

54th Session of the United Nations Human Rights Council

Hybrid Panel Discussion (side event): Human Rights in Afghanistan - How can CSO-led initiatives fill the documentation gap and support accountability?

12 September 2023, Room XXV, Palais des Nations, Geneva

On the 12th of September 2023, the Center for Dialogue and Progress-Geneva (CDP-G) in collaboration with Action for Development (AFD), Raoul Wallenberg Institute (RWI) and the Center for Human Rights Advocacy (CHRA) organised a Panel Discussion at the margin of the 54th Session of the UN Human Rights Council. The event brought together various perspectives on the importance of documentation by civil society, its role in supporting the existing mechanisms and future accountability processes, and the tools and methodologies each organisation uses. Additionally, the Panel discussed and made a number of suggestions and recommendations on how best to introduce and strengthen the collaboration among Civil Society Organisations on documentation and accountability, while also streamlining their work with the various established accountability mechanisms.

The panel was moderated by Natasha Arnpriester, Human Rights Lawyer and Senior Strategic Litigation Officer at the Open Society Justice Initiative with the participation of lead and notable experts in the field, including:

Mr. Richard Bennett – UN Special Rapporteur on the Situation of Human Rights in Afghanistan

Mr. David Osborn, Programme Director of Afghan Witness, Center for Information Resilience

Ms. Hanifa Girowal, Research Fellow at Raoul Wallenberg Institute

Mr. Zaman Sultani, South Asia Researcher at Amnesty International

Mr. Tom Syring, Chairman at Human Rights Research League

Mr. Ehsan Qaane, Representative of Bolaq Analysts Network



Introduction

Hamid Formuli, Human Rights Fellow at the CDP-G welcomed the panelists and participants on behalf of the organisers and **presented** the critical context of the discussion – that two years after the military takeover of Afghanistan by the Taliban, grave violations and abuses of human rights persist with impunity and the paths to genuine accountability are blocked. Moreover, **he underlined** the challenges to documentation and significant risks to organisations inside Afghanistan and for

victims, as well as the organisations that have stepped up to close the information and documentation gap.

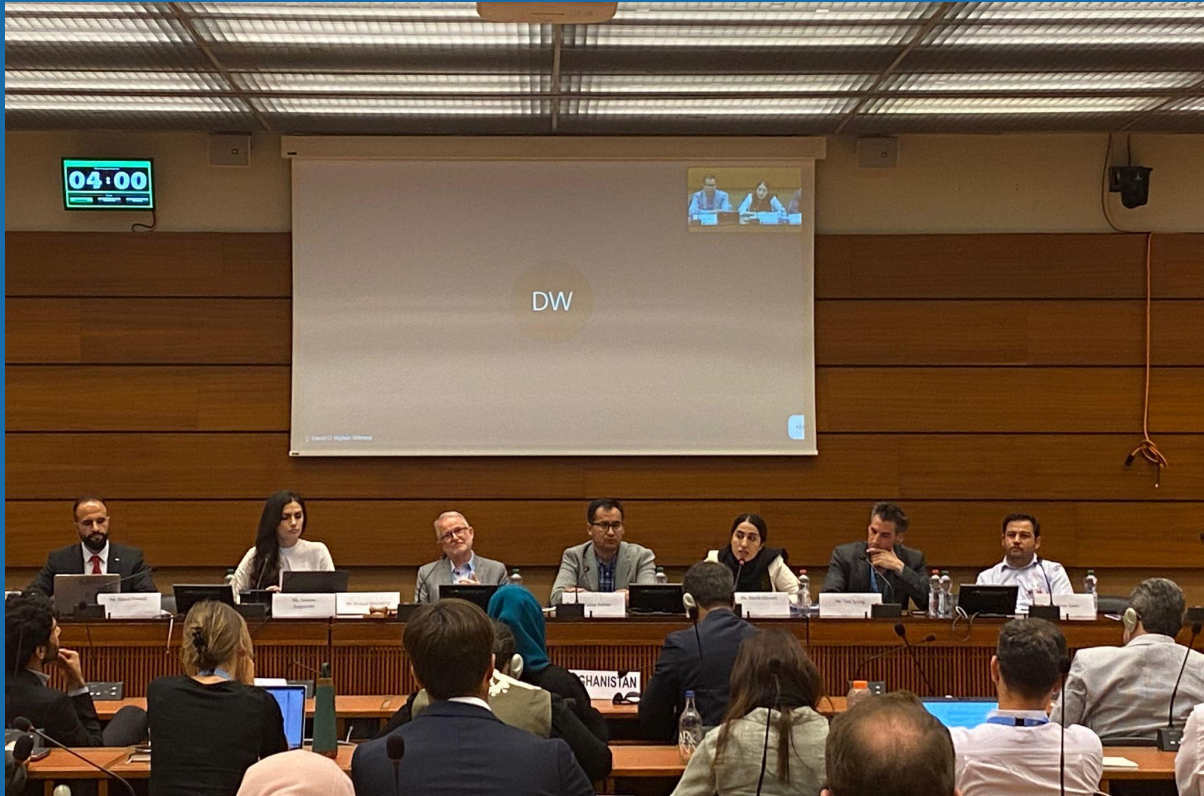
He further briefed the participants on the activities of CDP-G which included advocacy for strengthened international accountability, documentation through direct interviews with the aim of submitting individual communications on their behalf, and more relevant to the agenda of the panel, the resolve of the

