

Chairman Mast, Ranking Member Crow and Committee Members:

Thank you for this opportunity to speak about reprisals against our Afghan justice sector allies who advanced US equities for two decades. My name is Joe Maida and my testimony is based on my 6 yrs in Afghanistan and other time with the Department of Defense. I represent a group of over 120 individuals of diverse political backgrounds and nationalities advocating for the legal passage of justice sector officials out of Afghanistan who supported the NATO mission. The NATO Afghan Justice Sector Group<sup>i</sup> has no formal affiliation with NATO and opinions expressed are my own. Nor do I profess to speak for the numerous other groups involved in the effort to help Afghan justice officials.<sup>ii</sup>

The conditions that led to the environment of reprisals against justice officials are not the result of a single day or even a single year. During the 20-year mission of the United States in Afghanistan, Afghan attorneys were force multipliers and the “tip of the spear” for many efforts of the Department of State, Department of Justice, and Department of Defense. In the shape-clear-hold-build counterinsurgency paradigm, these individuals<sup>iii</sup> were tasked with upholding the rule of law in courtrooms facing many of the same Taliban, Haqqani, and Al Qaeda insurgent elements our troops encountered on the battlefield. My remarks today will focus on individuals involved in the criminal justice system – especially prosecutors<sup>iv</sup> of the Taliban and insurgent groups who appear to be most at risk. There were many heroic efforts by attorneys in other areas of domestic violence against women, corruption, counternarcotics, and violent crime whose welfare I submit should also be our concern. <sup>v</sup>

I'll first focus on the Justice Center in Parwan (JCIP) where prosecutors bravely faced the insurgents who fought coalition troops on the battlefield. The JCIP was the central court where over 5000 trials of high value detainees took place. Those convicted routinely received lengthy prison sentences. The Taliban referred to the JCIP as an "American" court, so every Afghan justice sector official working there was and is at high risk. Without them, NATO military operations against insurgents would have been impossible due to Afghan law. Though trials took place at US-supported and controlled-access courtrooms, these officials are viewed as direct proxies for retribution against both Afghan and US prior military actions. The Department of Defense and Department of Justice have sponsored P1<sup>vi</sup> status for many individuals in this group – though the process is lengthy and results in ongoing reprisals against our allies.

Other prosecutors held insurgents accountable for bombings, beheadings, torture, assassinations, and other criminal acts of terror against the Afghan civilian populace and NATO civilian elements. These prosecutors lived among the populace interfacing directly with the same insurgent elements that those in Afghan Government and NATO uniforms faced on the battlefield. Their faces and names were broadcast on televised media and circulated in print. They are well known among the insurgents at a higher profile than many other Afghan government officials or individuals directly employed by the US government - such as cooks or mechanics who have a pathway forward.

I worked with one such individual whom I will call Abdul. In addition to insurgent prosecutions, he also helped establish the first Domestic Violence Unit in his prosecution

office. He served as an important source of information on Taliban and malign nation state compromise of the prosecution office – which helped our team stay alive while doing our jobs for the US Government. He was kidnapped and tortured by the Taliban during my time with him – but returned to work as a prosecutor until the fall of the Afghan government. With his wife who was a media figure and English language instructor at a local university, they remain stranded alongside their 3 children with no legal pathway forward. They are on the run and actively hunted by the Taliban.

