

Mandates of the Special Rapporteur on the situation of human rights in Afghanistan; the Special Rapporteur on the right to education; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers

Ref.: UA OTH 24/2023
(Please use this reference in your reply)

12 April 2023

Mr. Muttaqi

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights in Afghanistan; Special Rapporteur on the right to education; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 51/20, 44/3, 43/16 and 44/8.

In this connection, we would like to bring to your attention information we have received concerning the arbitrary detention of **Mr. Matiullah Wesa** and **Mr. Rasoul Parsi Abdi**.

According to the information received:

On 27 March 2023, **Mr. Matiullah Wesa**, human rights defender and Head of PenPath, a local non-governmental organization, that campaigns for education, especially for girls, was arrested by *de facto* officials in plainclothes in PD5, Kabul. He was arrested outside a mosque following evening prayers and taken to an unknown location. On 28 March 2023, the same individuals traveling in an unmarked vehicle and without uniforms reportedly raided Mr. Wesa's house in Kabul. They searched his house for around three hours, confiscating his laptops, phones, and documents. The *de facto* authorities did not present a search warrant. Two of Mr. Wesa's brothers were also briefly detained and other family members were subjected to both physical and verbal abuse. Mr. Wesa's brothers were released a few hours later with a warning. During their arrest, Mr. Wesa's brothers were reportedly subjected to mistreatment including beatings. The whereabouts of Mr. Wesa remain unknown. He has not been granted access to a defence lawyer or family visits.

On 29 March 2023, in an interview with the Voice of America, Taliban Spokesperson Mr. Zabihullah Mujahid confirmed the arrest and detention of Mr. Wesa. He noted that Mr. Wesa was interrogated for suspicious activities including organizing meetings and making contacts. He stressed that it was the duty of the government to detain suspicious people and investigate them to ensure public order.

On 6 March 2023, **Mr. Rasoul Abdi Parsi**, an employee of Committed to Good (CTG), an implementing partner of the United Nations International Child Emergency Fund (UNICEF) in Kabul was arrested on his way to his office. He was allegedly arrested by individuals affiliated with the General Directorate of Intelligence (GDI) and taken to an unknown location. His laptop, cell phone and other documents were confiscated. He is currently held in detention facility 40 of the GDI, where he is allegedly subjected to beating

Mr. Muttaqi

and torture. Following his arrest, Mr. Abdi was not permitted contact with his family for several days. Only recently, he was allowed to make a short call to his wife, informing her that he was doing fine.

It is feared that Mr. Abdi, a religious scholar and former university professor, was arrested for his comments that were critical of the Taliban's policies. Mr. Abdi was active on social media and prior to his arrest, he posted a number of comments on his Facebook page that were critical of the Taliban. Mr. Abdi was allegedly warned by the Taliban in the past to stop posting comments that are critical of the authorities but without arresting him.

Without prejudging the accuracy of the above information, we wish to express grave concern about the arbitrary arrest and ongoing detention of Mr. Wesa and Mr. Abdi which appears to be linked to their work as activists, commentators and writers. We also express concerns about the lack of information regarding the reason and legal basis for their arrests, the legal reason for their detention, and their lack of access to lawyers and that the continuation of the detention may constitute a serious danger to their health or life.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal grounds for the arrest and detention of Mr. **Wesa** and Mr. **Abdi**, including whether an arrest warrant was presented and how these measures are compatible with international norms and standards.
3. Please indicate if any specify any measures taken to ensure their rights to an effective legal assistance of their choice and to communicate with their families, the right of their lawyers to exercise the legal profession without threats, intimidation, or harassment, and how these measures are compatible with international norms and standards and the principles of legality, necessity, proportionality, and non-discrimination.
4. Please provide information on the measures taken to respect the protection needs of Mr. **Wesa** and Mr. **Abdi**, and in particular as regards their state of health, access to essential medicines, medical treatment and other basic services, and any other measures to prevent serious and irreparable damage to their lives and personal integrity and that they have access to special health care, medications and other relevant medical treatment.
5. Please provide information on current measures in place to protect the work of human rights defenders, civil society activists, writers, journalists, and media workers in the country. In this regard, please kindly provide specific details of any measure or public engagement by the *de facto* authorities aimed at ensuring that human rights defenders,

civil society activists, writers, journalists, and media workers can freely carry out their work without fearing harassment, threats, or any form of violence by the de facto law enforcement or state institutions or acts of reprisals for cooperating with the United Nations.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with the *de facto* authorities to clarify the issue/s in question.

Please accept, Mr. Muttaqi, the assurances of our highest consideration.

Richard Bennett
Special Rapporteur on the situation of human rights in Afghanistan

Farida Shaheed
Special Rapporteur on the right to education

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers