



ASOCIACIÓN PANAMEÑA DE MAGISTRADOS Y JUECES (ASPMAMAJ)

Adscrita a la Unión Internacional de Magistrados (UIM)
Adscrita a la Federación Latinoamericana de Magistrados (FLAM)



ASOCIACIÓN DE MAGISTRADAS Y JUEZAS DEL ÓRGANO JUDICIAL DE PANAMÁ (AMAJUP)

Adscrita a la International Association of Women Judges (AIWJ)

Panamá, 1 de octubre de 2021.

Su Excelencia:

Sean nuestras primeras palabras portadoras de un cordial saludo.

Las asociaciones firmantes, sin fines de lucro, establecidas desde 1994, que recogen una membresía que incluye Magistrados, Magistradas, Jueces, Juezas y servidoras judiciales, nos dirijimos a usted respetuosamente a fin de hacer entrega de la Declaración Conjunta de la Unión Internacional de Magistrados (UIM) y la International Association of Women Judges (Asociación Internacional de Mujeres Juezas), así como de la Special Rapporteur Independence of Judges and Lawyers, respecto a la lamentable situación de los Jueces y Juezas nacionales de Afganistán.

Por respeto a los Derechos Humanos y reconociendo la labor por usted realizada en pro de éstos, es por lo que nos unimos a este llamado de solidaridad.

Agradecemos la atención que brinde a la presente.

Atentamente,

Ruby del Carmen Ibarra Santana
Presidenta ASPAMAJ

c.c. UIM – IAWJ - Diego García - Sayán, ONU
c.c. Presidencia Corte Suprema de Justicia de Panamá

Su Excelencia
Erika Mouynes
Honorable Ministra de Relaciones Exteriores
República de Panamá
E.S.D.

María Leticia Cedeno Suira
Presidenta AMAJUP

MINISTERIO DE RELACIONES EXTERIORES
DEPARTAMENTO DE CORRESPONDENCIA

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*International Association of Judges
Union Internationale des Magistrats
Union Internacional de Magistrados
Internationale Richtervereinigung
Unione Internazionale dei Magistrati*



*International Association
of Women Judges*

Declaración conjunta de la Unión Internacional de Magistrados (UIM) y la Asociación Internacional de Mujeres Juezas (IAWJ)

Los jueces de Afganistán corren un grave peligro.

Los jueces están en peligro porque dictaron fallos en casos de terrorismo y seguridad de acuerdo con la ley. Están en peligro debido a sus fallos en casos penales. Están en peligro porque, cuando así lo exige la ley, fallaron en contra de hombres en casos de violencia doméstica, divorcio y custodia de los hijos. Están en peligro porque algunos de estos juicios se hicieron contra miembros del Talibán. De hecho, los jueces de Afganistán están en peligro porque defendieron el estado de derecho y respetaron los derechos humanos.

Las mujeres juezas corren un riesgo adicional debido a su género. Los talibanes no aceptan que las mujeres tengan derecho a juzgar a los hombres.

Los jueces han tenido sus casas hallanadas y sus cuentas bancarias suspendidas. Han sido objeto de mensajes amenazadores y acoso físico. Sus familias, amigos y vecinos han sido objeto de ataques para revelar su paradero. La amenaza aumenta a diario. Los jueces viven con temor por sus vidas y por las vidas de sus familias. Están bajo un estrés insopportable. Muchos se ven obligados a trasladarse de un refugio a otro, y tienen dificultades para acceder a alimentos y atención médica básica.

Para aumentar el peligro, los talibanes han liberado de las cárceles a terroristas y a los condenados por delitos muy graves, lo que crea una amenaza adicional de asesinatos de jueces por venganza. Este problema se ve agravado por el hecho de que su información personal ya no es confidencial.

Una y otra vez la UIM y la IAWJ han denunciado las terribles amenazas pendientes contra nuestras colegas en Afganistán.

Unidos estamos en solidaridad.

Instamos a la comunidad mundial a trabajar unida para salvar las vidas de los jueces afganos y sus familias. Esto requiere opciones de viaje seguras, visas de tránsito, visas para los países de destino final y apoyo para que los jueces y sus familias reconstruyan sus vidas. Pedimos a los Estados que garanticen cuotas de visas humanitarias para los jueces afganos en situación de riesgo, especialmente las mujeres juezas.

