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Afghanistan: Killing of Safiye Amajan violates laws of war and signals need for protection of activists

The killing on 25 September 2006 of Safiye Amajan, the provincial head of the Ministry of Women's Affairs (MOWA), in Kandahar was a flagrant violation of international humanitarian law by the armed group which claimed responsibility for her death. It signals an urgent need for greater protection for all women human rights defenders in Afghanistan.

At around 7.00 in the morning, gunmen on a motorcycle, reportedly linked to the Taleban, an armed group opposed to the Afghan government, shot Safiye Amajan repeatedly outside her home as she was on her way to work.

Safiye Amajan, a woman in her mid-50s, reportedly ran a school from her home during the period of Taleban rule. Subsequently she led MOWA projects in Kandahar province that included the establishment of up to six schools and the education of hundreds of girls and women. She opened vocational training centres which enabled women to develop skills that were previously beyond their reach.

Her killing is a crime under Afghan domestic law and flies in the face of the expectations of the Afghan people regarding the implementation of human rights standards and in terms of showing respect for human life and dignity.

The killing is also a violation of international humanitarian law (the laws of war) which sets out standards governing the conduct of hostilities and is binding on all parties to armed conflicts. These laws prohibit the intentional killing of people who are not taking an active part in hostilities, distinct from those who carry arms; indiscriminate attacks, abductions and hostage-taking, killing of hostages; and torture and any form of inhuman treatment – regardless of the identity, status or position of the perpetrator or victim, and regardless of the cause espoused by the perpetrators.

The unlawful killing of Safiye Amajan was, according to a Taleban-affiliated website 'due to [her] spying on the Mojahedin of the Islamic Emirate on behalf of the United States of America, under the guise of women rights' (see: <http://www.alemarah.org/4-25-9-2006.html>, in Pashto). It is yet another grave violation of the principle that civilians be distinguished from combatants in the conduct of hostilities and mirrors the pattern of disregard for fundamental human rights, including the right to life, as shown by the Taleban since 1995.

Amnesty International fears that the unlawful killing of Safiye Amajan is also an act of gender based violence which targeted her specifically for her work on ending discrimination and violence against women. Recommendation 19 on the Convention on the Elimination of Discrimination Against Women, to which Afghanistan became a state party in 2003, makes clear that the Convention prohibits gender-based violence which impairs or nullifies 'the right to equal protection according to humanitarian norms in time of

international or internal armed conflict’.

Amnesty International renews its call to the Taleban leadership to ensure that those under its authority immediately halt any harassment and violent attacks on women and all attacks against civilians. The organisation also renews its call on the Taleban leadership to publicly commit to the standards set out in international humanitarian law – the Geneva Conventions of 1949 and their Additional Protocols of 1977.

In light of the killing of Safiye Amajan, Amnesty International calls on the government of Afghanistan to urgently strengthen its effort to provide adequate protection for human rights defenders, including women’s human rights workers and activists, who are in the front line of defending women’s rights in Afghanistan. The organisation is alarmed at reports indicating that a colleague of Safiye Amajan in neighbouring Helmand province has received several threatening telephone calls.

The UN Declaration on the Elimination of Violence Against Women calls on states to ‘exercise due diligence to prevent, investigate and in accordance with national legislation, punish acts of violence against women’ irrespective of who perpetrated such acts’. Accordingly, Amnesty International urges the Afghan authorities to initiate a prompt, independent and impartial investigation into her killing, and to bring the perpetrators to justice in a procedure that meets international fair trial standards and by providing reparations for her family, in the form of compensation and guarantees of non-repetition.

Safiye Amajan’s funeral, held on 25 September, was attended by hundreds of women, and, reportedly, the provincial governor and tribal leaders. Amnesty International expresses its sympathy to Safiye Amajan’s bereaved relatives, including her disabled husband and 17-year-old son.