

Statement of the Conference of Chief Justices

On

The Collapse of the Rule of Law in Afghanistan

September 17, 2021

We have all witnessed in recent days the consequences of the breakdown of the rule of law and the disregard of basic human rights in Afghanistan. Reports of human rights abuses and the targeting of former government officials and those who worked with coalition partners are becoming troublingly too frequent. At particular risks are individuals who over the last twenty years dedicated their lives to the interests of justice, equal opportunity, and fairness.

We are concerned by any contempt for basic human rights and that the new regime is arbitrarily targeting judges, their families, and others notwithstanding guarantees to the contrary. In doing so, the regime takes aim at the very foundation of any stable and prosperous society: the rule of law.

Rule by law is different from the rule of law. Rule by law, as we are seeing, too often becomes nothing more than wrapping tyranny, arbitrariness, and despotism in the mantle of law as if in so doing inhuman acts take on a gloss of legitimacy. They do not. The rule of law rests on something different: a reverence for the fair administration of justice, respect for all, and a firm commitment to protecting everyone's basic and universal human rights and dignity. Anything short of this is merely despotism by another name.

We ask all nations to focus their work on protecting the people of Afghanistan from retaliation for their efforts to serve the interests of justice, equal opportunity, and fairness. No one should be harmed for promoting these universal values. And we call upon the United Nations Security Council and world leaders to be vigilant in this regard, and to undertake measures to protect those who worked to establish a more just society.