

Mr. President, Ladies and Gentlemen of the Assembly I am Horia Mosadiq and it is an honour for me to speak with you today on behalf of the Afghanistan Transitional Justice Coordination Group. Our group is composed of 26 Afghan human rights organizations dedicated to addressing the dire state of affairs in our beloved Afghanistan.

Afghanistan is suffering from four decades of armed conflict. The infrastructure of our country is destroyed. Hundreds of thousands, by some estimates millions, of Afghans have been killed, many more have been wounded and disabled, and many more have been displaced in the country, or become refugees throughout the world, and every single one of us has been traumatized. These wars have turned our once tolerant society into a breeding ground for fundamentalist and extremist groups, and a battle ground for regional and international powers.

My own story is an example of every Afghan's story. Nearly my entire life has been lived in war and my three daughters have known only war in Afghanistan. I have seen my relatives disappeared or tortured by the communist regime. I have seen my own home and hundreds of thousands of other homes destroyed by the shelling and rocket attacks. I have been a refugee three times and internally displaced many more times than that. I saw a rocket land on my home and kill my 12-year-old brother before my own eyes. Like many Afghans, I was beaten and given a broken nose by the Taliban for daring to lift my blue burqa.

After 9/11, as a human rights defender and researcher I saw the intervention by the US and others commit similar crimes as those who came before them. And, of course, groups like the Taliban and Daesh continued their deliberate and deadly attacks on Afghan civilians.

I am the living history of modern Afghanistan. And I am not unique. All my brothers and sisters have similarly suffered, and all have seen the perpetrators of these horrendous crimes continue to walk among us. Perpetrators of war crimes and crimes against humanity have been granted immunity in amnesty deal after amnesty deal. The result has been perpetrators not only committing more crimes against the Afghan people, but they audaciously seek and obtain high level government and social positions in Afghanistan.

The International Criminal Court's intervention in Afghanistan in 2006 in the form of a preliminary examination was a ray of light in an otherwise dark experience for Afghan victims and anyone who values justice and accountability. And when Madam Fatou Bensouda requested permission to open a formal investigation into the situation of Afghanistan because of the gravity of the crimes and because the Afghan government is unable and unwilling to prosecute the suspected war criminals in November 2017, again Afghan victims were filled with hope. But when that permission was denied it created a wave of shock and disbelief among millions of victims in Afghanistan. Afghan victims and their families were betrayed once more but this time by an institution mandated to deliver justice.

As I stand here today, the US government is once again speaking with the Taliban in the hopes of a “peace” deal. A deal where the Afghan government is releasing hundreds of Taliban prisoners including individuals who have likely committed war crimes.

We, Afghans, are exposed once again.

As a friend of the ICC, I come before you. As a friend of the ICC, I say the following to the States Parties:

As State Parties it is your responsibility to ensure the health and functioning of this Court. This Court has an honourable mandate. But that mandate is not being met in relation to Afghanistan. It is not enough for the State Parties to pay their dues. It is not enough for the State Parties to hold a moment of silence for the victims as was done yesterday. The victims don't want silence, they want action. It is not enough for the State Parties to commission a review of the Court where the review includes a top to bottom management review of every corner of the ICC, but misses the larger point. The Court is in an existential crisis. It is time for the State Parties to stand up in diplomatic circles and use every lever of power available to them to fight for victims and to fight for the honourable mandate of this Court.

Afghan victims are looking to each of you. We want an investigation into war crimes and crimes against humanity in Afghanistan. We need your help. Do not look away from us because the powerful would push us down. Stand with victims, stand with the mandate of the Court we created together.