

## AFGHANISTAN

- **AFG-COLL-01:** 2 parliamentarians
- **AFG-06:** 1 parliamentarian (confidential case)



Inter-Parliamentary Union

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# Afghanistan

*Decision adopted unanimously by the IPU Governing Council at its 203<sup>rd</sup> session (Geneva, 18 October 2018)*



Fawzia Koofi © IPU 2018

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

## Alleged human rights violations:

- ✓ Threats, acts of intimidation
- ✓ Impunity
- ✓ Lack of due process at the investigation stage
- ✓ Right of appeal
- ✓ Other violations: Right to take part in the conduct of public affairs

## A. Summary of the case

Ms. Fawzia Koofi, a 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 recently and relates exclusively to the following developments.

In early August 2018, the Independent Electoral Complaints Commission (IECC) invalidated the candidacies of Ms. Fawzia Koofi and Ms. Maryam Koofi for the 20 October 2018

## Case AFG-COLL-01

**Afghanistan:** Parliament affiliated to the IPU

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

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

**Submission of complaints:** April 2010 and September 2018

**Recent IPU decision:** [January 2015](#)

**IPU missions:** - - -

**Recent Committee hearing:** Hearing with the complainant at the 139<sup>th</sup> IPU Assembly (October 2018)

## Recent follow-up

- Communication from the authorities: - - -
- Communication from the complainant: October 2018
- Communication from the IPU: Letter addressed to the President of Afghanistan (September 2018), letter addressed to the President of the Wolesi Jirga (August and September 2018); letter addressed to the Independent Election Complaints Commission (August 2018)
- Communications from the IPU to the complainant (September and October 2018)

parliamentary elections on the strength of complaints 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.

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 current government. According to the complainants, the accusations against them are false and baseless.

No information has been forthcoming from the Afghan authorities, despite repeated requests.

## **B. Decision**

The Governing Council of the Inter-Parliamentary Union

1. *Deplores* the lack of response from the Afghan authorities;
2. *Deeply regrets* the exclusion of at least two women parliamentarians from running in the upcoming elections, considering their active involvement in promoting women's rights and participation in politics and public life and the importance the IPU attaches to the participation of women in parliament, particularly in countries like Afghanistan, where this remains a significant challenge;
3. *Expresses deep concern* at the alleged serious violations of due process in the disqualification proceedings of the IECC, considering the following: the two women parliamentarians were never officially informed that accusations were levelled against their candidacies until they were informed that they had been disqualified from running in the upcoming elections; they have not been officially notified of the final IECC disqualification decision and its grounds to the present day; the only opportunity for Ms. Koofi to defend herself was during a public hearing held by the IECC, at which she had to appear not knowing against what accusations she should be defending herself; she was officially informed for the first time of the accusations levelled against her during this hearing; she was asked to respond on the spot and given no time to prepare a defence; she was not asked for, or given the opportunity to provide, any counter-evidence; *further notes* that Ms. Maryam Koofi was not even given the opportunity to appear at a hearing;
4. *Is also deeply concerned* at the fact that there appears to be no evidence demonstrating that Ms. Fawzia Koofi and Ms. Maryam Koofi are members or commanders of illegal armed groups, whereas this is the only ground under section 2 of article 44 of the Electoral Law on which invalidation of a candidate can be justified;
5. *Considers* that the Afghan authorities have violated article 25 of the International Covenant on Civil and Political Rights, which guarantees the rights of its citizens 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;
6. *Urges* the Afghan authorities to grant appeals before a court of law to Ms. Fawzia Koofi and Ms. Maryam Koofi against the disqualification decisions; and *hopes* that they will be able to obtain redress through a fair and impartial judicial process respectful of the presumption of innocence and standards of due process guaranteed under the Constitution of Afghanistan and international law;
7. *Expresses the wish* for a delegation from the Committee on the Human Rights of Parliamentarians to visit Afghanistan, provided that the delegation is granted the required security measures to ensure their safety, in order to hold meetings with all stakeholders involved, in particular with those in the executive branch and the IECC; *hopes* to receive a positive reply and assistance from parliament to this end, to enable the mission to proceed smoothly;
8. *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;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.