

SPECIAL REPORT: KILLING OF HUMAN RIGHTS DEFENDERS, JOURNALISTS AND MEDIA WORKERS IN AFGHANISTAN

2018–2021



UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN

February 2021

“ *The Afghan people need and deserve a flourishing civic space - a society where people can think, write and voice their views openly, without fear. The voices of human rights defenders and the media are critical for any open and decent society. At a time when dialogue and an end to the conflict through talks and political settlement should be the focus, the voices from human rights and the media need to be heard more than ever before, instead they are being silenced.* ”

-- Deborah Lyons

Special Representative of the UN Secretary-General for Afghanistan

Cover photo: UNAMA/Fresha Dunia.

FOREWORD

As the UN Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the rights to peaceful assembly and association and the Special Rapporteur on freedom of opinion and expression, we welcome the report by UNAMA on the killings of human rights defenders, journalists and media workers in Afghanistan from January 2018 to January 2021.

The killings of human rights defenders is an issue of concern worldwide, as highlighted in a most recent report from our mandates to the Human Rights Council, “Final warning: death threats and killings of human rights defenders”. The report cites findings by the Office of the High Commissioner for Human Rights (OHCHR), that between 2015 and 2019, a total of 1,323 human rights defenders were killed in 64 countries.¹

There is no more direct attack on civil society space than the killings of human rights defenders, a red line that no state or non-state actor should ever cross. In Afghanistan in the last three-year period, as this report demonstrates, human rights defenders are increasingly subjected to targeted attacks and killed, in what can be viewed as concerted efforts to preclude their work to further human rights in the country and denounce human rights violations.

Afghanistan is one of the most dangerous countries in the world for journalists. The killing of journalists is an attack on the independence of the media. Media freedom and safety of journalists are essential aspects of the fundamental right to freedom of expression. It is an individual right but also a collective right because it empowers society as a whole by facilitating access to information and participation in peaceful dialogue to advance democracy and sustainable development. When journalists are threatened and targeted with impunity, it emboldens perpetrators and creates a climate of fear and self-censorship in the media. More broadly, it stifles democratic discourse and popular participation in public affairs. The UN General Assembly, the Security Council and the Human Rights Council have repeatedly emphasized the need to ensure the safety of journalists, condemned their killings and called on governments to investigate and prosecute the crimes.

We have time and again highlighted the importance of civil society space for a thriving society. In a most recent report to the Human Rights Council, we noted that war and conflict, failed transitional processes and rising fundamentalism

¹ Report of the Special Rapporteur on the situation of human rights defenders Mary Lawlor, Final warning: death threats and killings of human rights defenders, UN doc. A/HRC/46/35, 24 December 2020, para. 4-5.

have all had a negative effect on the rights to freedom of assembly and association, as well as civic space at large. Killings of journalists and human rights defenders have a tremendous chilling effect on civic space and the willingness of individuals and organizations to assemble freely and express their views and grievances.

We are particularly concerned about the impunity that prevails in these dramatic cases. In 9 out of 10 cases, impunity for such violations and abuses is total. While the failings of justice for these crimes can be explained by various reasons, including intimidation, fear, and undue influence into the judicial system, impunity perpetuates a vicious cycle of violence. We are committed to support national and international efforts to respond to these violations by enhancing international cooperation and national protection mechanisms, including in the context of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity (UN Plan of Action), in which we are actively involved.²

In a context where the work of human rights defenders, journalists and civil society organisations is more necessary than ever whilst simultaneously being targeted for this necessary work, UNAMA's findings highlighted in this report are particularly resonant. During a recent consultation with human rights organizations in Afghanistan, they recounted at first-hand how the killings of human rights defenders, journalists and other civil society actors have created a tangible climate of fear hindering their efforts to promote and protect human rights and denounce violations of such rights. In other words, the attacks undermine their tireless efforts to achieve peaceful, just, equal and inclusive societies.

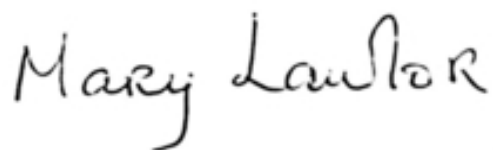
This report sheds light on an increase in the number of recorded killings of human rights defenders and media actors in Afghanistan. Even more concerning, it clarifies that these killings appear to be premeditated and targeted. The killings of human rights defenders and journalists are no longer occurring directly in the context of mass casualty attacks affecting civilians in Afghanistan. Rather, they are deliberate attacks directed at human rights defenders and journalists for their human rights work, presence in and engagement with civil society. Unlike before, responsibility of these killings is not claimed or acknowledged, exacerbating further a climate of fear, and constitutes an unprecedented trend, as detailed in the report.

The absence of accountability for these killings, as the report shows, has created an environment in which human rights defenders, journalists and media workers are forced to self-censor and in some instances, depart the country, as the threat of violence, and insecurity persists. This is unacceptable.

² See, <https://www.ohchr.org/EN/Issues/SafetyOfJournalists/Pages/SafetyOfJournalists.aspx>.

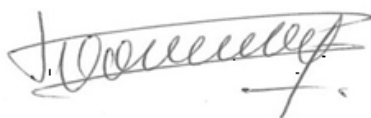
Journalists and human rights defenders should never be targeted or killed for promoting and defending human rights, and those responsible must be brought to justice.

Every part of the society benefits from the work of human rights defenders, journalists and media workers. It is time to recognise their legitimate and invaluable contribution to Afghan society and to the efforts to establish peace and sustainable development in that country.



Mary Lawlor

United Nations Special Rapporteur on the situation of human rights defenders



Clement Nyaletsossi Voule

United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association



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EXECUTIVE SUMMARY

The killing of human rights defenders, journalists and media workers, judges, prosecutors, religious scholars, healthcare workers, political analysts, civil servants and other civilians soared in late 2020. In the months following the start of the Afghanistan peace negotiations (APN) on 12 September 2020, 11 human rights defenders and journalists were killed. This has had a chilling impact on civil society, resulting in many human rights defenders, journalists and media workers seeking to leave Afghanistan. The impact is detrimental to society and the people of Afghanistan – the killing and injuries has decreased the numbers of human rights defenders and journalists, and the threat of violence and insecurity has led some to self-censor, and others to depart the country. This has happened at a time when those who are active, participatory, and challenging are most needed; it sends a resounding message throughout society, diminishing public confidence and hope in efforts towards peace.

Due to the nature of their work, human rights defenders, journalists and media workers have been for many years exposed to different types of risks in Afghanistan. Working to provide timely information to the population of Afghanistan, exposing a range of issues (including violations of international humanitarian law and human rights law), they are far too often exposed to threats, intimidation, harassment, surveillance, arbitrary detention. In the past months, a spate of intentional, premeditated and deliberate

targeting of human rights defenders, journalists and media workers was recorded in Afghanistan, with a clear objective of silencing specific individuals by killing them, while sending a chilling message to the broader community.

This UNAMA special report analyzes data and trends that relate to the killing of human rights defenders, journalists and media workers over the period 1 January 2018 to 31 January 2021. The findings of the report highlight that in 2018 the leading source of casualties among both human rights defenders and journalists were attacks by ISIL-KP involving the use of improvised explosive devices (IEDs) aimed at maximizing casualties, though not necessarily through attacks directly targeting human rights defenders or journalists. At that time, the greatest risk seemed to be of incidental harm while reporting on or working with those targeted. In 2019, the number of casualties decreased; however, killing became an increasingly common tactic. In 2020, this trend continued and reached a peak in the final months of the year, after the start of the APN. The noticeable shift from human rights defenders and journalists being indirectly impacted in the context of mass casualty attacks affecting civilians (2018) towards the intentional, premeditated and deliberate targeting of individuals (especially in the last quarter of 2020) is of major concern. Also, in contrast to prior years, no actor claimed or acknowledged responsibility for



33 Killed 2 Women
31 Men

Journalists and Media Workers

1 January 2018 to 31 January 2021

32 Killed 2 Women
30 Men
Human Rights Defenders



almost any of these attacks in 2020 deliberately targeting human rights defenders or journalists.³ The year 2020, in contrast to the positive hopes in the context of peace negotiations, ended with increased security fears for human rights defenders, journalists and media workers, further challenging the resilience of civil society and the media.

