

# Exhibit I

## Country Conditions Research

UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES  
CHICAGO ASYLUM OFFICE (MINNESOTA CIRCUIT RIDE)

**INDEX OF COUNTRY CONDITIONS DOCUMENTATION DEMONSTRATING  
TALIBAN AND NONSTATE ACTOR PERSECUTION OF INDIVIDUALS SIMILARLY  
SITUATED TO [REDACTED]**

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1.	<p><b>Human Rights Watch, <i>Afghanistan: Advancing Taliban Execute Detainees</i> (2021), available at <a href="https://www.hrw.org/news/2021/08/03/afghanistan-advancing-taliban-execute-detainees">https://www.hrw.org/news/2021/08/03/afghanistan-advancing-taliban-execute-detainees</a></b></p> <ul style="list-style-type: none"> <li>• “A journalist from Malistan who has been tracking detentions there since Taliban forces took control of the district on July 13 said that they entered houses searching for members of the security forces and government employees... He said that the Taliban had killed at least 19 security force personnel in their custody, along with a number of civilians. Taliban fighters also burned down the house of Abdul Hakim Shujoyi, a former militia commander who had worked with US forces.”</li> <li>• “A resident of Naw Abad district said... the Taliban established checkpoints around the city, and on July 13 they stopped him and two relatives and ordered them to come for questioning... ‘They forced me to open my Facebook [account] and they saw my posts, my regular contact with a friend [who works for the government] and some of my pictures with army soldiers. Then they transferred me to another place and referred me to their intelligence department. They said I would only be released if I gave them any weapons I had.’”</li> </ul>
2.	<p><b>Human Rights Watch, <i>“No Forgiveness for People Like You”: Executions and Enforced Disappearances in Afghanistan under the Taliban</i> (2021), available at: <a href="https://www.hrw.org/report/2021/11/30/no-forgiveness-people-you/executions-and-enforced-disappearances-afghanistan">https://www.hrw.org/report/2021/11/30/no-forgiveness-people-you/executions-and-enforced-disappearances-afghanistan</a></b></p> <ul style="list-style-type: none"> <li>• “The Taliban have also searched for known former security force members, often threatening and abusing family members to reveal the whereabouts of those in hiding. Some of those eventually apprehended have been executed or taken into custody without acknowledgment of their detention or their location, the crime of enforced disappearance.”</li> <li>• “A man in Kandahar described a typical encounter when the Taliban came looking for his brother, who was with the ANSF: ‘There was a knock at the door. The [Taliban] asked: <i>Is [your brother] home?</i> I said no. <i>Do not be</i></li> </ul>

	<p><i>scared, tell him, we want to talk to him. I said, no he is not home. A couple of days later, they took my brother from the street. We looked everywhere. We went to the Taliban, who denied involvement. Two days later we found his body.”</i></p>
3.	<p><b>Human Rights Watch, <i>World Report: Afghanistan (2022)</i>, available at: <a href="https://www.hrw.org/world-report/2022/country-chapters/afghanistan">https://www.hrw.org/world-report/2022/country-chapters/afghanistan</a></b></p> <ul style="list-style-type: none"> <li>• “In many cities, the Taliban searched for, threatened, and sometimes detained or executed former members of the Afghan National Security Forces (ANSF), officials of the former government, or their family members.”</li> <li>• “Taliban forces in several provinces carried out retaliatory killings of at least dozens of former officials and security force personnel. After the Taliban took control of Malistan, Ghazni, in mid-July, they killed at least 19 security force personnel in their custody, along with a number of civilians. Advancing Taliban forces killed at least 44 former security force members in Kandahar after the Taliban captured Spin Boldak in July. All had surrendered to the Taliban. There were credible reports of detentions and killings in other provinces as well as Kabul.”</li> <li>• “Both the Taliban and ISKP carried out targeted killings of civilians, including government employees.”</li> <li>• “Taliban forces also forcibly evicted people from their homes in a number of provinces including Daykundi, Uruzgan, Kunduz, and Kandahar, in apparent retaliation for the residents’ perceived support for the former government.”</li> </ul>
4.	<p><b>Human Rights Watch, <i>New Evidence that Biometric Data Systems Imperil Afghans (03/30/2022)</i>, available at: <a href="https://www.hrw.org/news/2022/03/30/new-evidence-biometric-data-systems-imperil-afghans#:~:">https://www.hrw.org/news/2022/03/30/new-evidence-biometric-data-systems-imperil-afghans#:~:</a></b></p> <ul style="list-style-type: none"> <li>• “These digital identity and payroll systems contain Afghans’ personal and biometric data, including iris scans, fingerprints, photographs, occupation, home addresses, and names of relatives. The Taliban could use them to target perceived opponents, and Human Rights Watch research suggests that they may have already used the data in some cases.”</li> <li>• “Afghanistan currently has no data protection law. Having such a law, even assuming it met international standards, would not have guaranteed adequate data protection, but it could have helped to ensure better practices and to reduce the potential harm to those whose data has fallen into Taliban hands.”</li> <li>• “A former military commander still in Afghanistan said that Taliban detained him for 12 days in November and took his fingerprints and scanned his irises with a data-collection tool. “They told me they took my fingerprints to check if I was military and if they could confirm it, they would kill me...”</li> <li>• “In 2010, the Afghan government began a campaign led by the Ministry of Communication and Information Technology to collect Afghans’ biometric and other personal data and issue electronic identity cards. The digital identity system is known as e-Tazkira. The system holds at a minimum a person’s name, father’s and grandfather’s name, national identity number,</li> </ul>

