

AFGHANISTAN

- **AFG-09:** Mursal Nazibada (Ms.)
- **AFG-COLL-01:** Two parliamentarians



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Afghanistan

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 170th session (Geneva, 21 January to 2 February 2023)



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AFG-09 – Mursal Nabizada

Alleged human rights violations

- ✓ Murder
- ✓ Threats, acts of intimidation
- ✓ Other violations: discrimination
- ✓ Other violations: crime against humanity

A. Summary of the case

Ms. Mursal Nabizada was elected to the House of the People (*Wolesi Jirga*) of Afghanistan in 2018. She was one of the few parliamentarians who remained in Kabul after the precipitated capture of the city by the Taliban armed group on 15 August 2021, which led to the effective dissolution of parliament.^[1]

The complainant reports that in the early hours of the morning of 15 January 2023, unidentified armed men arrived in vehicles belonging to the Taliban General Directorate of Intelligence (GDI) and stormed Ms. Nabizada's home in the Ahmad Shah Baba Mina neighbourhood of Kabul. According to the complainant, several shots were heard by neighbours before the armed men departed. Ms. Nabizada was found dead with gunshot wounds to the chest and head. The attack also claimed the life of her bodyguard and her brother and driver also suffered gunshot wounds but survived the attack.

Case AFG-09

Afghanistan: Parliament affiliated to the IPU

Victim: A female member of parliament

Qualified complainant(s): Section I.(1)(d) of the Committee Procedure (Annex I)

Submission of complaint: January 2023

Recent IPU decision(s): - - -

IPU mission(s): - - -

Recent Committee hearing(s): - - -

Recent follow-up:

- Communication(s) from the authorities: - - -
- Communication from the complainant: January 2023
- Communication(s) to the authorities: - - -
- Communication to the complainant: January 2023

[1] <https://www.ipu.org/news/statements/2023-01/tribute-afghan-mp-mursal-nabizada>

According to the complainant, Ms. Nabizada had previously expressed concerns to fellow members of parliament living in exile that she had been repeatedly threatened and harassed by an unidentified senior intelligence official from the Taliban Ministry of the Interior. The official reportedly told her that he intended to force her to marry him. According to the complainant, Ms. Nabizada claimed she refused to give in to those threats of forced marriage and was killed as a result.

The complainant reports that the practice of forcibly marrying women and girls is widespread in Taliban-controlled Afghanistan. It has been well documented in the press and by human rights groups. The practice results in gender-based violence, mental harm, rape, murder and even suicide as a way out of a dangerous and hopeless situation. This is corroborated by Afghan parliamentarians in exile with whom the IPU is in contact. Ms. Shaharзад Akbar, former chair of the Afghanistan Independent Human Rights Commission, reports that the human rights situation of women and girls has become catastrophic and that the Taliban, who have reneged on early promises to respect basic women's rights, are implementing a "gender apartheid". Afghan parliamentarians in exile report that, as a result, women and girls in Afghanistan are facing systemic and institutionalized discrimination, which manifests itself through pervasive gender-based violence and the exclusion of women and girls from higher education, work in the public sector and public life in general. This exclusion is further compounded by the collapse of existing networks of support for survivors of gender-based violence and the prevalence of impunity for acts of violence against elected female leaders such as Ms. Nabizada.

Even though the murder of Ms. Nabizada was the first case of a murdered parliamentarian since the Taliban takeover, attacks on women parliamentarians were frequent in the past. In a separate case, Ms. Fawzia Koofi and her sister Ms. Maryam Koofi suffered numerous murder attempts. The latest one, which occurred on 14 August 2020, left Ms. Fawzia Koofi wounded in the arm. These attacks remain unpunished despite the IPU's repeated calls on the authorities to ensure that the culprits are held accountable in order to protect the lives and the rights of female parliamentarians, as well as of the people they represent. The prevalence of impunity for widespread and systemic acts of murder and other crimes against humanity committed by the Taliban and others led to the opening of an investigation by the International Criminal Court (ICC) on 20 November 2017.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Notes* that the complaint was submitted in due form by a qualified complainant under section I.1(d) of the Procedure for the examination and treatment of complaints (Annex I of the Revised Rules and Practices of the Committee on the Human Rights of Parliamentarians);
2. *Notes* that the complaint concerns an incumbent member of parliament at the time of the alleged violations;
3. *Notes further* that the complaint concerns murder, threats, acts of intimidation, discrimination and crimes against humanity, allegations which fall under the Committee's mandate;
4. *Considers*, therefore, that the complaint is admissible under the provisions of section IV of the Procedure for the examination and treatment of complaints; and *declares itself* competent to examine the case;
5. *Condemns in the strongest terms* the appalling murder of Ms. Mursal Nabizada; *is resolutely convinced* that this crime of wanton brutality against a woman parliamentarian is an affront to all human rights and all the values and principles promoted by the IPU; *is dismayed* by reports that Ms. Nabizada was murdered for her refusal to give in to the threats of forced marriage by a high-ranking member of the Taliban armed group, an abhorrent manifestation of violence and discrimination against women; *recalls* that, as defined in Article 7 of the Rome Statute of the International Criminal Court (ICC), the widespread and systematic practice of murder constitutes a crime against humanity; *concludes*, in light of the information at its disposal, that the murder of Ms. Nabizada may amount to a crime against humanity;

6. *Firmly believes* that this vicious crime must not be left unpunished; *requests* the Secretary General to submit a communication to the Office of the Prosecutor of the ICC with a request to consider including the murder of Ms. Nabizada as part of the ongoing investigation into crimes against humanity committed by armed groups in Afghanistan; *urges* all IPU Members and Observers to lend their support to the ICC so that the perpetrators of this crime are held to account and to take any action they can to prevent any repetition of such atrocities in line with principles of international law;
7. *Requests* the Secretary General to convey this decision to the Speaker of the *Wolesi Jirga*, the Prosecutor of the ICC, the Special Representative of the United Nations Secretary-General for Afghanistan and any other party likely to be in a position to supply relevant information;
8. *Decides* to continue examining this case.



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Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164th 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 intimidation¹
- ✓ 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 132nd 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

¹ 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.