CDP-G to facilitate coordination and collaboration among various organisations working on different aspects of accountability, serving as a de facto secretariat for such a mechanism.

Remarks by Moderator

Natasha Arnpriester presented the current environment, that the conversation takes place against the backdrop of Afghanistan, where international law continues to be flooded with impunity. The existing judicial system has been eroded and avenues for genuine accountability are almost non-existent. The situation in Afghanistan presents unique sets of challenges for civil society organisations both local and international. **She outlined** that the panelists would discuss how civil society organisations can document violations effectively and promote

accountability in Afghanistan by supporting accountability mechanisms and otherwise. **She concluded by emphasizing** that the goal of the discussion was to consider ways of enhancing collaboration amongst all who are also working on such efforts, strengthening the impact of all entities and options.



Contributions from the Panelists

In response to questions: As the UN Special Rapporteur on the situation of Human Rights in Afghanistan, can you speak to the role that CSOs can play in accountability? And what types of information are most valuable for your mandates? How can CSOs' efforts complement existing mechanisms for accountability, such as the UN or other international bodies? Mr. Richard Bennett highlighted the following:

CRITICAL ROLE OF CIVIL SOCIETY IN DOCUMENTATION

Mr. Bennett underlined the incredibly important role civil society plays in documentation – not only to feed into the UN or more formal accountability mechanisms; it is important in its own right, but can also assist those other mechanisms.

COLLABORATION IS ESSENTIAL

For Mr. Bennett, collaboration on information and documentation to close the information gap and increase the chances for accountability is essential. He appreciated the timely initiative of holding this panel and briefed participants on his own work advancing the conversation on collaboration, after joining the Raoul Wallenberg Institute, hosting multiple roundtables on accountability.

COMMON STANDARDS OF METHODS AND ANALYSIS

Mr. Bennett emphasized: that we can raise the trust in CSO's documentation work by promoting more collaborative efforts and making sure we agree on common standards of methods and analysis.

SAFETY AND SECURITY

He further raised the issue of the safety and security of victims and witnesses and those who are doing human rights work, the "do no harm" principle and looking out for their mental health.

In response to the questions on what primary tools & methodologies used for the documentation of human rights violations & abuses in Afghanistan (1) and how to collect reliable and secure data (1bis), and sharing on challenges encountered and recommendations to promote enhanced collaboration amongst CSOs (3), the four panelists who represented CSOs focusing on documentation shared the following information and recommendations:

AN OPEN-SOURCE APPROACH

David Osborn outlined open-source methodology and the use of open-source data, as the main approach in Afghan Witness. The information goes through a verification process where data from the internet is analyzed. In the case of incidents, they will sequence it and produce a report. The verification process tries to mitigate any risk of misinformation. They ensure that they are compliant with legal frameworks, including the Berkeley Protocol.