	<p>physical description, place of origin, place and date of birth, sex, marital status, religion, tribal links, ethnicity, first language, profession, level of education, level of literacy, and biometrics (iris scan, fingerprints, and photograph).”</p> <ul style="list-style-type: none"> <li>• ““All of this data belongs to the Afghan government, and since the Taliban is now the government, they have unfettered access to every government system,’ said a UNDP staff member...”</li> </ul>
5.	<p><b>Amnesty International, <i>Everything you need to know about human rights in Afghanistan</i> (2022), available at: <a href="http://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/">www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/</a></b></p> <ul style="list-style-type: none"> <li>• “A wave of reprisal killings was unleashed during the Taliban takeover of the country.”</li> <li>• “Some 123,000 people were airlifted in chaotic conditions from Kabul airport, including thousands of Afghan nationals at risk of reprisals from the Taliban.”</li> <li>• “By June, 5,183 civilian deaths or injuries had been recorded, including 2,409 women and children. More than two-thirds (68%) were attributed to the Taliban and other non-state actors...”</li> <li>• “Non-state groups deliberately targeted civilians and civilian objects throughout the year.”</li> <li>• “On 26 August, a suicide attack outside Kabul airport carried out by the armed group Islamic State – Khorasan Province (IS-K) resulted in at least 380 casualties, mostly Afghans seeking evacuation...”</li> <li>• “The Taliban and other armed actors were responsible for numerous targeted killings throughout the year, including of human rights defenders, women activists, humanitarian and health workers, journalists, former government officials and security force members.”</li> <li>• “During its offensive and following its takeover, the Taliban carried out reprisal and extrajudicial killings of people associated with the former administration...”</li> <li>• “Evictions particularly targeted Hazara communities, as well as people associated with the former government. In June, the Taliban ordered Tajik residents of Bagh-e Sherkat in Kunduz province to leave the town in apparent retaliation for their support of President Ghani’s government.”</li> </ul>
6.	<p><b>United States Department State, <i>Afghanistan 2021 Human Rights Report</i>, available at: <a href="https://www.state.gov/wp-content/uploads/2022/03/313615_AFGHANISTAN-2021-HUMAN-RIGHTS-REPORT.pdf">https://www.state.gov/wp-content/uploads/2022/03/313615_AFGHANISTAN-2021-HUMAN-RIGHTS-REPORT.pdf</a></b></p> <ul style="list-style-type: none"> <li>• “The Taliban engaged in targeted killings of perceived opponents in areas controlled by the pre-August 15 government and in reprisal killings as it moved across the country. After August 15, senior Taliban leadership announced a wide-ranging general amnesty that prohibited reprisals, including against officials and others associated with the pre-August 15 government, for actions before the Taliban takeover; however, credible reports were received of retaliatory acts, including extrajudicial killings and forced disappearances, both before and after this announcement.”</li> </ul>