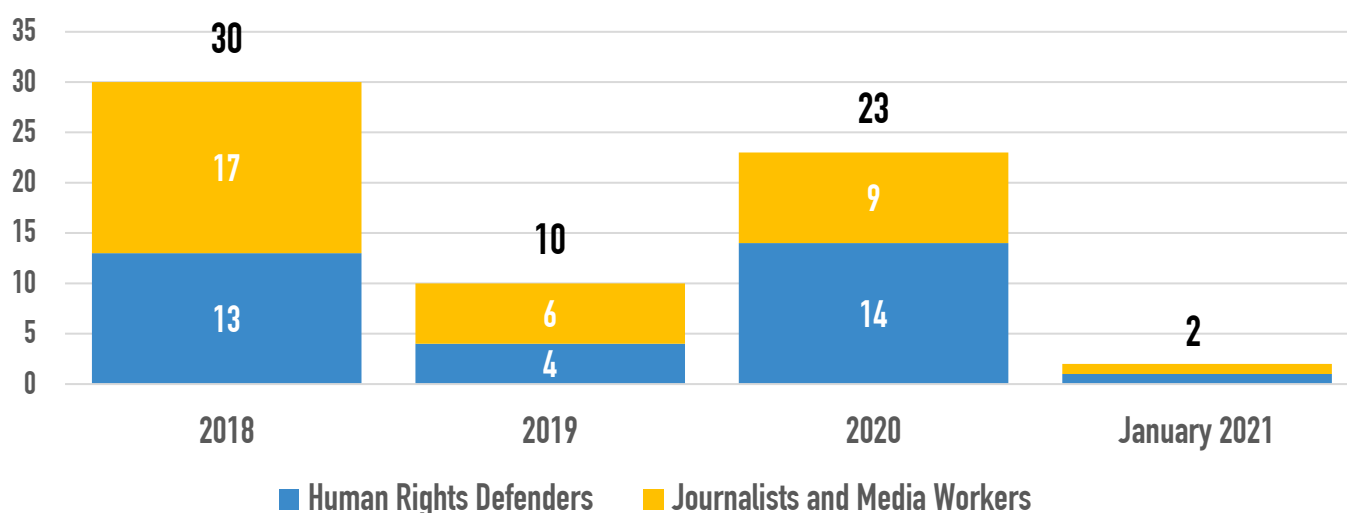
Many human rights defenders and journalists have fled Afghanistan, others are seeking to do so. In January 2021, the Human Rights Defenders' Committee of Afghanistan received 31 new applications for support from human rights defenders at risk, of which ten were from women. This marked a

UNAMA documented a concerning shift from human rights defenders and journalists being indirectly impacted in the context of mass casualty attacks affecting civilians in 2018, to the intentional, premeditated and deliberate targeting of individuals after the start of the Afghanistan peace negotiations.

sharp increase compared to the seven applications received in the period from September to December 2020. The situation of women human rights defenders and journalists remains of particular concern.

Annual Comparison by Type of Victims

1 January 2018 to 31 January 2021



2018 The year 2018 was a dangerous year for human rights defenders, journalists and media workers in Afghanistan, with 13 human rights defenders and 17 journalists and media workers killed (notably, nine journalists were

killed as a result of one single attack on 30 April). Of the 13 human rights defenders killed in 2018, 11 were killed in attacks by ISIL-KP members involving the use of improvised explosive devices (IEDs, either remotely controlled or body-borne by suicide

³ UNAMA notes that there have been consistent denials of responsibility, especially for some of the most recent incidents, by various actors including the Taliban. The Afghan Government has reported that persons arrested in connection to some of these attacks have links to anti-government elements, including the Taliban. On 31 January 2021, 15 diplomatic missions in Kabul condemned the continuation of assassinations, kidnappings, and destruction of vital infrastructure, stressing that the Taliban bears responsibility for the majority of this targeted violence (statement available at <https://af.usembassy.gov/statement-on-continuation-of-assassinations-kidnappings-and-destruction-of-vital-infrastructure/>, last accessed 14 February 2021). On 1 February, the Taliban denied their involvement (statement at <https://alemarahenglish.net/?p=42271>, last accessed 14 February 2021).

The deliberate targeting of visible and outspoken civil society leaders and renowned journalists across Afghanistan has generated a climate of fear in an unprecedented way.

attackers) against the offices of their organizations or in crowded public places. Two human rights defenders were deliberately shot and killed by Taliban members. The province of Nangarhar was particularly affected. Of the 17 journalists and media workers killed in 2018, 12 (including one woman) were killed in attacks claimed by, or attributed to, ISIL-KP and involving the use of IEDs (remotely controlled or body-borne) in Kabul. Three were victims of unclaimed killings in different provinces. One was killed during an offensive by the Taliban in Ghazni, one as a result of a Taliban attack targeting the Chief of Police in Kandahar.

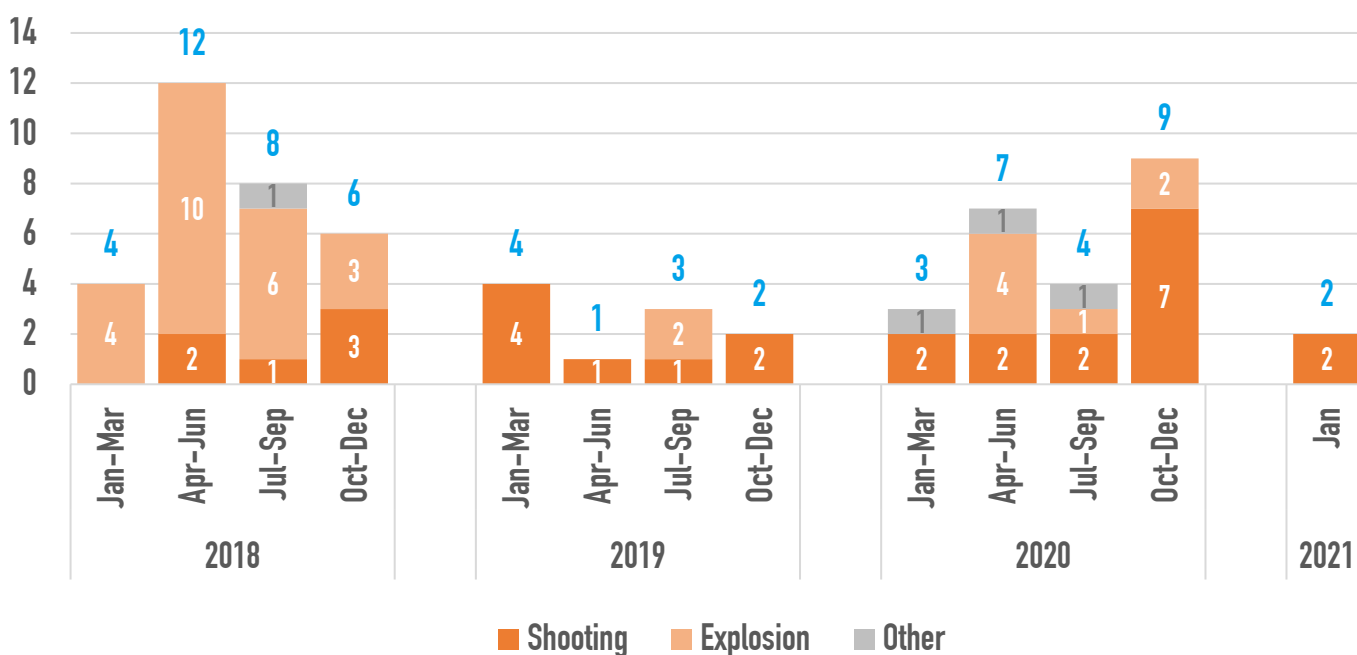
were shot and killed. In one case, Taliban members killed execution-style the acting head of the office of the Afghanistan Independent Human Rights Commission in the Ghor province. In another case, one human rights defender was shot and killed by gunmen in Ghazni city. In the last case, unknown gunmen shot and killed a Japanese physician and humanitarian, Tetsu Nakamura, and the driver of his organization. During the same year, six journalists and media workers were killed in targeted attacks. Taliban members abducted and killed one journalist in Farah. ISIL-KP members shot and killed a journalist in Khost city. Four journalists were killed in unclaimed killings in Taloqan, Kabul and Kandahar.