Se deben realizar esfuerzos urgentes para expedir de manera eficiente las visas necesarias. Hacemos un llamado a todos los países para que actúen de inmediato. Este es un requisito previo absoluto para salvar vidas.

Magistrado José Igreja Matos, Presidente de la UIM (www.iaj-uim.org)

Magistrada Susan Glazebrook, Presidenta de la IAWJ (www.iawj.org)

September 27, 2021

Honorable Ursula von der Leyen
President of the European Commission
Rue de la Loi 200, Wetstraat 200
1049, Bruxelles, Belgium

Dear Madame von der Leyen,

Please receive warm regards, hoping that this letter finds you well and in good health. As the United Nations Special Rapporteur on the Independence of Judges and Lawyers, I would like to share with you my greatest concern at the deepening humanitarian crisis and the collapse of what already was a fragile rule of law in Afghanistan.

Your Excellency, I dare to take a few minutes of your time to seek, once again, for your support and appeal, assistance, and mutual action. As the UN Secretary-General Guterres has expressed, “almost half of the population of Afghanistan need humanitarian assistance to survive. One in three Afghans does not know where their next meal will come from. More than half of all children under five are expected to become acutely malnourished in the next year. People are losing access to basic goods and services every day. A humanitarian catastrophe looms.”

As you are aware, hundreds of people who wish to leave remained in Afghanistan and now fear for their lives. Among them are generations of brilliant women judges, lawyers, prosecutors, and lawyers’ human rights defenders, who have tirelessly and courageously devoted years of their lives working to make Afghanistan a country that affirms and protects the rule of law and human rights for all.

Nowadays, with the Taliban in power, this group of exceptional public officials and members of civil society feel that a target has been placed on their back and that it is a matter of time before the Taliban will knock on their doors. This is not an unsubstantiated fear. On January 17, 2021, unidentified gunmen assassinated two female judges from Afghanistan’s Supreme Court, adding to a wave of assassinations in Kabul and other cities. Members of the Afghan legal profession and their families are no longer safe in their land.

This UN Rapporteurship strongly believes that those women and their families wishing to leave the country should be allowed to do so. However, opportunities are very limited.

As you are aware, the threat faced by women members of the legal profession is real. Not only because of their gender and high-flying careers but also because many of them were involved in trials of Taliban fighters. Prisoners are being released, and this represents a major threat to those involved in prosecuting and sentencing, including female judges, prosecutors, and lawyers. They are currently in hiding, changing address every few days, to remain safe.

According to the data received by this Rapporteurship, around 200 female judges are remaining in Afghanistan. Beyond this, those who have managed to leave Afghanistan remain in refugee camps in neighboring countries, where they may stay for several months to years until they will be provided with a haven. This is not a dignified way of living.

Your Excellency, considering the seriousness and the fragile situation of women members of the legal profession and their families in Afghanistan, I would respectfully like to appeal for your support in mobilizing efforts among the European States to consider special expedited visas for those female judges, lawyers, prosecutors, and lawyers' human rights defenders and their families. It would also be significant to work with other States on developing a plan for resettlement, including short term visas, such as the 'lily pad' scheme available in Albania for those hoping to resettle in the United States. And given their high levels of education, the work with university institutions to offer up fellowships/courses would be another possible channel to ensure their safety, and in turn offer visas for those accepted.

In October, I will be presenting my Annual Report before the Human Rights Council on the role and presence of women judges and prosecutors in high courts around the world. I was encouraged and honored to learn from different women judges and legal profession organizations about the meaningful and essential role that women play in the justice systems; their professional and personal challenges to find their place and voice in the judicial decision-making process, as well as the need to provide, by the international community, a robust system of safeguards when their work becomes threatened or challenged. The latter is the reason that has motivated me to write this letter to your Excellency on behalf of hundreds of women at risk in Afghanistan.

Knowing your strong commitment for women's rights and your pledge to promote a gender-sensitive and responsive geopolitical Commission to build a truly Gender Equal World, I would like to reiterate this respectful request to support those female members of the Afghan legal profession and provide financial assistance for relocation and offer them visas for them to have a second opportunity to thrive and live with dignity.

Women's rights are human rights.

Sincerely,

Diego García-Sayán

Diego García-Sayán

UN Special Rapporteur on the Independence of Judges and Lawyers
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