	<ul style="list-style-type: none"> <li>• “Anti [Islamic Republic of Afghanistan] government groups regularly targeted civilians, including using IEDs to kill or maim them. UNAMA reported the use of nonsuicide IEDs by antigovernment elements as the leading cause of civilian casualties in the first six months of the year.”</li> <li>• “Prior to August 15, insurgents, such as the Taliban, targeted government employees and aid workers.”</li> <li>• “The Taliban warned media would be targeted unless they stopped broadcasting what it called ‘anti-Taliban statements.’”</li> </ul>
7.	<p><b>Freedom House, <i>Freedom in the World, Afghanistan (2022)</i>, available at: <a href="https://freedomhouse.org/country/afghanistan/freedom-world/2022">https://freedomhouse.org/country/afghanistan/freedom-world/2022</a></b></p> <ul style="list-style-type: none"> <li>• “Since overthrowing the elected government, the Taliban have closed the country’s political space; opposition to its rule is not tolerated...”</li> <li>• “The new regime has also violently suppressed demonstrations, restricted private discussion perceived as critical of its rule, limited educational opportunities for female students, and targeted supporters of the former government.”</li> <li>• “The Taliban also rely on individuals to inform them of neighbors’ activities.”</li> <li>• “While the Taliban offered amnesty for those who worked for the deposed government in August 2021, former military personnel, civilian employees, and perceived supporters were subjected to harassment and discrimination. Perceived opponents were excluded from state employment and humanitarian assistance. The Taliban have also engaged in discrimination against members of ethnic minority groups, particularly Tajiks, Hazaras, and Uzbeks.”</li> </ul>
	<p><b><u>MEDIA SOURCES</u></b></p>
8.	<p><b>TheDefensePost, <i>Taliban Killed 100 Ex-Afghan Govt Officials, Others: UN Report (01/30/2022)</i>, available at: <a href="https://www.thedefensepost.com/2022/01/30/taliban-killed-100-officials/">https://www.thedefensepost.com/2022/01/30/taliban-killed-100-officials/</a></b></p> <ul style="list-style-type: none"> <li>• “‘Despite announcements of general amnesties for former members of the Government, security forces and those who worked with international military forces, UNAMA continued to receive credible allegations of killings, enforced disappearances, and other violations towards these individuals,’ UN Secretary-General Antonio Guterres’ report said.”</li> </ul>
9.	<p><b>OpenDemocracy, <i>Beaten, begging and in hiding: Life for the Afghans the UK left behind (12/20/2021)</i>, available at: <a href="https://www.opendemocracy.net/en/north-africa-west-asia/beaten-begging-and-in-hiding-life-for-the-afghans-the-uk-left-behind/?source=in-article-related-story">https://www.opendemocracy.net/en/north-africa-west-asia/beaten-begging-and-in-hiding-life-for-the-afghans-the-uk-left-behind/?source=in-article-related-story</a></b></p> <ul style="list-style-type: none"> <li>• “I was a contractor responsible for supplying fuel to most of the British military and diplomatic centres in Kabul. I was doing this for 18 years! Like many other people I was not offered a chance to leave and they never paid my last, very large invoice. Every month I would provide around 50,000 litres of fuel to be split between three organisations – the UK embassy in Kabul, the Camp Gibson military base, and the base of the British Department for International Development. But when the Afghan</li> </ul>

	<p>government fell, the Taliban captured my trucks and then they found me. One of the first things the Taliban did when they took over was check banks to see where people's money was coming from. They kept me in prison for several days while they questioned me as to why the UK had been paying me money. They beat me three times in two days. I think I was targeted especially because one of my relatives was a member of Parliament in the last Afghan government. Then, they accused me of supporting ISIS, of being a terrorist."</p>
10.	<p><b>Euronews, <i>Taliban 'intensifying' search for Afghans who worked for US – UN report (08/19/2021)</i>, available at: <a href="https://www.euronews.com/2021/08/19/taliban-checkpoints-ring-kabul-airport-as-imf-suspends-funds-to-afghanistan">https://www.euronews.com/2021/08/19/taliban-checkpoints-ring-kabul-airport-as-imf-suspends-funds-to-afghanistan</a></b></p> <ul style="list-style-type: none"> <li>• "The Taliban is intensifying a search for people who worked with US and NATO forces, a confidential United Nations document says, despite the militants vowing no revenge against opponents."</li> <li>• "The report by the UN's threat-assessment consultants says the group has "priority lists" of individuals it wants to arrest."</li> <li>• "It corroborates testimonies from dozens of Afghans inside the country, including a former employee of EUPOL, a European Union agency training Afghan police, and a former staffer at the Dutch embassy, both of whom told Euronews Taliban fighters were going door to door in Kabul to identify people who had worked for the international community."</li> <li>• "Taliban fighters and checkpoints ringed Kabul airport on Thursday, adding to fears for Afghan nationals who previously worked for the West."</li> </ul>

