

Afghan Lawyers' Association



Open Letter

Honorable Antonio Guterres
Secretary-General
United Nations Secretariat
New York, NY 10017

July 12. 2023

Honorable Secretary General:

As a professional body, the Afghan Lawyers Association would like to draw Your Excellency's kind attention to some vitally important issues related to the future of our motherland, Afghanistan. Our mission towards our country makes it incumbent upon us to convey the voice of our oppressed people to Your Excellency in the hope the United Nations, as an independent world body, would take proper steps to alleviate the sufferings of 40 million human-beings, living in the country. Our people are being severely mistreated and abused by the current powerholders in Afghanistan. The issues referred to here, are raised based our association's mission towards Afghanistan and its oppressed people.

The administration of the Taliban, imposed by the force of bayonet, has taken our people's religion, rights, and civil liberties hostage. The arbitrary edicts and actions of the Taliban have not solved the crisis that engulfs the country. The Taliban rule is illegitimate, and Afghanistan still is a country that is ruled by a devious minority who has no belief in law and justice.

The continuation of this abysmal situation, while Afghanistan is exposed to economic and geopolitical conflicts and rivalries, imposes additional sufferings on our people; it deepens our humanitarian crisis; it turns Afghanistan into a haven for international terrorists, and paves the way for looting and squanders the country's natural and human resources.

In this letter, we will briefly focus on only two issues that have gained special urgency these days:

1- Expropriation of Afghanistan's underground resources and mines:

According to the reports of the press and international institutions of the government of Pakistan (which acts as the guardian of Afghanistan), China and Iran have signed contracts with the Taliban in the last two years. Recently, the Taliban signed the billion-dollar lithium contract (April of this year) with China. Based on previous Afghan constitutions, mines and underground resources belong to the people of Afghanistan and its present and future generations. Decision-making in such macro-national cases can take place only in a Parliament elected by the people or through Loya Jirgas.

On the one hand, these conflicts are due to the dominance of the neighbors, the weakness of the Afghan side, the severe economic needs of the Taliban administration, and are contrary to the national interests of Afghanistan and are practically the plunder of our national wealth. As Mr. Shahbaz Sharif announced as an achievement of his government that "by importing coal from Afghanistan, we have saved two thousand two hundred million dollars".

On the other hand, due to the lack of legitimacy, the acting administration is not qualified to enter into a contract, and it is known that many of their officials are on the international black list. The Taliban regime does not follow the rules of the international law, and their leaders have so far not ensured that they respect and observe the United Nations Charter and the international covenants that Afghanistan is bound to adhere to. According to the provisions of the laws of Afghanistan (the continuity of which is unknown) and the accepted standards of international law, especially the Vienna Convention (1969) on the Law of Treaties, such "agreements" like the "Doha Agreement" are not legitimate and are considered null and void.

Of course, due to international sanctions and isolation, the lack of national growth plans, the lack of management and stabilization of priorities, and the lack of transparency, the implementation of many of these "contracts" is questioned. It is evident that in the event of a problem, the Taliban administration cannot complain to any authoritative international authority.

-2 Transfer of terrorist groups and TTP to different provinces of Afghanistan: The Interior Minister of Pakistan revealed in early June this year that: "The Taliban government sends TTP members from the Durand Line to other remote areas of Afghanistan, so that they do not have access to the border areas". This transfer is based on the pre-planned strategy of Pakistan in various regions, including the northern provinces of Afghanistan, in order to whiten the name and role of that country as a "center and supporter" of terrorists and to turn our country into a "spring board" for terrorists to Central Asia. It is led by SI and its international partners. The admission of the Prime Minister of Pakistan at the 77th General Assembly of the United Nations, that "Afghanistan will again become a safe haven for terrorists", confirms this hostile plan. The presence of international terrorists in Afghanistan is a cause of concern for countries in the region and neighboring Afghanistan, which is also reflected in the documents of the United Nations Security Council.

The main victim of this sinister plan is Afghanistan and its oppressed people, whose country is being dragged into new riots and towards becoming Syria, and our highly polarized, war-torn and poor society is taking us towards local and ethnic conflicts.

The above-mentioned cases are due to Desais-ul-Hail because of the weakening and looting of a country whose bloody tragedy and its continuation in the last half century is a handicap and a product of foreign intervention and aggression. The international community, including the permanent members of the United Nations Security Council, and especially the United States of America, have a moral obligation towards Afghanistan and its oppressed people.

The Association of Afghan Lawyers wants to turn the attention of His Excellency the Secretary General of the United Nations to the settlement of the issue of migrants on the other side of the Durand Line, so that they can be returned to their homes and homes under the supervision of the high commissioner of that organization, and the government of Pakistan and the caretaker administration should not be among the oppressed. The Taliban use it as a tool.

Of course, the voluntary return of Afghan immigrants from the countries of Pakistan and Iran and internally displaced persons who have been displaced for consecutive years due to the scourge of war and the domination of warlords in different parts of the country, is a separate issue, and the context of their return and relocation should be determined by the Immigration Department by attracting the assistance of the United Nations High Commissioner to their homes and houses should be organized.

The Association of Afghan Lawyers asks Your Excellency to support the rightful and legitimate claim of the oppressed people of Afghanistan to be one, indivisible and common home of all ethnic groups with brothers and equals, which is in full compliance with the values of international law contained in the United Nations Charter, Covenants and Conventions. They will give their best support and efforts for its realization.

With renewed respect,

The executive board of the Afghan Lawyers Association
Mir Abdul Wahid Sadat, president of the association

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