2019 In 2019, four human rights defenders

2020 The year 2020 witnessed a sharp increase in killings of human rights defenders. Before the start of the APN, ten human rights defenders were killed between 1 January and 11 September 2020 in various Afghan provinces. No claim of responsibility was made for almost all

Human Rights Defenders, Journalists and Media Workers Killed by Incident Type

1 January 2018 - 31 January 2021



killings. Of the ten human rights defenders killed, three of them were killed in attacks involving the use of IEDs attached to vehicles (including one woman: Fatima Khalil, killed together with an Afghanistan Independent Human Rights Commission driver, Ahmad Jawed Folad). Five human rights defenders were shot and killed by gunmen. Two were abducted and later found dead. Three out of ten had been previously threatened by Taliban members. Four journalists and media workers were killed between 1 January and 11 September 2020. ISIL-KP claimed responsibility for an attack against a Khurshid TV

Suppressing vital civic space for human rights defenders, media and civil society through intimidation and violence is not only illegal and unjustified but also threatens the progress made over the past years.

minivan involving the use of an IED placed on the roadside. One attack remained unclaimed. One journalist was killed by a stray bullet fired by the police during a clash with protesters in Ghor.

THE START OF THE AFGHANISTAN PEACE NEGOTIATIONS

The opening of APN failed to produce the long-desired decrease of violence, dampening the optimistic expectations of many Afghans. Additionally, the period starting from 12 September 2020 marked an increase in insecurity for human rights defenders and journalists. The wave of such killings witnessed during the period following the inauguration of the Afghanistan peace negotiations in Doha is thus remarkable. First, it represents a sharp increase in the number of killings affecting both human rights defenders and journalists in any equivalent period over the three years examined in this report. Second, the deliberate targeting in a limited time span of visible and outspoken civil society leaders and renowned journalists in many locations across Afghanistan (including inside Kabul's green zone), also due to the absence of claims of responsibility by perpetrators, has generated a

climate of fear among the civilian population in the country in an unprecedented way.

Between 12 September 2020 and 31 January 2021, the report highlights that five human rights defenders were deliberately targeted and killed. In all five cases (including one woman), killings involved the use of small arms fire. No claim of responsibility was made for any of the attacks. Six journalists and media workers were documented by UNAMA as killed between 12 September 2020 and 31 January 2021. Four of them (including a woman) were shot and killed; two of them were killed in attacks using IEDs attached to vehicles. A claim of responsibility was made for one of these incidents: ISIL-KP claimed the killing of journalist Malalai Maiwand and her driver in Jalalabad. In the other cases, there was no claim of responsibility.

CHILLING IMPACT ON CIVIL SOCIETY

The most recent wave of killings has spread fear among the civilian population in the country, at a time when the focus is on reaching an inclusive political settlement that could put an end to years of conflict. Civil society undertakes a crucial role in the promotion and protection of human rights and will continue to do so during and after any peace agreement. Suppressing vital civic space for human

rights defenders, media and civil society through intimidation and violence is not only illegal and unjustified but also threatens the progress made over the past years.

State and non-state actors are in different ways responsible for the shrinking civic space in Afghanistan. UNAMA underlines that all actors have

a crucial role to play in preventing killings and intimidation, promoting accountability and preventing impunity. Investigations into killings must be independent, impartial, prompt, thorough, effective, credible and transparent. The prosecution of suspected perpetrators should strictly follow due process and fair trial standards.

The use of charged rhetoric against the role of civil society and the media, the threat or action taken against whistleblowers, the circulation of “target lists” contribute to perpetuating the conditions in which civic space can only shrink further. The Afghan people need and deserve a flourishing civic space in the challenging period ahead, perhaps now more than ever beforehand.

RECOMMENDATIONS

UNAMA offers the following recommendations to support efforts to protect human rights defenders, journalists and media workers, prevent human rights violations against them, and uphold obligations under international humanitarian law and international human rights law:

The Government of Afghanistan:

- Operationalize an effective and cooperative national protection mechanism, building on the recent establishment of the Joint Commission for the Protection of Human Rights Defenders under the leadership of the Second Vice President of Afghanistan;
- Put in place an adequate preventive framework, including special protective and proactive security measures for human rights defenders, journalists and media workers subject to threats or other types of intimidation;
- Ensure that human rights defenders, journalists and media workers enjoy their legitimate rights to life, freedom of association, freedom of expression and access to information, as well as other fundamental freedoms, without fear of reprisal or attack;
- Counter impunity, including by conducting independent, impartial, prompt, thorough, effective, credible and transparent investigations into killings;
- Promote genuine accountability, including by prosecuting suspected perpetrators of targeted attacks strictly following international due process and fair trial standards;
- Protect and promote civic space, including refraining from adopting restrictive laws on freedom of association and freedom of expression, as well as avoiding a public discourse where civic space is unnecessarily challenged or targeted.

Non-state actors:

- Cease all killings of human rights defenders, journalists and media workers, in accordance with international human rights and humanitarian law.

The Taliban:

- Condemn at the leadership level killings of human rights defenders, journalists and media workers;
- Investigate cases where Taliban members are alleged to have been involved and hold to account Taliban members that order or implement the killing of human rights defenders, journalists and media workers;
- Adopt, publicize and enforce policies that prohibit the killing of human rights defenders, journalists and media workers;
- Repel existing policies (and refrain from adopting new ones) limiting civic space, including restrictions to freedom of association, the work of civil society and humanitarian actors, freedom of expression.

The international community:

- Continue condemning the killing of human rights defenders and media professionals, underscoring the importance of the role of human rights defenders and independent media for a unified, sovereign, peaceful and democratic

Afghanistan, in line with the Communiqué adopted at the Geneva Conference on Afghanistan on 24 November 2020

- Continue to engage with human rights defenders, journalists and media workers at risk and increase support to programs that provide security, travel, financial, capacity building and other assistance to them.

INTRODUCTION

For many years, prevalent instability and the lack of security have had a negative impact on the ability of human rights defenders, journalists and media workers to carry out their work in Afghanistan. Working to promote human rights and provide timely information to the Afghan population, human rights defenders and journalists have been the subject of threats, intimidation, harassment, surveillance, arbitrary detention, and deliberately targeted and killed.