AUGUST 3, 2021

## Afghanistan: Advancing Taliban Execute Detainees

Police, Civil Servants Detained Incommunicado in Ghazni, Malistan, Kandahar  
Published in

(New York) – Taliban forces advancing in Ghazni, Kandahar, and other Afghan provinces have summarily executed

detained soldiers, police, and civilians with alleged ties to the Afghan government, Human Rights Watch said today.



An Afghan security personnel stands guard along a road in Kandahar on July 14, 2021.

© 2021 by Javed Tanveer/AFP via Getty Images

Residents from various provinces told Human Rights Watch that Taliban forces have in areas they enter, apparently identify residents who worked for the Afghan National Security Forces. They require former police and military personnel to register with them and provide a document purportedly guaranteeing their safety. However, the Taliban have later detained some of these people incommunicado and, in cases reported to Human Rights Watch, summarily executed them.

“Summarily executing anyone in custody, whether a civilian or combatant, is a serious violation of the Geneva Conventions and a war crime,” said Patricia Gossman, associate Asia director. “Taliban commanders with oversight over such atrocities are also responsible for war crimes.”

A journalist from Malistan who has been tracking detentions there since Taliban forces took control of the district on July 13 said that they entered houses searching for members of the security forces and government employees:

“They claimed that they would not hurt anyone and they encouraged people to inform those who have escaped from the area to come back to their houses. In practice, they have acted differently. They search houses and, in some cases, even show photos of government employees, asking for their location.”

He said that the Taliban had killed at least 19 security force personnel in their custody, along with a number of civilians. Taliban fighters also burned down the house of Abdul Hakim Shujoyi, a former militia commander who had

worked with US forces. Human Rights Watch was unable to confirm the exact numbers killed there.

Human Rights Watch obtained a list of 44 men from Spin Boldak, Kandahar, whom the Taliban have allegedly killed since July 16. All had registered with the Taliban before being summarily executed. Waheedullah, a police commander from Spin Boldak, had obtained a “forgiveness” letter from the Taliban, but Taliban fighters took him from his house and executed him on August 2, activists and media monitoring these detentions in Kandahar said.

Ghazni residents said that Taliban forces entered their neighborhoods on July 11, after Afghan government forces withdrew from the city. Taliban forces then searched house-to-house, apparently to identify residents who had worked for the provincial or district government or security forces. They took into custody dozens of residents, some of whom were later released after being compelled to provide assurances they would not cooperate with the government. Human Rights Watch could not confirm the status or whereabouts of those not released.

A resident of Naw Abad district said that when Taliban forces arrived in his area, they announced it through the local mosques’ loudspeakers:

“They said that the area is under their control, and they are celebrating their victory, that people should obey them. They said that government employees, except the military, should come to get a letter which is valid for 10 days and no one would be able to hurt them if they have that. They must renew the letter every 10 days.”

He said the Taliban established checkpoints around the city, and on July 13 they stopped him and two relatives and ordered them to come for questioning.

“They took us to a place and when they didn’t find anything on the other two, they released them,” he said. “They forced me to open my Facebook [account] and they saw my posts, my regular contact with a friend [who works for the government] and some of my pictures with army soldiers. Then they transferred me to another place and referred me to their intelligence department. They said I would only be released if I gave them any weapons I had.”

The Taliban released the man on July 19 after local community leaders gave assurances that he was not a government employee or had any connection with the military. But on July 30, Taliban fighters again came to his house and took him away without explanation. The family said they have no information about his whereabouts.

International humanitarian law prohibits detaining civilians unless absolutely necessary for imperative security reasons. Retaliatory detentions are a form of collective punishment and are also prohibited. The International Criminal Court (ICC) is currently investigating allegations of war crimes and serious human rights abuses by all parties to the conflict, including the Taliban.

“Taliban forces need to recognize that in new areas under their authority, they are obligated to ensure that all civilians are protected,” Gossman said.

