into attacks and death threats against Ms. Fawzia Koofi led to no arrests, except for two officials who were briefly detained in 2010 and later released. The complainants have also made allegations that the attackers acted in complicity with police officers and officials in the judiciary suggest that impunity is carefully maintained. On 14 August 2020, both sisters were the target of another assassination attempt, which left Ms. Fawzia Koofi wounded in the arm.

In early August 2018, the Independent Electoral Complaints Commission invalidated the candidacies of Ms. Fawzia Koofi and Ms. Maryam Koofi for the 20 October 2018 parliamentary elections on the strength of complaints by two officials, alleging their affiliation to illegal armed groups. A total of 35 other candidates, including 10 incumbent parliamentarians, were also disqualified. These decisions are final and no domestic legal remedies are available under Afghan law. According to the complainants, the two women parliamentarians were never officially informed that accusations were levelled against their candidacies until they were notified that they had been disqualified from the elections. The complainants report that the only opportunity Ms. Fawzia Koofi had to defend herself was during a public hearing held by the Independent Electoral Complaints Commission, at which she had to appear without being informed of the accusations against her, whereas Ms. Maryam Koofi did not even have the opportunity to be heard. According to the complainants, Ms. Fawzia Koofi was asked to respond on the spot and given no time to prepare a defence, nor was she given the opportunity to provide any counterevidence.

The complainants allege that the process violated guarantees of due process and the presumption of innocence protected under the Afghan Constitution. The complainants claim that the decisions were politically motivated and excluded the two parliamentarians from the electoral process because they had been critical of the Government. According to the complainants, the accusations against them are false and baseless.

In December 2018, the complainants reported that Ms. Fawzia Koofi has filed a criminal case, through an international lawyer, against the two officials who have accused her and her sister of being affiliated to an armed group. In October 2020, the complainants reported that a court of first instance had found the two officials guilty of providing false information, ordered them to pay a fine and ruled that they should be removed from office. According to the complainants, Ms. Fawzia Koofi has appealed the decision, requesting stronger measures to punish the officials for the harm she and her sister have sustained as a result of their actions.

No information has been forthcoming from the Afghan authorities on these latest developments.

Ms. Fawzia Koofi has become a prominent member of the Afghan peace negotiation team representing the Government in intra-Afghan peace talks.

## **B. Decision**

The Committee on the Human Rights of Parliamentarians

1. *Deeply regrets* the lack of response from the Afghan authorities;
2. *Is deeply concerned* that it has now become clear that Ms. Fawzia Koofi and Ms. Maryam Koofi were arbitrarily prevented from taking part in the 2018 legislative elections; *points* in this regard to the false testimony against both women, which supported their disqualification, the fact that the two parliamentarians were not informed in due time of the accusations against them, that Ms. Fawzia Koofi had no opportunity to prepare a defence or provide any counterevidence, that Ms. Maryam Koofi was not given any opportunity to appear at a hearing, and that neither of the two members of parliament had the right to appeal the decision; *wishes* to receive information from the authorities and the complainants on the appeal, which is still pending;
3. *Considers* that the disqualification of Ms. Fawzia Koofi and Ms. Maryam Koofi and the way the process was handled is a direct consequence of the prominent role they have played as members of the Afghan Parliament and their world-renowned engagement in championing women's rights; *considers* also that the invalidation decision of the Independent Electoral Complaints Commission violated their rights to take part in the conduct of public affairs, to vote and to be elected, and to have access, under general conditions of equality, to public service in their country; *recalls* that women's political participation and full contribution to

political processes is first and foremost a question of democracy and human rights; *urges*, therefore, the Afghan authorities to remove all barriers to their full participation in public life and to do everything possible to guarantee the full enjoyment of their human rights;

4. *Considers* that the issues that have arisen in this case highlight the need to strengthen the vetting process of parliamentary candidates and to ensure that existing legislation is amended so as to comply with relevant international human rights standards regarding the right to a fair trial and the right to take part in the conduct of public affairs, including standards on transparency, inclusivity, accessibility, the presumption of innocence and the right to appeal; *calls on* parliament to promote steps to this end; *recommends* that the IPU offer capacity-building assistance in this regard if so requested; and *invites* the Afghan Parliament to provide their official view on the usefulness of such assistance, as well as further information on how this assistance could best be provided;
5. *Is deeply concerned* by reports that numerous attacks against Ms. Fawzia Koofi and Ms. Maryam Koofi have remained largely unpunished, that they were the target of yet another attempt on their lives on 14 August 2020 and that they were targeted because they are women and prominent women's rights advocates; *remains convinced* that any arrangements to ensure the safety of women parliamentarians are bound to fail if the perpetrators of threats and attacks are not punished and if they believe that they can act with impunity; *stresses* that impunity in cases of violence against women parliamentarians also sends a message to other women that violence awaits them in the political sphere, and to Afghan people that women should not participate in politics; *strongly urges* the Afghan authorities to ensure an environment free of violence against women in politics in general and to adopt decisive action to guarantee that the repeated attacks against the two former members of parliament with the alleged complicity of State officials are fully and immediately investigated and followed up by whatever accountability steps are warranted as a result; *requests* the parliamentary authorities to provide information on any relevant developments in this regard and on any action taken by parliament to this end;
6. *Requests* the Secretary General to convey this decision to the competent authorities, the complainants and any third party likely to be in a position to supply relevant information;
7. *Decides* to continue examining this case.