The findings of the report highlight that in 2018 the leading source of casualties among both human rights defenders and journalists were attacks by ISIL-KP members involving the use of IEDs aimed at maximizing casualties. However, in 2018, such attacks were mainly not directly targeting human rights defenders or journalists. At that time, the greatest risk seemed to be of incidental harm while reporting on or working with those targeted. In 2019, the number of casualties decreased; however, deliberate killing became an increasingly common tactic. The situation of women human rights defenders and journalists is of particular concern: in 2019, a UN Special Rapporteur stressed that “in Afghanistan, women defenders have been displaced from several provinces because of Taliban attacks, affecting their level of engagement” and that “women journalists and lawyers face high risks, often because, exposing issues and challenging those in power, they are highly visible.”⁴

In 2020, Afghans witnessed the conclusion of an agreement between the United States of America and

the Taliban, and the inauguration on 12 September in Doha of peace negotiations between negotiating teams representing the Taliban and the Islamic Republic of Afghanistan. As the conflict continued to rage, Afghans also witnessed an unprecedented wave of deliberate killings of human rights defenders and journalists. On 14 August 2020, four UN Special Rapporteurs called on the Government of Afghanistan to take early decisive action to prevent killings of human rights defenders and combat impunity, as such attacks increased in 2020.⁵ The UN High Commissioner for Human Rights called for the protection of human rights defenders during her keynote address at the 2020 Afghanistan Conference that took place in Geneva on 23 November 2020, stressing that civil society actors, human rights defenders, Afghanistan Independent Human Rights Commission staff, journalists and media workers are being increasingly targeted and face threats, intimidation and harassment.⁶

This special report by UNAMA focuses on the killing of human rights defenders, journalists and media workers. The broader spike in civilian casualties resulting from deliberate attacks targeting judges, prosecutors, religious scholars, healthcare workers, political analysts, civil servants and other civilians is of particular concern.⁷ Sometimes victims received threats aiming to stop their professional activities; in other cases, no warning was given. The deliberate killing of civilians is contrary to international humanitarian law and may amount to war crimes.

⁴ Report of the Special Rapporteur on the situation of human rights defenders, *Situation of women human rights defenders*, A/HRC/40/60, 10 January 2019, p. 13.

⁵ The statement is available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26166&LangID=E> (last accessed 14 February 2021).

⁶ The full statement can be watched at <https://www.facebook.com/watch/?v=384538019532277> (last accessed 14 February 2021).

⁷ Adam Nossiter, *‘There is no safe area’: In Kabul, fear has taken over*, New York Times, 17 January 2021; Fahim Abed, Thomas Gibbons-Neff, *Targeted killings are terrorizing Afghans. And no one is claiming them*, New York Times, 2 January 2021.

The increase of deliberate killings following the start of the Afghanistan peace negotiations on 12 September 2020 is of grave concern, as it generated a climate of fear among the civilian population in the country. In January 2021, the Human Rights Defenders' Committee of Afghanistan received 31 new applications for support from human rights defenders at risk, of which ten were from women. This represented a sharp increase compared to the seven applications received in the period from September to December 2020. When high-profile public figures from civil society and the media sector leave Afghanistan, it hits hard on the public's confidence and hope in peace efforts.

Civil society has a crucial role in the promotion and protection of human rights and will continue do so during and after any peace agreement. Suppressing vital civic space for human rights defenders, media and civil society

through deliberate killings, intimidation and violence is both illegal and unjustified. When political figures use charged rhetoric against the role of civil society and the media, or take or threaten to take action against whistleblowers, they contribute to perpetuating the conditions in which civic space is bound to shrink further.

On the contrary, the people of Afghanistan need and deserve a flourishing civic space in the challenging period ahead, perhaps more than ever before. UNAMA underlines that all actors have a crucial role to play in protecting the right to life, preventing deliberate killings and intimidation, promoting accountability and preventing impunity. Investigations into deliberate killings must be independent, impartial, prompt, thorough, effective, credible and transparent. The prosecution of suspected perpetrators should strictly follow relevant due process and fair trial standards.

MANDATE AND METHODOLOGY

The UN Security Council mandates UNAMA to continue cooperating with and strengthening the capacity of the Government of Afghanistan, the Afghanistan Independent Human Rights Commission (AIHRC), and civil society in the protection and promotion of human rights. UNAMA is also mandated, among other tasks, to cooperate with relevant international and local non-governmental organizations to monitor the situation of civilians and to coordinate efforts to ensure their protection.⁸ The UN Security Council also underlines that the economic, social, political and development gains made in the last 19 years as well as respect for human rights, especially for women, children and minorities, must be protected and built upon.⁹

This report is based on data collected through country-wide monitoring carried out by UNAMA over the period 1 January 2018 - 31 January 2021. This report includes incidents of verified killings of human rights defenders, journalists and media workers.¹⁰

Killings that are included in this report are incidents UNAMA learned of where, based on the totality of the information reviewed (including but not limited to through its work on protection of civilians), UNAMA has independently determined that human

rights defenders, journalists and media workers have been killed. This report includes both incidents that have been verified according to the protection of civilians methodology (those with a conflict nexus, verified by at least three different and independent types of sources)¹¹ and incidents where it could not be determined whether an incident should be attributed to a party to the conflict. In a limited number of cases, while the killing was verified, UNAMA was not able, by the time of the release of this report, to collect sufficient information from at least three different and independent types of sources. In such cases, UNAMA also used information from reliable open sources to corroborate its findings and did not to attribute the case to a particular party to the conflict or other actor unless there was a claim of responsibility.

The attribution of killings, where stated herein, is based on the protection of civilians methodology as explained above. UNAMA has also noted a decrease in the claims of killings of human rights defenders, journalists and media workers since 2019, which has contributed to a reduction in the attribution of incidents to parties to the conflict. Where UNAMA was not satisfied with the quantity or quality of information, it did not consider it as verified.

⁸ Resolution 2543 (2020) of 15 September 2020 mandates UNAMA to “continue, with the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), to cooperate with and strengthen the capacity of the Government of Afghanistan, the Afghanistan Independent Human Rights Commission (AIHRC), and civil society in the protection and promotion of human rights, to cooperate also with the Government of Afghanistan and relevant international and local non-governmental organizations to monitor the situation of civilians, to coordinate efforts to ensure their protection, to monitor places of detention, and the treatment of those deprived of their liberty, to promote accountability, and advise, in close consultation with the Government of Afghanistan, stakeholders on the establishment and implementation of judicial and non-judicial processes to address the legacy of large-scale human rights violations and abuses as well as international crimes and to prevent their recurrence and to assist in the full implementation of the fundamental freedoms and human rights provisions of the Afghan Constitution and international treaties to which Afghanistan is a State party, in particular those regarding the full enjoyment by women of their human rights, including the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).”

⁹ Resolution 2543, preambular paragraph 5.

¹⁰ This report does not include incidents such as egregious mass casualty attacks which will be included in the forthcoming UNAMA protection of civilian annual report.

¹¹ UNAMA’s regular public reports on protection of civilians in armed conflict are limited to incidents of harm to civilians with a nexus to the armed conflict (i.e. where responsibility is attributed to a party to the conflict). For details, please refer to UNAMA’s reports of the protection of civilians, available at <https://unama.unmissions.org/protection-of-civilians-reports>

Unverified incidents are not included in this report. Over this period, UNAMA regularly conducted workshops and meetings across Afghanistan to discuss challenges for human rights defenders and journalists. Throughout its information gathering, UNAMA observed the principles of confidentiality, non-interference and non-intervention and, above-all, abided by the principle of “do no harm”. The data reported is disaggregated by gender, location,

professional affiliation, perpetrators and type of incident wherever possible. On the basis of its findings, UNAMA includes herein a set of recommendations to relevant actors.

