

AOB: Situation of the members of judiciary in Afghanistan
Information from Italy

SPEAKING NOTE
Version CAB

- The Taliban takeover in Afghanistan has created an extremely complex and fragile situation. I share your concerns about the declining human rights situation and the future of those who used to stand for values that Europeans cherish.
- The letter sent by the FR, IT, ES and LU Ministers of Justice underlines the importance of EU support to people who had ensured the application of rule of law in Afghanistan, in particular female judges, in the past 20 years.
- President von der Leyen stated in the State of the Union speech that the EU stands by Afghan people and the Commission would coordinate all efforts with Member States to bring women judges to safety.
- Within the Commission Vice President Borrell is responsible for evacuations and Commissioner Johansson is in charge of the questions related to possible resettlement and humanitarian admissions of Afghan refugees displaced in neighbouring countries. We are coordinating closely to see what is possible.

- A ‘High-level Forum on providing protection to Afghans at risk’ is taking place today and will bring together the Ministers of Interior and the Ministers of Foreign Affairs. A Senior Official-level meeting is also taking place in the afternoon, where international partners will join in order to ensure global coordination and stimulate cooperation on protection efforts.
- Your letter also raises the question of gathering of evidence on violations of fundamental right by the Taliban regime.
- At present, the situation in Afghanistan is rather new. Any possible allegations of human rights violations in Afghanistan for which the Member States could exercise jurisdiction, have not yet reached the stage of the judicial authorities. These allegations however may constitute information in open sources, intelligence or information at the law enforcement level.
- My services are in contact with the **Genocide network**, which could contribute to monitoring of the ongoing developments and sharing available information, namely by organising Ad-Hoc meetings, which could help to develop links and build foundations for future cases. The same approach was adopted in relation to crimes committed in Syria.
- The Genocide Network can also facilitate cooperation with third countries and international organisations involved in monitoring the situation in Afghanistan.

- At the same time, **Eurojust** could engage with its national correspondents for terrorism matters in the Member States and some third countries. The **Annual Counter-Terrorism meeting**, will be a good opportunity to exchange information and experiences of practitioners on topical counter-terrorism related matters, **including on the situation in Afghanistan**.
- Early information exchange, facilitated by Eurojust and the Genocide Network, can support the mapping of ongoing investigations and stimulate the exchange of relevant information to trigger the opening of new investigations in Member States.
- Over the past few years, judicial authorities in Member States have become better acquainted with prosecuting international crimes and with the use of **battlefield evidence**.
- Should the use of battlefield evidence be applicable to the situation in Afghanistan, Eurojust and the Genocide Network could support national authorities in Member States by providing expert advice and best practices, including on the use of battlefield information.
- Finally, there should be accountability for the reported human rights violations. To this end, the EU presented a **draft resolution on Afghanistan**, at the ongoing 48th session of the Human Rights Council. This resolution requests a Special Rapporteur to monitor the situation with additional expertise in fact finding, legal analysis, rights of women and of girls and of persons

belonging to minorities, as well as right to education, and on prevention of torture.

- Thank you for your attention.