In August 2021, most justice sector officials stood by their posts until the Taliban flooded the streets. All detainees in Afghan prisons were released and are now able to take retribution against the justice officials who put them in prison. Due in large part to their high-profile presence in the population centers and interactions with defendants, these officials are easily identified, unable to work, and now individually and categorically targeted for kidnapping, imprisonment, torture, rape, and murder. The Taliban has ongoing efforts to obtain lists<sup>vii</sup> of prosecutors through local mosques, community leaders, and house-to-house inquiries for targeted retribution.<sup>viii</sup> There has been a recent uptick in these reprisals. It is estimated that over 30 former prosecutors have been murdered in targeted killings.<sup>ix</sup> Daughters of justice officials are also at increased risk of forced marriage to Taliban members as retribution for the service of their mothers and fathers as justice officials. The Taliban draw no significant distinction in their quest for vengeance between parent and child.<sup>x</sup>

The US Government through the Department of State was the lead for rule of law in training more than 2,000 justice sector attorneys.<sup>xi</sup> As Afghanistan sought to transition from a “Might Makes Right” governance of Taliban oppression, justice officials believed and trusted us when we said that rule of law was key to stability. They took risks based on their desire to build their own democracy – but we were the ones who advised and encouraged them to do so.

The Department of State has allowed the JSG to submit visa applications for female defense and prosecuting attorneys. For this and their partnership, we are grateful - but these cases are lingering. We respectfully ask Congress to engage the Department of State and support expanding inclusion to all criminal justice sector officials and expedite the processing of their cases through a fast-track SIV<sup>xii</sup>, P1, or other legal pathway.

Thank you again for this opportunity to speak with you. I look forward to any questions you may have.

---

<sup>i</sup> About the NATO Afghan Justice Sector Group (JSG):

The JSG is a group of nearly 120 mostly U.S. individuals exchanging information and collaborating to facilitate legal pathways out of Afghanistan for prior justice sector officials. In the interim, many are self-funding basic sustenance for the officials and their families. While the JSG seeks to support those Afghan justice officials who supported the NATO mission in Afghanistan, there is no formal affiliation with NATO.

One of the JSG moderators is Major General (Retired) Patrick J. Reinert. He spent over 35 years in an Army uniform and retired as a Major General in December of 2018. As a General Officer, he served as the Chief Judge (IMA) of the Army Court of Criminal Appeals, Commanding General of the U.S. Army Reserve Legal Command, Commander of the Rule of Law Field Force-Afghanistan/NATO Rule of Law Field Support Mission, Deputy Commander of Combined Joint InterAgency Task Force 435, Commander of CJIATF 435, Special Assistant to the Chief of Army Reserve, and Commanding General of the 88th Readiness Division. Major General Reinert has been a prosecutor with the U.S. Attorney's Office in Iowa since 1990.

From May of 2013 until October of 2014, Major General (retired) Reinert was deployed and served in Afghanistan as the Commanding General of the Rule of Law Field Force/NATO Rule of Law Field Support Mission, and later as the Commander of Combined Joint InterAgency Task Force 435. In each of these commands, he partnered with Afghan justice sector members to detain, investigate and prosecute individuals captured on the battlefield fighting Afghan and U.S. forces.

CJIATF 435 helped establish and supported the National Security Court or Justice Center in Parwan that was responsible for the investigation and prosecution of individuals captured on the battlefield for crimes committed against the Afghan people and coalition forces. The individuals prosecuted planted roadside bombs, and were members of the Taliban and other related insurgent groups. These individuals were detained at the detention center near Bagram, on what was Camp Sabalu-Harrison. This facility was initially operated by CJIATF 435, then was transferred to the Afghan National Army, with CJIATF 435 providing oversight, funding, and training. The Afghan National Directorate of Security occupied part of the detention center and conducted their criminal investigations.

Another moderator of the JSG is Joe Maida IV, a former state prosecutor who previously served on the Management and Planning Staff at the Reagan Justice Department. There, he worked on teams reviewing the Cuban-Haitian Entrance Program, Criminal Division, and USNCB-INTERPOL. In Texas, he prosecuted border-related money laundering and narcotics. He served with the US Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL) in Herat Province instructing and working with Afghan prosecutors on cross-border and terrorism cases – eventually becoming Team Lead (2006-2008). He was the designated principal international mentor for Afghanistan's first female Provincial Chief Prosecutor. He was later Head of Rule of Law at the British PRT in Helmand supporting the US Marines in preparation for the Battle of Marjah (2009-2010)

---

and Regional Lead for Rule of Law for the Southern Region of Afghanistan at Kandahar Airfield (2010-2011). In his final deployment, he served as Special Advisor to the Commander of Shafafiyat at NATO ISAF HQ focusing on corruption cases (2012-2013). In all capacities, he worked and coordinated with Afghan justice sector officials.