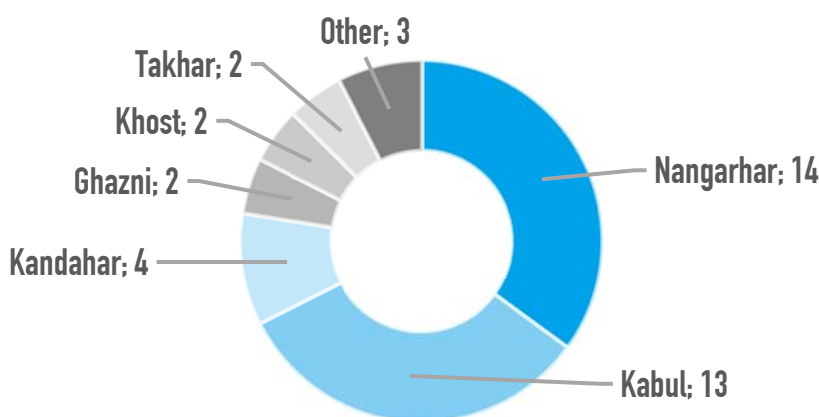
The report is complemented by an overview of applicable international human rights standards, the national legal and policy framework as well as a short glossary (Annexes I, II, III)

A VERY DANGEROUS PROFESSION

Killing of Human Rights Defenders, Journalists and Media Workers in 2018-2019

Geographical Distribution of Killings by Province

1 January 2018 to 31 December 2019



2018: Overview

The year 2018 was a dangerous year for human rights defenders, journalists and media workers in Afghanistan, with 13 human rights defenders and 17 journalists and media workers killed.

Of the 13 human rights defenders killed in 2018, 11 were killed in attacks by ISIL-KP members involving the use of improvised explosive devices (IEDs, either remotely controlled or body-borne by suicide attackers) against the offices of their organizations or in crowded public places. Two human rights defenders were deliberately shot and killed by Taliban members. The

province of Nangarhar was particularly affected.

Of the 17 journalists and media workers killed in 2018, 12 (including one woman) were killed in attacks claimed by, or attributed to, ISIL-KP and involving the use of IEDs (remotely controlled or body-borne) in Kabul. Notably, nine journalists were killed as a result of one single attack on 30 April. Three were victims of unclaimed deliberate killings in different provinces. One was killed during an offensive by the Taliban in Ghazni, one as a result of a Taliban attack targeting the Chief of Police in Kandahar.



17 Killed
Journalists and Media Workers

Human Rights Defenders

13 Killed



1 January 2018 to 31 December 2018

HUMAN RIGHTS DEFENDERS

- On 24 January, in Jalalabad city, gunmen conducted a complex attack that killed four employees of the NGO Save the Children: Said Omar, an education coordinator; Asif, a generator mechanic; Samiullah, a coordinator; and Fawad Omar, an intern, were killed. The attack started with the detonation of a vehicle laden with explosives driven by a suicide attacker against the main gate, followed by the use of rocket-propelled and hand grenades, as well as small arms fire. ISIL-KP claimed responsibility for the attack.
- On 18 May, in Jalalabad city, a remotely controlled IEDs killed Hedayatullah Zahir, a member of the civil society organization Ba-Ehsasa Zwanan. The IEDs detonated inside the Behsud Bridge Cricket stadium, packed with people for a late evening cricket game that the victim had helped organise. There was no claim of responsibility for the attack. The Taliban reportedly denied involvement in the attack.
- On 28 July, in Jalalabad city, ISIL-KP members conducted a complex attack that killed three employees of the NGO Agency for Assistance and Development of Afghanistan (AADA). Shah Mahmood, a driver and Bismillah and Fazlullah, security guards, were killed as a result of the attack, which targeted a midwife training centre and involved the use of explosive vests, hand grenades and small arms fire. ISIL-KP claimed responsibility for the attack.
- On 25 September, in Kandahar city, gunmen shot and killed Mohammad Naser Mubarez, a civic activist. He was also a candidate for the 2018 Wolesi Jirga elections. The Taliban claimed responsibility for the attack.
- On 4 October, in Nangarhar province, Khogyani district, Kaga Bazar area, the detonation of a remotely-controlled IED targeting the office of the NGO BRAC Afghanistan killed three of its staff members: Sardar Wali (engineer), Imran and Dr. Mujiburahman. ISIL-KP claimed responsibility for the attack.
- On 26 October, in Paktika province, Ziruk district, Tang area, gunmen shot and killed Bakhtullah, an employee of the NGO International Medical Corps. There was no claim of responsibility for the attack.

JOURNALISTS AND MEDIA WORKERS

- On 25 April, in Kandahar city, gunmen on a motorcycle shot and killed TV journalist Abdul Manan Arghand. There was no claim of responsibility for the attack. In April 2019, two individuals were reportedly convicted for the attack.
- On 30 April, in Kabul city, an attack by an individual wearing an explosive vest resulted in the killing of journalists Yar Mohammad Tokhi, Shah Marai Faizi, Ghazi Rasouli, Nawroz Ali Khamosh (Rajabi), Salim Talash, Ali Salimi, Ebadullah Hananzai, Freshta Mahram Durani and Sabawoon Kakar. The attack followed an earlier attack by an individual wearing an explosive vest. ISIL-KP claimed responsibility for the attacks.
- On 30 April, in Khost city, gunmen shot and killed journalist Ahmad Shah Matoonwal while he was riding his bicycle back home. There was no claim of responsibility for the attack. On 3 January 2019, reportedly three men were convicted for the attack.

- On 22 July, in the proximity of Kabul's airport, an attack by an individual wearing an explosive vest killed, among other victims, media worker Mohammad Akhtar. ISIL-KP claimed responsibility for the attack.
- On 10 August, in Ghazni city, a Taliban attack on Tape-e-Television (in an area where many local media antennas are located) resulted in the killing of Mohammad Daud Anwari, a media technician.
- On 5 September, in Kabul city, the detonation of a remotely controlled IED resulted in the killing of reporter Samim Faramarz and cameraman Ramiz Ahmadi. The explosion followed an earlier suicide attack at the same location. ISIL-KP claimed responsibility for the attacks.
- On 18 October, in Kandahar city, Mohammad Salim Angar, a cameraman, was killed during cross-fire in an insider attack at the Governor's compound. The Taliban claimed responsibility for the attack on the compound.
- On 4 December, in Jalalabad city, gunmen shot and killed Kandahar, the driver of the director of TV Enikas, before abducting the latter. There was no claim of responsibility for the attack.

2019: Overview

In 2019, the number of casualties decreased; however, deliberate killings became an increasingly common tactic.

last case, unknown gunmen shot and killed a Japanese physician and humanitarian, Tetsu Nakamura, and the driver of his organization in Jalalabad.

Four human rights defenders were shot and killed. In one case, Taliban members killed execution-style the acting head of the office of the Afghanistan Independent Human Rights Commission in the Ghor province. In another case, one human rights defender was shot and killed by gunmen in Ghazni city. In the

Six journalists and media workers were killed in targeted attacks. Taliban members abducted and killed one journalist in Farah. ISIL-KP members shot and killed a journalist in Khost city. Four journalists were killed in unclaimed targeted killings in Taloqan, Kabul and Kandahar.



6 Killed
Journalists and Media Workers

Human Rights Defenders

4 Killed



1 January 2019 to 31 December 2019

HUMAN RIGHTS DEFENDERS

- On 22 June, in Ghazni city, gunmen shot and killed Naqibullah Khaksar, the head of the civil society organization Zhouwand. There was no claim of responsibility for the attack.
- On 3 September, Abdul Samad Amiri, the acting head of the Afghanistan Independent Human Rights Commission's (AIHRC) office in Ghor province, was abducted in Jalrez district, Wardak province while travelling on a bus from Kabul to Ghor province. On 5 September, he was killed execution-style. According to source information, Amiri was shot four times in the back. It was reported that the Taliban investigated the attack, the results of which have not been made public.
- On 4 December, in Jalalabad city, gunmen shot and killed Dr. Tetsu Nakamura, the head of the NGO Peace Japan Medical Services (and honorary Afghan citizen) and his driver, Zainullah Musam. There was no claim of responsibility for the attack.

