Remarks by Neela Ghoshal

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Great. Thank you, Kate, and thanks to everybody for being here today. In January 2020, OutRight Action International and Human Rights Watch published a report called "Even if You Go to the Skies, We'll Find You," regarding violence against LGBT people since the Taliban takeover in Afghanistan. What happened was in August of 2021 when the Taliban took over Afghanistan, there was an immediate reaction in terms of what was going to happen to LGBTQ people. I was finishing up my time at Human Rights Watch working in the LGBT Rights Program and was getting ready to transition to OutRight Action International.

To be perfectly honest, in those ten years of working on LGBTQ issues at Human Rights Watch, we paid a little bit of attention to Afghanistan. We paid attention when the law changed in 2018. Previously, the law had criminalized "pederasty," which is a vague and confusing term that could be applied to sex between men and boys or also could be interpreted more widely as criminalizing same-sex relations more broadly. We knew that there were cases of police harassment of queer people in Afghanistan, and that people were sometimes picked up, harassed, extorted, and as far as we knew, usually let go. But no human rights organization and no LGBTQ organization had done any kind of systematic documentation of what the situation was of LGBTQ people in Afghanistan.

In retrospect, this was a huge failure on the part of the human rights communities, the LGBTQ communities, and the atrocity prevention community. We ought to know that in a context like Afghanistan where there is criminalization of same-sex conduct—and I am sorry. I started talking about the change in the law, but in 2018, what happened was that same-sex conduct was explicitly criminalized through laws that punished sex between men, sex between women, as well as same-sex relations that do not necessarily involve penetration. All of this was explicitly criminalized.

In this context where there is both criminalization and where there is a high risk of conflict, we can anticipate that LGBTQI people are going to at some point be at risk, and this is particularly the case where LGBTQI communities have very good contact with international communities or international support networks and also have very good old networks with each other. This is the case of queer women in Afghanistan, in particular, that once the Taliban came into power and under the previous Taliban regime, but even in the interim, there was almost no civil society space for queer women to find each other and gather. In retrospect, these are warning signs to which we need to pay attention, that we need to wake up to, and that we need to be looking at right now in countries like Yemen, Ethiopia, and Sudan, and in various parts of the world where we are in conflict or on the precipice of conflict and where queer people have no access to the rule of law.

What we did in Afghanistan was we conducted research. We tried to identify people who were primarily in Afghanistan, who a lot of people tried to get out, and so we interviewed about twenty people who were in Islamabad, who had left the country, and about forty people who were in Afghanistan. We conducted these interviews between September and December of 2021. We were looking at the situation of people one month to four months into Taliban rule, and what we documented was very concerning. What we did not find was any kind of clear, top-down instructions from the Taliban to go door to door and find all the queer people and massacre them. That was simply not the case, and I think that was what some people were looking for, particularly with the recent memory of ISIS and the cases of gay men being thrown off buildings in Iraq and Syria. That was not happening. That is not happening to our knowledge.

But what was happening was a much more high-stakes version of what we see in many criminalizing and hostile countries around the world, where suddenly LGBTQ people were exposed to

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severe risks at checkpoints. They were exposed to severe risks when their phones were checked, and in the cases where the Taliban were going door to door and looking for anybody: opponents of the Taliban, supporters of the United States, et cetera. LGBTQ people were at much greater risk.

We also found that there was a heightened risk from settling of scores. There were Afghans who knew that their neighbor or their family member or their former lover was queer, had something against them, wanted to get in with the Taliban, and reported them. And so we have these cases of people who have been arrested, arbitrarily detained, subjected to torture or cruel, inhuman, and degrading treatment in Taliban custody and many, many more people who have not faced that immediate form of violence yet themselves but are facing death threats.

One man's father put a bounty on his head and this suddenly became a much more real risk. A queer woman whose family had tried to protect her in the past when her uncle and cousin had wanted to kill her for being a lesbian, the family's only choice once the Taliban came into power and the uncle and the cousin joined the Taliban was to get her married off to a man and get her out of the country. She is now out of the country but is beaten regularly by her husband. We are still in touch with her when she gets a few moments of access to her mobile phone. For people already living in these precarious situations, the Taliban became a weapon that could be used against them, and also Taliban officials have been given free reign, essentially, to act out their own biases against queer people.

