

Project description

The Australian Centre for International Justice (ACIJ) is working to secure access to justice for survivor and victims' communities impacted by atrocity crimes around the world, including Afghan victims and communities affected by allegations of war crimes by Australian special forces personnel.

The forthcoming Australian investigations and prosecutions of allegations of serious war crimes in Afghanistan, are the first concerted effort of any of the international armed forces for accountability of serious crimes committed in Afghanistan. **Victims and victims' families should be fully engaged in the process.** The ACIJ is committed to continue advocating to ensure a victims' rights approach is implemented in the accountability process, including through advocacy on policy reform and legal representation.

The next few years are crucial to ensuring these important domestic investigations and prosecutions **are monitored and that they adhere to minimum global standards and practice.** We have identified significant legal issues that are likely to arise which requires a critical analysis and a perspective which includes victims' rights.

In addition, there is the potential that **these processes will break new legal ground that will impact other justice processes abroad.** This is a significant opportunity to contribute to developing the law and practice in a positive way for future international crimes prosecutions in Australia that will have a positive impact for victims and survivors accessing justice in Australia. Our monitoring, research and dissemination of information around this accountability process will ensure there is a critical voice examining the process, in addition to educating the Australian public and a global audience about the process.

We are committed to working in collaboration with partners in Afghanistan, Australia and around the world, to ensure communities affected are engaged in the accountability process. This will include:

- ongoing advocacy, communications, policy development, and casework for victims and their families who are directly affected by the crimes in Afghanistan; and
- undertaking research of potential legal developments and issues in the investigations and prosecutions to ensure a critical perspective is provided.

Project outcomes

Our experience and proven ability to achieve impact, together with our professionalism, values and access to expert counsel and advice, makes us well placed to seek outcomes that will achieve impact for the communities affected in Afghanistan and to ensure this Australian accountability process includes the participation of victims, and advocacy for victims' rights.

Our work aims to achieve:

- opening of avenues to access justice for Afghan victims and their families through provision of legal advocacy, legal support work in partnership with Afghan human rights organisations;

- victims' families are empowered by participation and ability to express needs in a process that respects their dignity and rights;
- greater respect for and enforcement of victims' rights to participation in accountability process from Australian authorities;
- continuing to build the case for long-term policy and law reform through political engagement, media and public debate.

Our work and impact to date

Our strategic advocacy and communications, and systemic policy engagement and collaboration with others, has provided focus on victims' rights and has had significant impact.

In November 2020, **our persistent efforts and contribution to the debate achieved a significant policy advance and a major breakthrough** with the announcement from the Australian government to establish a new body, the Office of the Special Investigator to conduct investigations and refer briefs for prosecution. This effort has been recognised by experts from leading human rights organisations in the world, including from the [ECCHR](#) and the [CCR](#).

ACIJ was a [leading voice in calling for this independent investigations unit](#) to be established, and worked to contextualise the need for such a unit within concerted efforts globally on global atrocity crimes investigative mechanisms. The ACIJ continues to be an influential and principled voice in the public discussion on the necessary reforms required to ensure the rights of survivor and victims communities are respected and acted on, including through [opinion pieces](#), and [media coverage](#). We have brought attention to Afghan human rights organisations to ensure they are involved in the process and can [provide an urgent victims' rights](#) perspective [that was otherwise missing](#).

We have worked in collaboration with partners in Australia and Afghanistan to ensure communities affected are engaged in the process. This included a [coordinated media campaign](#), including [a joint call for action, bringing together Afghan, Australian and international](#) human rights organisations.

We established our Centre knowing that the domestic investigations and prosecutions of the allegations of **war crimes by Australian special forces in Afghanistan** will be a pivotal moment in shaping Australia's approach to an international crimes policy. A specialist civil society voice was missing in this important conversation and since 2018, we have been at the forefront of helping shape the advocacy agenda on this issue in Australia.

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