WAY FORWARD: A FUSION OF OPEN SOURCE AND ON-THE-GROUND

He emphasized that open-source is a partial snapshot; they do not have a lot of information on the ground. Further, there are limitations with geographic coverage. Due to limited access to mobile phones, internet and social media, compared to Myanmar and Ukraine there is less information coming out. He proposed to work together to combine open-source with on-the-ground methods and efforts.

TOWARDS TRUTH: COMBINATION OF METHODS

Zaman Sultani, discussed the different approaches taken by **Amnesty International** since the military takeover by the Taliban. In cases of extrajudicial killings, all the efforts are done remotely, as it is not possible to go on the ground. Through a combination of methods, they verify images and video, do remote

interviews, satellite imagery and geo-locations not only of the incident sites but also of other cemeteries or relevant sites around. They also use forensic pathologists in cases where they have video and photos and it is possible for an expert to see that. Amnesty has used a combination of different methods so as to ensure that what they are saying reflects the truth.

SAFETY AND SECURITY CONCERNS

Discussing issues of safety and security of staff and those they speak to, from physical security to mental wellbeing. **Sultani put forth** the challenge of consent when it comes to data sharing among organizations, in addition to ensuring and maintaining security. He emphasized the risk of retaliation against the victims.

SHARING EXPERIENCES

Sultani proposed a way to cooperate among CSOs is collaborative work, training and sharing the different methodologies and experiences that the different organizations have, in terms of investigation, documentation and preservation.

ALIGNING WITH CIVIL SOCIETY INSIDE AFGHANISTAN

He further suggested civil society organizations can cooperate on expertise and align with the Afghan-led civil society organizations.

FIRST-HAND APPROACH

In the case of Afghanistan, the **Human Rights Research League's** primary aim, **according to Tom Syring**, is documentation by their team on the ground, where they have direct contact with victims and conduct interviews. They also use “mixed methods” in addition to this “first-hand” approach.

COLLABORATION: OPPORTUNITIES AND CHALLENGES

Syring envisions potential collaboration through sharing incidents and instances without sharing names and personal information, while also acknowledging challenges based on consent and the principle of “do no harm”. He further recommended improved coordination, including at events at the Human Rights Council.

VICTIM-CENTRED APPROACH

Ehsan Qaane elaborated that their approach at **Bolaq Analysts Network** is to find communities and victims. When they identify victims, they try to identify their families too, profiling them, and helping them be a part of the process of accountability. They adopt a victim-centred approach.

SUPPORTING CIVIL SOCIETY ORGANIZATIONS

Qaane emphasized collaboration and expertise sharing is important as some local civil society organizations are young and do not have the necessary capacity or the resources. In some cases, there is also a gap in understanding. Some organizations do not have the same access to technology, so it would be good to focus on collaboration and expertise sharing, as well as, providing technology access to Afghan human rights organizations.

COLLABORATION & COMMON GOALS

Briefing on the three round tables held by the Raoul Wallenberg Institute: Regarding the roundtables of the RWI, **Hanifa Girowal** outlined their aims to foster collaboration, trust-building, and information sharing among organizations. **She presented** common goals pursued through the roundtables, including connecting organizations to strengthen victims' voices, advocacy, and prosecution efforts, particularly regarding gender persecution. **She noted** critical recommendations of the roundtables, namely the need for mental health support for human rights defenders, providing training for emerging CSOs, and the role of civil society in paving the way for criminal justice outside Afghanistan by supporting accountability mechanisms. **She emphasized** the need for a connected and coordinated civil society to advocate for greater accountability efforts for Afghanistan by the international community, acknowledging that these processes can be slow but are essential for delivering justice to the people of Afghanistan.

Q & A: WHAT IS ACCOUNTABILITY FOR? CHALLENGING IMPUNITY or DURABLE PEACE

Mr. Richard Bennett responded to a question from the audience on the purpose of accountability. For him, What is accountability for? Certainly to challenge impunity and bring to justice perpetrators, but is also in his view to advance durable peace.