JOURNALISTS AND MEDIA WORKERS

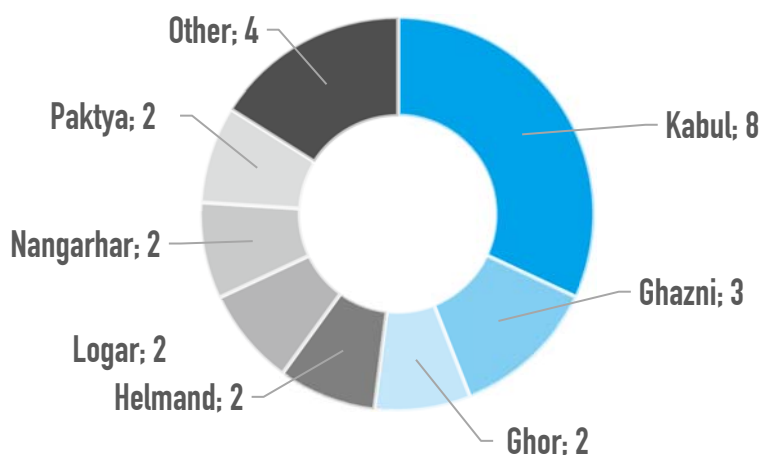
- On 5 January, in Farah city, gunmen abducted and subsequently killed part-time journalist Javid Noori. The Taliban claimed responsibility for the killing, denying that the victim was targeted as the result of his work as a journalist.
- On 5 February, in Taloqan city, gunmen shot and killed journalists Shafiq Arya and Rahimullah Rahmani inside the premises of Radio Hamsada. There was no claim of responsibility for the attack.
- On 15 March, in Khost city, gunmen on a motorcycle shot and killed journalist Sultan Mahmoud Khairkhwa while he was driving his car. ISIL-KP claimed responsibility for the attack.
- On 1 July, in Kabul city, gunmen shot and killed Abdul Rauf Eymal Zay. The incident happened hours after an attack using a vehicle laden with explosives took place near the office of private broadcaster Shamshad TV, where Abdul Rauf Eymal Zay was employed as a security guard. The Taliban claimed responsibility for the vehicle bomb attack.
- On 24 September, in Kandahar city, the detonation of an IED attached to a vehicle killed, among others, Abdul Hamid Hotaki, a political talk show host at Hewad independent public media group. The attack targeted the campaign office of a presidential candidate. There was no claim of responsibility for the attack.

Increasingly in the line of fire

Killing of Human Rights Defenders, Journalists and Media Workers in 2020

Geographical Distribution of Killings by Province

1 January 2020 to 31 January 2021



2020: Overview

The year 2020 witnessed a sharp increase in deliberate killings of human rights defenders. No claim of responsibility was made for almost any of them.

Before the start of the APN, ten human rights defenders were killed between 1 January and 11 September 2020 in various Afghan provinces. Of the ten human rights defenders killed, three of them were killed in attacks involving the use of IEDs attached to vehicles (including one woman: Fatima Khalil, killed together with the Afghanistan Independent Human Rights Commission driver Ahmad Jawed Folad). Five

human rights defenders were shot and killed by gunmen. Two were abducted and later found dead. Three out of ten had been previously threatened by Taliban members.

Four journalists and media workers were killed between 1 January and 11 September 2020. ISIL-KP claimed responsibility for an attack against a Khurshid TV minivan involving the use of an IED placed on the roadside. One attack remained unclaimed. One journalist was killed by a stray bullet fired by the police during a clash with protesters in Ghor.



4 Killed
Journalists and Media Workers

Human Rights Defenders
10 Killed



1 January 2020 to 11 September 2020

HUMAN RIGHTS DEFENDERS

- On 7 March, in Ghazni city, gunmen shot and killed Hamza Ghafarzoy, the director of the civil society organization Aqwame Ba Ham Beradaran Afghanistan. There was no claim of responsibility for the attack.
- On 28 March, in Pul-i-Alam city, gunmen shot and injured civil society activist Qudratullah Stanikzai. He died of his injuries after reaching Kabul's provincial hospital. There was no claim of responsibility for the attack.
- On 7 April, in Kabul city, according to source information, gunmen kidnapped and later killed Dr. Ziaudeen Kamal, a local elder, peace activist and head of Wardak tribal council. There was no claim of responsibility for the attack.
- On 21 May, in Qalat city, gunmen shot and injured human rights defender Mohammad Ibrahim Ebrat. Ebrat, the coordinator for Zabul of the Civil Society Joint Working Group, died of his injuries on 28 May. Before the attack, reportedly Ebrat had received death threats from the Taliban, who urged him to cease his human rights work. There was no claim of responsibility for the attack.
- On 27 June, in Kabul city, the detonation of a remotely controlled IED killed Fatima "Natasha" Khalil, a donor relations officer at the Afghanistan Independent Human Rights Commission, and Ahmad Jawed Folad, an AIHRC driver. The IED had been attached to their official vehicle, displaying government number plates. There was no claim of responsibility for the attack.
- On 1 July, in Farah city, gunmen shot and killed the spokesperson of the Farah Civil Society Network Hamidullah Rahmani. He was also a teacher, an elder and the head of the Teachers' Association. He had reportedly previously asked the National Directorate of Security to provide security for him. There was no claim of responsibility for the attack.
- On 1 August, in Andar district, Ghazni province, gunmen kidnapped human rights defender and head of the local community council Asmatullah Salaam (civil society organization Zhouwand). According to source information, his body was found dead the following day with signs of torture. Sources also indicate that prior to Eid ul-Adha (31 July), he had received a message from the Taliban inviting him for a meeting. There was no claim of responsibility for the attack.
- On 19 August, in Kabul city, the detonation of an IED attached to his vehicle killed Dr. Abdul Baqi Amin, a peace advocate and a senior employee of the Ministry of Education. There was no claim of responsibility for the attack.
- On 22 August, in Gardez city, gunmen shot and killed Haji Mohammad Nabi, a peace activist and tribal elder. He had participated in the Consultative Peace Jirga held in Kabul on 7-9 August 2020. There was no claim of responsibility for the attack.

JOURNALISTS AND MEDIA WORKERS

- On 2 January, in Lashkargah city, Police found the body of Safar Muhammad Atal (presenter at Samoon radio). There was no claim of responsibility for the attack.
- On 5 May, in Firuzkoh city, a stray bullet fired during clashes between police and protestors killed volunteer radio journalist Ahmad Khan Nawid. The protest concerned the perceived unfair distribution of humanitarian aid in the Ghor province.
- On 30 May, in Kabul city, the detonation of an IED placed on the roadside killed Khurshid TV journalist Mir Wahid Shah “Zamir” Amiri and technician Shafiq Zabeah Amiri. ISIL-KP claimed responsibility for the attack.

Dreaming of peace

Killing of Human Rights Defenders, Journalists and Media Workers since 12 September 2020

“ *We die, there is a tweet, and people move on. The only tangible thing that has happened to Afghans under the peace process is that they used to know who their killers are, and now they don't.* ”

-- Shaharзад Akbar

Chairperson, Afghanistan Independent Human Rights Commission
New York Times, 2 January 2021

The opening of peace negotiations failed to produce the long-desired decrease of violence, dampening the optimistic expectations of many Afghans. In fact, it marked an increase in insecurity for human rights defenders and journalists. The wave of deliberate killings witnessed during the period following the inauguration of the Afghanistan peace negotiations in Doha is thus notable.