Stateside, he served as the US Special Operations Command liaison to Global Targeting, Terrorism and Financial Intelligence, OFAC, US Department of the Treasury in the Af/Pak Section (2015-2017) on the ISIS Integrated Mission Team. He later served as a Presidential appointee at the Pentagon in Special Operations and Combating Terrorism covering the Af/Pak portfolio (2018-2019). In all of his time in Afghanistan as well as in other intelligence capacities covering the Afghanistan portfolio, he has never heard a report of an Afghan justice sector official committing an act of violence against US personnel. He assesses this population of Afghans to be among the lowest in categorical risk to the national security of the United States.

Another moderator is Ms. Caroline Marks (Appendix I).

ii There are several groups doing work in this important area including, but not limited to: Prosecutors for Prosecutors, Afghan Prosecutors Association, Afghan Judges Association, Jewish Humanitarian Response, Raoul Wallenberg Centre for Human Rights, Association of Prosecuting Attorneys, National Association of Criminal Defense Attorneys, International Association of Criminal Defense Lawyers, International Association of Prosecutors, and the International Association of Women Judges. Our written comments have been coordinated through their umbrella organization of the Afghan Rule of Law Coalition.

iii Prosecutors, investigators, judges, and defense counsel.

iv “A subset of prosecutors—especially those who investigated and prosecuted members of the Taliban—face extremely grave risks as a result of their previous work, and many reportedly remain in hiding. Reports indicate that criminal offenders who were released by the Taliban have also sought to carry out reprisals against prosecutors and judges. This includes women officials who face threats because they were involved in the prosecution and sentencing of perpetrators of violence against women, as well as terrorism cases. More than a dozen prosecutors reportedly have been killed by unknown individuals in Kabul and other provinces, though this is likely an undercount. Some prosecutors were found during door-to-door manhunts carried out in the months following the fall of Kabul.”

<https://www.ohchr.org/sites/default/files/documents/issues/ijudiciary/statements/2023-01-17/202301-stm-sr-ijl-sr-afghanistan-day-endangered-lawyer.pdf>

v Lawyers remain uniquely vulnerable to Taliban targeting due to their professional imperative of promoting rule of law and standing against the brutal tyranny which has become the norm in Afghanistan through public stonings of women, dismemberments, lashings, and arbitrary executions.

vi The United States Refugee Admissions Process (SRAP) Priority Program P1 Visa

vii One of our prosecutors came into possession of this letter (Appendix II).

viii This effort is aided by the recent capacity of the Taliban to use the Afghan Automated Biometrics Information System (AABIS) on mobile devices. The tool enables real-time comparison of individuals against a database of those who worked in support of the USGOV in Afghanistan.

---

<sup>ix</sup> <https://rukshana.com/en/at-least-40-afghanistans-former-prosecutors-killed-and-wounded-in-the-past-two-years>, <https://www.jurist.org/features/2023/09/21/facing-grave-risks-afghan-prosecutors-plead-for-global-solidarity-and-protection/>

<sup>x</sup> “What we see in terms of security risks for them is mostly kidnappings of the eldest son.”