We have documented cases of sexual violence at the hands of the Taliban, physical violence at the hands of the Taliban, mob attacks where the surrounding community has rallied against, for instance, one house where a group of trans people were living together trying to live relatively underground who were attacked by their neighbors. And then once they were attacked by their neighbors, the local Taliban officials got involved, arrested one of them, took her to prison, shaved her head, assaulted her, and eventually let her out after about eleven days.

We have reports of possible murders by the Taliban. I do not like to overstate the facts. There was a lot of reporting saying LGBTQ people face immediate death risk in Afghanistan, and we do not know that there are necessarily many cases of targeted executions, but we have a couple cases of reported murders where it is very difficult to determine whether these individuals were murdered because of their sexuality, but it is certainly quite highly possible.

We also have one case of someone who was given a summons to the police station because he was one of the rare local activists who did any kind of organizing among queer communities at all. There were a few small organizations that tried to provide health services to men who have sex with men and tried to provide networking between queer youth, and one of these young men was summoned to the police station. He did not go. He went into hiding, but the summons indicated that he was wanted because of his promotion of homosexuality.

Essentially, it is a context in which there is an ongoing risk. It is a little bit forgotten because of Ukraine right now, but the risk continues. We have been advocating for immediate solutions. "Immediate," I should say, is probably a loose term, but in terms of thinking about what can be done right now versus what can be done in terms of lessons learned for the future, some of the things that we are urging the international community to do right now relates to the extent that they engage with the Taliban, to look at the types of human rights violations that are impacting queer people, like being stopped at checkpoints or being caught up in door-to-door searches or sexual violence more broadly, and to send clear messages to the Taliban that if they want to be taken seriously as a government, that these kinds of abuses are unacceptable. It is very hard to convince the international community that they should go into these meetings and explicitly put LGBTQ rights on the table, but there are many ways to do that and to do the work of protecting queer people without being that explicit.

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We are also pushing hard on the humanitarian organizations that do have access to Afghanistan to understand that people who are LGBTQ are going to have increased barriers to access to humanitarian services, and that means things like food, aid, shelter, and protection. If you are queer and you do not know who you are going to encounter at the point of help, then you are not going to seek out that help unless it is explicitly offered to you in a queer-friendly and inclusive way. This is something that international humanitarian organizations have some capability to take control of.

From a prevention standpoint, I think the comments that I made at the beginning of the discussion were simply that we cannot let situations like this pass in the future. Those of us who work on global LGBTQI rights need to take the perspective that no situation is too hard, which is sometimes the case. We look at countries like Somalia, and we think how can we possibly engage on LGBTQ rights. We do not have an automatic civil society to engage with. We do not know how to broach these conversations with the government. We have to get past that, and we have to start engaging in the most difficult places because otherwise people's lives are at risk.

I am going to stop there and turn over to Detmer.

Remarks by Detmer Kremer

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Thank you so much. Thank you, everyone, for being here. Thank you, Kate, for this introduction and for this wonderful panel. It is really exciting to be here and talk about our new paper, "Queering Atrocity Prevention."

We know that queer people's experiences of mass violence, including genocide, crimes against humanity, and war crimes, are not new. There are many historical examples of where queer people have experienced violence. In our paper, we talk, in particular, for example, about the Holocaust and the different ways in which moralistic language weaponizing queer identities was used, and in the former Yugoslavia as well.

But even though these experiences are not new, we know they are not well known. We know they are not integrated often in atrocity prevention structures. How we think about these issues and understand these forms of violence and crucially how we try to seek to prevent those from happening is what this paper seeks to understand better, and particularly raise a lot of questions about. It is not a paper that aims to have all the answers, but it is a paper that seeks to have this conversation and to ask these questions so we can move that forward.

These questions have become more and more urgent as we noticed around the world that incidents of mass violence are becoming more common rather than less common. There are three particular types of examples of these situations that I wanted to touch on to illustrate the urgency of the questions that we are raising in the paper.

The first one is Vladimir Putin's campaigns of political homophobia and transphobia that have been going on for about two decades—weaponizing queer identities both on a domestic level and an international level. Domestically, we have seen laws banning the discussion of LGBTQI issues in schools, in media, in public publications, and civil society organizations. On a domestic level, this has led to an explosion in violent hate crime experienced by LGBTQI+ youth across the country and, in particular, violent escalation with the so-called "gay purges" in Chechnya where there are still instances of violence happening, albeit on a slightly lesser scale. However, we also see this particularly in Russia's foreign and international policy where this weaponization of queer identities has also become part of the narrative of the justification of invading Ukraine with a supposed desire to rescue Ukraine from a European, particularly queer, morally failing regime.

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