

SPEAKING WITH ONE VOICE

The precipitous withdrawal of American forces from Afghanistan triggered a human rights crisis of staggering proportions. While governments struggled to respond, civil society came together to provide desperately needed assistance. The International Association of Judges, under the leadership of President Matos, was a critical part of that effort. Given the scope of this crisis and others, he has created a Working Group to open lines of communication with other international entities devoted to the preservation of judicial independence and the rule of law. That effort has already begun to bear fruit.

On August 15, 2021, the Afghan government collapsed after the Taliban entered Kabul in force. Facing little resistance, Taliban fighters took over the Presidential Palace shortly after President Ghani fled the country.

Even before Kabul fell, warning signs were appearing in international media. The previous February, the International Association of Women Attorneys (IAWJ) issued a strong statement on the killing of two female Supreme Court Justices, Qadria Yasri and Zakia Herawi, who were assassinated in Kabul on the way to their posts. Both women were members of the IAWJ and had attended meetings in the United States.

Shortly thereafter, a desperate plea from a woman judge appeared in media outlets around the world: “If the Taliban takes Kabul I am going to die, it is certain.” 8/15/21 Radio Canada.

Within days of the collapse of the Afghan government, the International Association of Judges had issued a call for international support in Afghanistan. As President of ANAO, the region that includes Afghanistan, I also issued a statement. President Matos received messages and offers of assistance from judicial associations in France, Poland and Brazil, as well as other expressions of concern.

President Matos made a call for assistance for Afghan women judges, in particular, a part of his inaugural message. To further that goal, he reached out to Judge Vanessa Ruiz, immediate Past President of the IAWJ. On September 16, 2021, the two associations issued a joint statement. He also supported the concept of an IAJ Working Group to reach to international organizations with a similar focus to explore communicating on issues of common concern.

The effort bore fruit almost immediately. The joint IAJ/IAWJ statement was shared with, and disseminated by, other associations advancing the same effort: the International Bar Association Human Rights Foundation, the International Institute for Justice Excellence at the Hague, and the ABA Rule of Law Initiative (ROLI). The UN Special Rapporteur for the Independence of Judges and Lawyers, and CEELI, the Central and Eastern European Law Initiative, were also contacted.

On November 1, 2021, the Bolch Judicial Institute for International Studies convened a panel to discuss Afghanistan. First, two female Afghani judges, Judge Tayeba Parsa and Judge Zohal Noori Rahiq, who managed to escape Kabul with the aid of lawyers in Poland and the UK, spoke of their horrific experiences during that period. Then the remaining panel members, Justice Susan Glazebrook, New Zealand Supreme Court and current President, IAWJ; David Rivkin, Past President of the International Bar Association (IBA); Baroness Helena Kennedy President of JUSTICE, and Director of the IBA Human Rights Center and myself, spoke of the efforts underway within our respective organizations.

As a member of the House of Lords, Baroness Kennedy was able to communicate with ministers in the Foreign Office and with ministers of foreign governments to arrange for flights to lily pads. A lily pad is the name given to a safe place, from which one may venture to another location or before proceeding to one's final destination. Baroness Kennedy also reached out to donors to help raise the money needed to fund flights. Given that each plane costs £800,000, this alone was a major undertaking. On her second operation, in mid-October, her group was able to bring 77 families out of Afghanistan. In total, the Human Rights Initiative has managed to remove approximately 500 people: 103 women and their families, as well as prosecutors and MPs, to safe locations.

Baroness Kennedy was particularly grateful to Justice Walter Barone of Brazil, President of the Ibero group; one of the groups of judges she worked to extricate from Afghanistan went to Brazil, due in large measure to his efforts to obtain visas and meet other entry requirements. With Justice Barone's assistance, Baroness has reached out for assistance in Argentina as well.

All members of the judicial panel spoke with great feeling about what they have done and witnessed. Our consensus was equally strong that Afghanistan will not be the last frontier challenges to judicial independence and the rule of law. But we all hope that we can maintain the open lines of communication we have established so that we can call upon each other going forward.

I want to thank Judge Matos for establishing the Working Group to foster this effort, and for Margaret McKeown, Chair of the Fourth Study Commission and past chair, ABA ROLI, Aicha Ben Belhassen of Tunisia, and Ewelina Ochab, of Urugray, Program Officer, IBAHRI, for their assistance.