## Region / Country

- Asia
- Afghanistan

## Topic

- Crisis and Conflict
- Peace and Justice
- Torture

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**Source URL:** <https://www.hrw.org/news/2021/08/03/afghanistan-advancing-taliban-execute-detainees>



HUMAN  
RIGHTS  
WATCH

## “No Forgiveness for People Like You”

Executions and Enforced Disappearances under the Taliban in Afghanistan



# **“No Forgiveness for People Like You”**

Executions and Enforced Disappearances  
in Afghanistan under the Taliban

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## **“No Forgiveness for People Like You”**

### **Executions and Enforced Disappearances in Afghanistan under the Taliban**

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# Map



## Glossary

<i>Arbaki</i>	A local militia force.
ALP	Afghan Local Police, a local security force set up and funded by the US from 2010 to 2020.
ANA	Afghan National Army.
ANP	Afghan National Police.
ANSF	Afghan National Security Forces (an umbrella term covering the military, police, intelligence agency, and designated local militias of the Islamic Republic of Afghanistan).
<i>Delgai</i>	“Small group,”—Taliban military units under lower-level commanders who often have direct knowledge of local political dynamics.
IEA	Islamic Emirate of Afghanistan, the formal name of the Afghan state under the Taliban
Republic	Islamic Republic of Afghanistan, the Afghan government from January 26, 2004, until August 15, 2021.
KPF	Khost Protection Force, a US CIA-backed paramilitary strike force based in Khost.
NDS	National Directorate of Security, the intelligence agency of the Islamic Republic of Afghanistan, created by the CIA in 2002.
<i>Patsun kawanki</i>	“Uprising forces,”—a militia force formerly supported by the Islamic Republic of Afghanistan.
<i>Sara kheta</i>	“Red unit,” the Taliban’s elite special forces.

## Summary

The Taliban have told my family that my brothers are on a list.... They searched our house and arrested my older brother. He was released after two days, but during those days my younger brother was arrested and till now we don't know where he is, how he is, if he is alive.

– Former Afghan government official in hiding, October 9, 2021

This report documents the summary execution or enforced disappearance of 47 former members of the Afghan National Security Forces (ANSF)—military personnel, police, intelligence service members, and paramilitary militia—who had surrendered to or were apprehended by Taliban forces between August 15 and October 31, 2021. The report focuses on Ghazni, Helmand, Kandahar, and Kunduz provinces, but the cases reflect a broader pattern of abuses reported in Khost, Paktiya, Paktika, and other provinces.

This report is based on a total of 67 interviews, including 40 in-person interviews conducted in Ghazni, Helmand, Kunduz, and Kandahar provinces. Human Rights Watch's research indicates that Taliban forces have killed or forcibly disappeared more than 100 former security force members in just these four provinces in the three months since their takeover of Kabul, the Afghan capital, on August 15. They have also targeted family members of former security force members.

Summary killings and enforced disappearances have taken place despite the Taliban's announced amnesty for former government civilian and military officials and reassurances from the Taliban leadership that they would hold their forces accountable for violations of the amnesty order.

In the weeks before the Taliban overran Kabul, revenge killings, including the targeting of government officials, were already on the increase in major cities and along key highways. This was evident in July, when Taliban forces escalated their operations around Kandahar city and carried out summary executions of surrendered and captured members of the security forces. Similar patterns have emerged in many other provinces, including since August 15.

The Taliban, through their intelligence operations and access to employment records that the former government left behind, have identified new targets for arrest and execution. Baz Muhammad, originally from Paktika province, had been employed in Kandahar by the National Directorate of Security (NDS), the former state intelligence agency. Around September 30, Taliban forces came to his house in Kandahar city and arrested him; relatives later found his body. The murder, about 45 days after the Taliban had taken over the country, suggests that senior officials ordered or were at least aware of the killing. These continuing executions have generated fear among former government officials and others who might have believed that the Taliban takeover would bring an end to the violence characteristic of the armed conflict.

The Taliban leadership has directed members of surrendering ANSF units to register with them to receive a letter guaranteeing their safety. Under this amnesty program, individuals who have registered have been screened for ties to particular military, police, militia, and special forces units, or to commanders or former provincial authorities, in addition to being required to surrender weapons. However, the Taliban have used these screenings to detain and summarily execute or forcibly disappear individuals within days of their registration, leaving their bodies for their relatives or communities to find.