First, it represents a sharp increase in the number of deliberate killings affecting both human rights defenders and journalists in any equivalent period over the three years examined in this report. Second, the deliberate targeting in a limited time span of visible and outspoken civil society leaders and renowned journalists in many locations across Afghanistan (including inside Kabul's green zone), also due to the absence of claims of responsibility by perpetrators, has generated a climate of fear among

the civilian population in the country in an unprecedented way.

Between 12 September 2020 and 31 January 2021, UNAMA documented the deliberate killing of five human rights defenders. In all five cases (including one woman), the killings involved the use of small arms fire. No claim of responsibility was made for any of the attacks.

Between 12 September 2020 and 31 January 2021, UNAMA documented the deliberate killing of six journalists and media workers. Four of them (including a woman) were shot and killed; two of them were killed in attacks using IEDs attached to vehicles. A claim of responsibility was made for one of these incidents: ISIL-KP reportedly claimed the killing of journalist Malalai Maiwand and her driver in Jalalabad. In the other cases, there was no claim.

6 Killed
Journalists and Media Workers

Human Rights Defenders
5 Killed



12 September 2020 to 31 January 2021

HUMAN RIGHTS DEFENDERS

- On 2 October, in Pul-i-Alam city, gunmen shot and killed human rights defender Syed Haider Hashimi. There was no claim of responsibility for the attack.
- On 23 December, in Kabul city, gunmen shot and killed Yousuf Rashid, the executive director of the NGO Free and Fair Election Forum of Afghanistan. There was no claim of responsibility for the attack. On 9 January 2021, the Ministry of Interior reported having arrested suspects involved in the attack.
- On 24 December, in Deh Naw village, Hesa-i-Awal Kohistan district, Kapisa province, gunmen shot and killed civil society activist Freshta Kohistani. Civil society and media indicated that Kohistani had previously posted on her social media account about threats received. There was no claim of responsibility for the attack. On 28 December, security officials reported having arrested suspects involved in the attack.
- On 31 December, in Kabul city, Police found the body (reportedly with gunshot wounds) of civil society activist Abed Jahed. Jahed, from the Baghlan province and a member of General Council of Sunni Hazara people in Afghanistan, had reportedly recently relocated to Kabul city due to insecurity in his province. There was no claim of responsibility for the attack.
- On 21 January 2021, in Gardez city, gunmen shot and killed civil society activist Adel Nang. There was no claim of responsibility for the attack.

JOURNALISTS AND MEDIA WORKERS

- On 7 November, in Kabul city, the detonation of an IED attached to his vehicle resulted, among other victims, in the killing of former TOLO News journalist Yama Siawash. There was no claim of responsibility for the attack. On 28 December, security officials reported having arrested suspects involved in the attack.
- On 12 November, in Lashkar Gah city, the detonation of an IED attached under his vehicle killed journalist Elyas Dae. He had reportedly received threats from the Taliban in the past. There was no claim of responsibility for the attack.
- On 10 December, in Jalalabad city, gunmen on a rickshaw shot and killed journalist and women's rights activist Malalai Maiwand and the Enikas TV driver Tahir Khan. ISIL-KP claimed responsibility for the attack. On 28 December, security officials reported having arrested suspects involved in the attack.
- On 21 December, in Ghazni city, gunmen on a motorbike shot and killed the head of Ghazni Journalists' Association Rahmatullah Nekzad. There was no claim of responsibility for the attack. On 28 December, security officials reported having arrested suspects involved in the attack.
- On 1 January 2021, in Firuzkoh city, gunmen shot and killed human rights defender and radio journalist Bismillah Adel Aimaq. In November, he had posted on social media that his house and car had been attacked. There was no claim of responsibility for the attack.

ANNEX I: INTERNATIONAL HUMAN RIGHTS STANDARDS

THE RIGHT TO LIFE

International Human Rights Law

Article 6(1) of the International Covenant on Civil and Political Rights reads: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”

The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)¹² sets a common standard of performance in investigating potentially unlawful death, including in situations where a state fails to exercise due diligence to protect an individual or individuals from foreseeable external threats or violence by non-State actors (para. 2(c)).

The UN Human Rights Committee, in its General Comment 36,¹³ has spelled out its most updated interpretation of Article 6. In particular:

- The right to life is not subject to derogation, even in situations of armed conflict and other public emergencies which threatens the life of the nation (para. 2).
- States parties to the ICCPR have the obligation to respect and to ensure the right to life, to give effect to it through legislative and other measures, and to provide effective remedies and reparation to all victims of violations of the right to life (para. 4).
- States parties must exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities, whose conduct is not attributable to the State. The obligation extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. States parties may be in violation of article 6 even if such threats and situations do not result in loss of life (para. 7).
- States parties are required to establish by law adequate institutions and procedures for preventing deprivation of life, investigating and prosecuting potential cases of unlawful deprivation of life, meting out punishment and providing full reparation (para. 19).
- States parties are under a due diligence obligation to undertake reasonable positive measures, which do not impose on them disproportionate burdens, in response to reasonably foreseeable threats to life originating from private persons and entities, whose conduct is not attributable to the State, for instance by criminals and organized crime or militia groups, including armed or terrorist groups (para. 21).

¹² The Minnesota Protocol is an updated version of the 1991 UN Manual on the Effective Prevention of Extra-legal, Arbitrary and Summary Executions, which was originally drafted to supplement the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. The UN Principles, which set out international legal standards for the prevention of unlawful death and the investigation of potentially unlawful death, were welcomed by the UN Economic and Social Council (resolution 1989/65 of 24 May 1989), and endorsed by the UN General Assembly (Resolution 44/162 of 15 December 1989). The Minnesota Protocol was revised in 2016 and can be found at <https://www.ohchr.org/EN/Issues/Executions/Pages/RevisionoftheUNManualPreventionExtraLegalArbitrary.aspx> (last accessed 14 February 2021).

¹³ UN Human Rights Committee, *General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life*, UN Doc. CCPR/C/GC/36, 30 October 2018.

- States parties are required to take special measures of protection towards persons in situation of vulnerability whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. These include human rights defenders and journalists. States parties must respond urgently and effectively in order to protect individuals who find themselves under a specific threat, by adopting special measures such as the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed consent of the threatened individual, protective custody (para. 23).
- States parties are required, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute such incidents, in accordance with relevant international standards, including the Minnesota Protocol, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations (para. 27).
- Investigations into allegations of violation of article 6 must always be independent, impartial, prompt, thorough, effective, credible and transparent.¹⁴ States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future. States parties should also disclose relevant details about the investigation to the victim’s next of kin, allow them to present new evidence, afford them with legal standing in the investigation, and make public information about the investigative steps taken and the investigation’s findings, conclusions and recommendations, subject to absolutely necessary redactions justified by a compelling need to protect the public interest or the privacy and other legal rights of directly affected individuals (para. 28).
- Article 6 also reinforces the obligations of States parties to protect individuals against reprisals for promoting and striving to protect and realize human rights. States parties must take the necessary measures to respond to death threats and to provide adequate protection to human rights defenders, including the creation and maintenance of a safe and enabling environment for defending human rights (para. 53).
- The above standards are also relevant to cases where armed non-State groups exercise authority and have a responsibility to respect the right to life and to remedy any abuses they cause or to which they contribute.¹⁵

International Humanitarian Law

UNAMA considers the situation in Afghanistan is characterized by a number of non-international armed conflicts.¹⁶ Under international humanitarian law, the murder of civilians in non-international armed conflicts is prohibited. Common Article 3 of the Geneva Conventions prohibits “violence to life and person, in particular murder of all kinds” of civilians and persons *hors de combat*.