<https://www.ibanet.org/Afghanistan-Male-judges-and-prosecutors-left-behind>

<sup>xi</sup> <https://2009-2017.state.gov/j/inl/narc/c27187.htm>

<sup>xii</sup> Special Immigrant Visa



January 29, 2024

**Re: Expedited Legal Pathway to the United States for Afghan Justice Sector Officials**

My name is Caroline Marks and I am the Executive Director of Jewish Humanitarian Response (JHR), a 501(c)(3). In the wake of the NATO withdrawal, the Aleph Institute partnered with the International Association of Women Judges (IAWJ) to evacuate the highly vulnerable Afghan women judges who were facing direct and overt threats and persecution. In October 2021, we were able to fund movement of 2 full flights for Afghan women judges to the UAE. As the work involved was beyond the Aleph Institute's mandate, JHR was formed to continue the relief efforts for vulnerable Afghans and have been involved in the evacuation and resettlement of some 2000 Afghan refugees to date.

Since 2021 we have been working with our partners including the IAWJ, the International Association of Prosecutors, the Association of Prosecuting Attorneys, the Afghan Prosecutors Association to evacuate and resettle vulnerable and targeted Afghans. Our clients are predominantly women but also men who are at extremely high risk in the following categories: judges, prosecutors, parliamentarians, governors, women athletes, human rights activists, female victims of the Kaaj school bombing and child-bride targets. We manage evacuation, food and shelter security, medical, international advocacy (including securing pathways with a number of countries) and run a pro bono network of several hundred lawyers who support our approximately 700 remaining open cases.

In early 2023, we were introduced to the NATO Justice Sector Group (JSG) and have since had many meetings with MG (R) Patrick Reinert and Mr. Joe Maida IV focused on pathways and relief for Afghan prosecutors (male and female) who remain at extremely high risk. We are currently working jointly to submit a large number of Afghan prosecutors to the Department of State for asylum consideration. We are grateful for the partnership of the JSG who are a valued colleague in this endeavor.

JHR enthusiastically supports an expedited pathway for this vulnerable group facing violent retribution due to their prior work in support of an Afghan democratic justice system.

Sincerely,



**Caroline Marks**  
Jewish Humanitarian Response

**JEWISH HUMANITARIAN RESPONSE**  
A tax exempt 501(c)(3) corporation  
Federal Tax ID: 87-4169408 2307  
S. Rural Road Tempe, AZ 85282  
[www.jhr.org](http://www.jhr.org)



Islamic Emirate of Afghanistan  
Ministry of interior affairs  
Security general department  
Crime Discover sub-department  
Secretary office

Number 421/322

Date July 11, 20 2023,

To the counter- terrorism department

Peace be upon you

Based on the evaluation, the employees of the previous government associated with the terrorist groups, we advise you to have them all under the control of Mujahidin( Taliban members) , therefore; you are instructed that in coordination of the each police district, recognize all of the employees of the previous government including the civilians and military and submit their list within 20 days, for further process based on that.

Sincerely

Mawlawi Abdul Rahim Ahmad  
Chief of staff of the security general deputy



د افغانستان اسلامي امارت  
د کورنیو و چارو وزارت  
د امنیتي ستر معینیت  
د جرایمو دکشف لوی ریاست  
د دفتر لوی مدیریت

نېټه ۲۰۲۰ کال ۴۴

مخبر ۴۲۱  
۳۲۲

مسووع د پخواني حکومت تکامل ملاتړ په لړه

هغري پروړاندي لوی ریاست ته !

السلام علیکم و رحمہ الله و بر

په دغه لیکه منځګه چې ارزښت شوی دي د پخواني حکومت کارمندانو د ترهغري باتلونو سره یوځای شوی ده  
ی ته لار شونه کوي یاد دله باید دمجاهدینو کنټرول لاندې وي بناتاسوته هدایت کیږي چې کابل ښار موبوطه  
زي سره په هماهنگی د هر د ناحیه د پخواني حکومت ټول کارمندان او ملکي اداري مامورین په دقت سره د  
ټولنه ترتیب او په شل ورځو کې رسماً راولیږي تر سو اړوند اجراءات عملی شی

په درتښت

مولوي عبدالرحيم (احمد)

د امنیتي چارو ستر معینیت دارکان رییس