Many Afghans interviewed expressed fear that if they register with the Taliban to receive the amnesty letter, they might be identified or recognized and face violent retaliation. At the same time, the Taliban have also searched for and detained people who failed to register. Some former government and security force officials have relied on their personal connections to get letters from the Taliban via third persons. Others, including some former civil servants in key government posts, such as the judiciary, have been unaware that they could obtain this “forgiveness” letter and have faced punishments—including beatings and detention—for not having done so. Even if aware of the letters, many have not been sure how to obtain them where the Taliban have not announced specific registration centers.

In smaller Afghan towns and villages, residents tend to know each other within communities and established neighborhoods. Because of these relationships, the Taliban, even when not from the area, have been able to obtain information as well as identify individuals who have worked for the previous government. These people have been singled out for questioning or further investigation and some have been summarily

executed or forcibly disappeared. Those executed on the spot often included lower-lever security force members who were less well-known or lacked the protection of tribal leaders, especially in the south.

The Taliban have also searched for known former security force members, often threatening and abusing family members to reveal the whereabouts of those in hiding. Some of those eventually apprehended have been executed or taken into custody without acknowledgment of their detention or their location, the crime of enforced disappearance.

Enforced disappearances are defined under international human rights law as the arrest or detention of a person by the authorities followed by a refusal to acknowledge the deprivation of liberty, or to reveal the person's fate or whereabouts. Enforced disappearances violate a range of fundamental rights protected under the International Covenant on Civil and Political Rights,<sup>1</sup> which Afghanistan has ratified, including prohibitions against arbitrary arrest and detention; torture and other ill-treatment; and extrajudicial execution.

Previous Afghan governments, including that of President Ashraf Ghani, extensively used enforced disappearances against their opponents. The Taliban have also engaged in abusive search operations, including night raids, to apprehend and, at times, forcibly disappear suspected former civilian and security force officials. Said a civil society activist from Helmand province:

Taliban night raids are terrifying. They are conducted on the pretext of disarming ex-security forces who have not surrendered weapons. Those that “disappear” are [victims] of night raids. The family can't report or confirm. The families can't even ask where [the person has been taken].

These killings and disappearances have occurred amid other violence in the country. The Islamic State of Khorasan Province (ISKP), an affiliate of the Islamic State (ISIS), has continued to carry out targeted killings and bombings to which the Taliban have

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<sup>1</sup> International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* January 3, 1976. Afghanistan ratified the ICCPR in 1983.

responded with intensified search operations and detentions in districts where it is operating. The collapse of the former administration has resulted in a rise in criminal activity and score-settling, including violence against prominent local officials.

Taliban officials have repeatedly denied that their forces have carried out killings and disappearances. However, as Taliban forces consolidate control over the country, they are obligated to hold to account all members of their forces responsible for human rights abuses. Increasing evidence suggests that summary executions and disappearances, among other abuses, are being carried out by senior Taliban leadership at the district or provincial level.

Following the Taliban takeover of Helmand and Kandahar provinces, senior commanders from the Taliban's intelligence unit sought to apprehend prominent former ANSF commanders and fighters for detention and questioning; some of them are among those forcibly disappeared. Qudratullah, a well-known police commander in Kandahar city, was arrested by Taliban intelligence officers shortly after the city's takeover—his family has been unable to obtain any information from the Taliban as to his whereabouts. Human Rights Watch is increasingly concerned that revenge killings condoned by senior Taliban leaders are now becoming the basis for a deliberate policy to seek out and execute targeted former government's security officials and others.

On September 21, the Taliban announced the establishment of a commission to investigate reports of human rights abuses, corruption, theft, and other crimes. As of November 22, the commission had not announced any investigations into any reported killings, although it did report on the arrest of several Taliban members for stealing and the dismissal of others for corruption.

Human Rights Watch, on November 7, provided its findings on executions and disappearances to Taliban officials and sought information about any investigations into these cases. The Taliban responded to say that all detentions and punishments follow a judicial process, and that no one is punished without a court [ruling]. They said individuals have been detained not for “past deeds, but [because] they are engaged in new criminal activities... [and] create problems and plots against the new administration, [and] keep contacts with notorious individuals who fled the country.... It is not our policy to kill someone without trial, whether he is from ISIS or from another group.” Their full response,

including some additional details on the investigation commission, is included as an appendix to this report.