¹⁴ See also *Minnesota Protocol*, paras. 22-33.

¹⁵ See Report of the UN Fact-Finding Mission on the Gaza Conflict, UN doc. A/HRC/12/48, 25 September 2009, para. 1836.

¹⁶ For further details, see UNAMA protection of civilians reports, available at: <https://unama.unmissions.org/protection-of-civilians-reports>.

Under international criminal law, murder committed against persons taking no active part in the hostilities is specified as a war crime with regard to non-international armed conflicts under Article 8(c)(i) of the Statute of the International Criminal Court.

HUMAN RIGHTS DEFENDERS

The UN General Assembly adopted on 9 December 1998 (resolution 53/144) a Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (commonly known as the “Declaration on human rights defenders”).

- Articles 2, 9, 12, 14 and 15 refer to the responsibility of States to protect, promote and implement all human rights; to ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice; to adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms; to provide an effective remedy for persons who claim to have been victims of a human rights violation; to conduct prompt and impartial investigations of alleged violations of human rights; to take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration; to promote public understanding of civil, political, economic, social and cultural rights; to ensure and support the creation and development of independent national institutions for the promotion and protection of human rights, such as ombudsmen or human rights commissions; to promote and facilitate the teaching of human rights at all levels of formal education and professional training.
- Articles 1, 5, 6, 7, 8, 9, 11, 12 and 13 of the Declaration recall specific protections to human rights defenders, including their rights to seek the protection and realization of human rights at the national and international levels; to conduct human rights work individually and in association with others; to form associations and non-governmental organizations; to meet or assemble peacefully; to seek, obtain, receive and hold information relating to human rights; to develop and discuss new human rights ideas and principles and to advocate their acceptance; to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may impede the realization of human rights; to make complaints about official policies and acts relating to human rights and to have such complaints reviewed; to offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights; to attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations; to unhindered access to and communication with non-governmental and intergovernmental organizations; to benefit from an effective remedy; to the lawful exercise of the occupation or profession of human rights defender; to effective protection under national law in reacting against or opposing, through peaceful means, acts or omissions attributable to the State that result in violations of human rights; to solicit,

receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

In April 2000, the United Nations Commission on Human Rights (resolution 2000/61 of 26 April 2000) asked the Secretary-General to appoint a Special Representative on Human Rights Defenders to monitor and support the implementation of the Declaration. The UN Human Rights Council has since its establishment adopted numerous resolutions stressing the importance of civic space and the role of human rights defenders in the promotion of human rights.¹⁷

FREEDOM OF OPINION AND EXPRESSION

The right to freedom of opinion and expression is enshrined in a number of international and regional human rights instruments, e.g. the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (art. 19).¹⁸

The right is not absolute and can be restricted on the basis of the principles of legality, necessity, proportionality and non-discrimination. Restrictions that do not meet any one of these tests are potentially unlawful. Grounds for restriction include “the respect of the rights or reputations of others; the protection of national security or of public order (‘ordre public’), or of public health or morals”.

¹⁷ See a list at <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Resolutions.aspx> (last accessed 14 February 2021).

¹⁸ Article 19 reads: “1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (‘ordre public’), or of public health or morals.

ANNEX II: NATIONAL FRAMEWORK

Legal framework

Afghanistan is a party to seven of the nine core international human rights treaties: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities.¹⁹ Afghanistan is not a State Party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

The rights to freedom of opinion and expression, association and assembly are enshrined in articles 34-36 of the Afghan Constitution (2004), in addition to relevant laws:

- Law on Associations (2013), as well as the Civil Code (1977);
- Law on Gatherings, Strikes and Demonstrations (2017);
- Law of Non-Governmental Organizations (2005);
- Law on Mass Media (2009, amended in 2015);
- Law on Access to Information (2019).

Policy and mechanisms

On 19 January 2020, a coalition of 32 NGOs led by Amnesty International proposed the adoption of a Strategy for the Protection of Human Rights Defenders of Afghanistan. The Strategy was intended as a roadmap for the Government on issues related to the protection, investigation, referral, relocation and psychosocial support for human rights defenders and called for the establishment of a joint commission involving Government and civil society.

On 1 December 2020, President Ghani issued a decree establishing the **Joint Commission for the Protection of Human Rights Defenders**. The Commission is chaired by the Second Vice-President and includes representatives from the Attorney General's Office, the Ministers of Justice, Interior, and Women's Affairs, the Deputy Foreign Minister, the Chairman of the Afghan Independent Human Rights Commission (AIHRC), the Directors General of the National Security Directorate (NDS) and the Independent Directorate of Local Governance (IDLG), as well as representatives of the Legislative and Judicial Affairs of the Office of the President and from pertinent civil society organisations. The Commission is tasked "to develop a coherent plan for the protection of human rights defenders, obtain the views of human rights organizations inside and outside Afghanistan, and address the complaints and suggestions of human rights defenders." It will report to the High Council for the Rule of Law and Governance. The AIHRC acts as the Commission's secretariat.

¹⁹ For details, see https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN (last accessed 14 February 2021).

A **Joint Committee for the Safety and Security of Journalists** was established in 2016. The Commission is chaired by the Second Vice President and includes representatives from security institutions, the judiciary, journalists and media support groups. A similar structure is in place at the provincial level.

With regard to civil society, the Afghanistan Human Rights Defenders Committee is an advocacy coalition that focuses on advocacy and protection. Its membership includes more than forty human rights groups and individuals active country wide. The AIHRC, the EU delegation and UNAMA attend its meetings as observers. Its vision is the promotion of an Afghan society where rights and freedoms are respected and where those that work for the promotion of these values enjoy a safe working environment.

ANNEX III: GLOSSARY¹⁹

Human rights defender: Anyone who, individually or with others, acts to promote or protect human rights.²¹ The UN Special Rapporteur on Human Rights Defenders considers that national institutions which operate in compliance with the Paris Principles and their members and staff, can be considered as human rights defenders.²²

Civic space: The environment that enables people and groups to meaningfully participate in the political, economic, social and cultural life of their societies. States shape the legal and policy space within which people express views, assemble, associate and engage in dialogue with one another, as well as with authorities in relation to issues that affect their lives, from the quality of basic services, to better institutions and respect for fundamental freedoms. Civil society actors (including human rights defenders and journalists) need to be able to freely express themselves in full security and affect change peacefully and effectively. A vibrant civic space requires an open, secure and safe environment, free from acts of intimidation, harassment and reprisals – both online and offline. Any restrictions on this space must comply with international human rights law.²³

IED: Improvised Explosive Device. A device placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic or incendiary chemicals and designed to destroy, incapacitate, harass or distract. It may incorporate military stores, but is normally devised from non-military components. IEDs. IEDs can broadly be divided into four categories: Command-Operated IEDs, Victim-Operated IEDs, Suicide IEDs, and Other IEDs.

Complex attack: A deliberate and coordinated attack which includes a suicide device (i.e., body-borne IEDs or suicide vehicle-borne IEDs), more than one attacker and more than one type of device (i.e., body-borne IEDs and mortars). All three elements must be present for an attack to be considered complex.

²⁰ Definitions contained in this Glossary are only for the purposes of this report.

²¹ UN Office of the High Commissioner for Human Rights, *Human rights defenders: protecting the right to defend human rights*, Factsheet 29, p. 2.

²² See Report of the Special Rapporteur on the situation of human rights defenders, UN doc. A/HRC/22/47, 16 January 2013, para. 34.

²³ United Nations Guidance Note, *Protection and Promotion of Civic Space*, October 2020, p. 3.