COORDINATION

With respect to the investigation by the International Criminal Court's Office of the Prosecutor, **he proposed** it would be helpful to coordinate the reach out to victims. He underlined there should also be a process for identifying who is working on the ground. He also highlighted the complications with regard to sharing data and security concerns.

About the Organisers

The Center for Dialogue and Progress is a Geneva-based non-profit organisation aiming to educate, facilitate dialogue, build the capacity of civil society and foster cooperation on peacebuilding, reconciliation, human rights, and humanitarian affairs.

CDP-Geneva uses advocacy and promotes coordination to strengthen international accountability for human rights violations in Afghanistan, while also facilitating civil society activists' access to UN Human Rights mechanisms and victims' access to accountability mechanisms.

The Afghanistan Human Rights Resource Center is a specialized subsidiary of the Center for Dialogue and Progress – Geneva dedicated to human rights research & education, monitoring & advocacy, and facilitation of access of Afghanistan-centered and Afghan civil society organisations/activists to the Geneva-based human rights platforms and mechanisms.

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law hosts the UN Special Rapporteur on the situation of human rights in Afghanistan and has organised three roundtables in 2023 on accountability and documentation, with a focus on civil society and CSO/UN cooperation.

As human rights crises persist and emerge, **the Center for Human Rights Advocacy (CHRA)** is committed to ensuring victims are heard, by providing comprehensive support to facilitate their access to international human rights mechanisms and international and national courts. Our current focus is on the human rights crisis in Afghanistan.

About the Speakers

Richard Bennet has been serving as the UN Special Rapporteur on the situation of human rights in Afghanistan since April 2022 and is a visiting professor at RWI. Mr. Bennett has served in Afghanistan on several occasions, playing an important role in the promotion of transitional justice, child rights, the rule of law, and the rights of people with disabilities, as well as in the protection of civilians and human rights defenders. Prior to the UN, Mr. Bennett worked for Amnesty International as Director of its Asia-Pacific Program and head of Amnesty's United Nations Office in New York.

David Osborn leads the Afghan Witness since it launched in September 2021, and prior to that worked on Myanmar Witness, a similar project focused on documenting human rights abuses in Myanmar. Before joining CIR, David spent over 15 years in strategic communications with a focus on international and domestic communications for governments.

Natasha Arnpriester is a human rights lawyer and currently works with the Open Society Justice Initiative as a Senior Litigations Officer. Through OSF they have conducted research, developed legal strategy, and compiled evidence in anticipation of a potential ICJ case to enforce CEDAW and CPRW in Afghanistan

Zaman Sultani is a South Asia Researcher at Amnesty International. He has previously worked as a political advisor with the European Union Delegation to Afghanistan and as an Associate Researcher at Human Rights Watch.

Tom Syring is a human rights lawyer and currently the chairman of the Human Rights Research League – an NGO active in Research, Education, Advocacy, and Development. HRRL is active in the documentation of human rights abuses in Afghanistan and recently launched its report on Revenge Killings in Afghanistan.

Hanifa Girowal is currently a Research Fellow at the Raoul Wallenberg Institute. She was a young female politician, and human rights advocate who served as Kabul's deputy governor on socio-economic and development affairs. Previously, she has also worked with the Afghanistan Independent Human Rights Commission.

Ehsan Qaane is an advisor to the Bolaq Analysts Network and a research fellow at RWI. Prior to this, he worked with the Afghanistan Analysts Network as a political and legal affairs researcher and as the country director. He is a member of and adviser to several human rights networks in Afghanistan, including the Afghanistan Forensics Science Organisation (AFSO) and Transitional Justice Coordination Group (TJCG). He has also worked as a visiting professional at the International Criminal Court.

Hamid Formuli is currently a human rights fellow at the Center for Dialogue and Progress – Geneva. He is a former career diplomat with years of experience in multilateral diplomacy in the fields of human rights and development cooperation. He headed the Human Rights section of the Permanent Mission of Afghanistan to the UN in Geneva and worked as Special Aide to the Deputy Foreign Minister for Economic Cooperation of Afghanistan.