## Methodology

Human Rights Watch carried out research for this report between September and November 2021. The report is based on a total of 67 interviews, including 40 in-person interviews conducted in Ghazni, Helmand, Kandahar and Kunduz provinces. We interviewed witnesses to abuses, relatives and friends of victims, former government officials, members of the media, and healthcare workers, as well as Taliban fighters, commanders, and officials.

All interviewees were informed of the purpose of the interview, the ways in which the information would be used, and offered anonymity in our reporting. Most interviews were conducted in Dari or Pashto. This report withholds identifying information for most interviewees to protect their privacy and security. In some cases, we have used pseudonyms, which appear in quotation marks, to anonymize individuals for their security. None of the interviewees received financial or other incentives for speaking with us.

On November 7, 2021, Human Rights Watch sent a summary of our findings to the Taliban authorities in Kabul. Their response is included as an appendix to this report.

# I. Patterns of Killings and Enforced Disappearances

Taliban forces had stepped up targeted killings of ANSF personnel and civilian government officials long before their final offensive that led to the takeover of the country in mid-August 2021. The UN and other analysts placed the surge in killings from mid-2020.<sup>2</sup> While most of these attacks targeted security force personnel and other officials, the period from late 2020 through August 2021 also saw increased attacks on journalists and civilians considered to be associated with the government. As the Taliban forces closed in on provincial capitals, targeted killings and other abuses escalated.

In the immediate aftermath of the collapse of President Ashraf Ghani's government, Taliban forces moving into Kabul appeared to adopt two approaches to exerting control. The takeover of the presidential palace and key ministries happened with little violence, as the buildings had been abandoned when government officials fled. However, in other parts of the city, Taliban forces engaged in revenge attacks. In early September—well after the Taliban had taken over the city—Taliban fighters took four policemen from their homes and summarily shot them.<sup>3</sup> One resident, who remains in hiding from the Taliban, said:

[Those in the security forces and others] who were their target, are still their target. Never has there been an official pardon for them. Some of them have been taken, tortured, or even been killed under torture.<sup>4</sup>

A man in Kandahar described a typical encounter when the Taliban came looking for his brother, who was with the ANSF:

There was a knock on the door. The [Taliban] asked: "Is [your brother] home?" I said no. "Do not be scared, tell him, we want to talk to him." I said, no he is not home. A couple of days later, they took my brother from

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<sup>2</sup> United Nations Assistance Mission in Afghanistan (UNAMA), "Special Report: Killing of Human Rights Defenders, Journalists and Media Workers in Afghanistan 2018-2021," [https://unama.unmissions.org/sites/default/files/special\\_report\\_-\\_killing\\_of\\_human\\_rights\\_defenders\\_and\\_journalists\\_2018-2021\\_-\\_unama\\_-\\_14\\_february\\_2021\\_english\\_o.pdf](https://unama.unmissions.org/sites/default/files/special_report_-_killing_of_human_rights_defenders_and_journalists_2018-2021_-_unama_-_14_february_2021_english_o.pdf), (accessed November 2, 2021).

<sup>3</sup> Human Rights Watch interview with the victims' relatives, Kabul, September 18, 2021. The four were killed in the same area of Kabul.

<sup>4</sup> Human Rights Watch interview with a Taliban commander, Kunduz, October 23, 2021.

the street. We looked everywhere. We went to the Taliban, who denied involvement. Two days later we found his body.<sup>5</sup>

People seeking to gain favor with the new authorities or take revenge on rivals may report them to the Taliban. On October 11, the Afghan filmmaker Roya Heydari accused neighbors of informing Taliban authorities in Mazar-e Sharif that her brother had been a security force member. He was later released after officials close to former Governor Atta Noor intervened.<sup>6</sup>

Despite Taliban denials, the nature of the killings indicates that local Taliban commanders carried out or ordered many of the executions or followed orders to do so by senior commanders or the Taliban's intelligence unit. In some provinces, Taliban commanders have said that they have lists of people—written or orally communicated—who have committed acts the Taliban deem “unforgiveable” and would be targeted.<sup>7</sup> The pattern of the killings has sown terror throughout Afghanistan, as no one associated with the former government can feel secure they have escaped the threat of reprisal.

## The People Targeted

The Ghani government collapsed so quickly that documents related to the security forces and those who cooperated with them were left behind. When Taliban forces entered the offices of the former intelligence agency, the National Directorate of Security, and other government offices, they were able to obtain not only data on employees but also information on those who might have acted as informants.

Many of those killed were evidently targeted because of their role in the previous government. A Taliban fighter said that “Muhammad,” the head of the disciplinary unit of Kunduz's prison, was executed on August 30 “in front of us”:

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<sup>5</sup> Human Rights Watch interview with the victim's family, Kandahar province, October 18, 2021.

<sup>6</sup> @heydari\_roya, “In these past few years, I helped so many people, IDP's, refugees, and I worked voluntarily for several charity organizations - I worked for #Afghanistan from the bottom of my heart and asked for nothing in return! But now, I am asking only for one favour ❤️,” *Twitter*, October 11, 2021, 5:44 p.m., [https://twitter.com/heydari\\_roya/status/1447679523361787904?s=20](https://twitter.com/heydari_roya/status/1447679523361787904?s=20). Her brother was later released after officials close to former governor Atta Noor intervened. @heydari\_roya, “Words are not enough to thank ustad Atta's family for helping our family to release my brother from the custody of the Taliban. A special thanks to @KhalidNoorafg May God bless you!,” *Twitter*, October 13, 2021, 11:06 a.m., [https://twitter.com/heydari\\_roya/status/1448304219094671360?s=20](https://twitter.com/heydari_roya/status/1448304219094671360?s=20), (accessed November 17, 2021).

<sup>7</sup> Human Rights Watch interview with a Taliban commander from Ghazni, Kabul, August 16, 2021.

The commanders called him back to the job after a few days [after taking control of Kunduz]. They said, “Your job is here, you know this job.” The prison has three gates. [“Muhammad”] crossed the first gate. He was shot dead between second and the third gate.<sup>8</sup>

Others targeted across Afghanistan have included NDS members, including intelligence personnel, those in charge of detention facilities, and special strike forces members such as the “Zero units.”<sup>9</sup> On August 13, the day Taliban forces took control of Kandahar, they captured and killed three NDS 03 unit officers, according to former colleagues who saw the bodies.<sup>10</sup> “Zamaryali”, a former 03 force member, said, “They were telling me not come out after the collapse of the government. Suddenly, their phones were turned off. I went to their homes. All three of them had been killed by the Taliban, their families told me.”<sup>11</sup>

Since October, the Taliban have intensified searches for former members of the Khost Protection Force (KPF), a special forces unit that had been founded and supported by the US Central Intelligence Agency. A civil society activist who has been documenting the killings said, “the KPF are the [Taliban’s] first target. They are looking for them.”<sup>12</sup>

Others targeted have been members of militias supported by the former government, in particular, the Afghan Local Police (ALP). One Kandahar resident said, “The Taliban have not forgiven a lot of ALP commanders. Right now, they are looking for them.”<sup>13</sup> A Taliban commander in Ghazni said that some ALP and other militia members “cannot be forgiven

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<sup>8</sup> Human Rights Watch interview with a Taliban fighter, Kunduz province, September 7, 2021.

<sup>9</sup> Before the drawdown of most international forces from Afghanistan in 2014, the US Central Intelligence Agency (CIA) began expanding the number of Afghan paramilitary units fighting the Taliban and other insurgents. While these forces were nominally under the Afghan government’s National Directorate of Security (NDS), they operated outside the normal chain of command of the Afghan National Security Forces as part of CIA-backed covert operations. Such so-called “Zero units” included NDS 01, which operated in Kabul and Wardak, and sometimes Nangarhar; NDS 02, which operated in Nangarhar; NDS 03, originally known as the Kandahar Strike Force, based in the former compound of the late Taliban leader Mullah Omar, renamed “Gecko” after US forces occupied it, in Kandahar; and NDS 04 in Kunar and Nuristan. See Human Rights Watch, “*They’ve Shot Many Like This, Abusive Night Raids by CIA-Backed Afghan Strike Forces*” (New York: Human Rights Watch, 2019), [https://www.hrw.org/sites/default/files/report\\_pdf/afghanistan1019\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/afghanistan1019_web.pdf).

<sup>10</sup> Human Rights Watch interview with the former NDS 03 unit commander, Kandahar Province, September 6, 2021. The Taliban had targeted these units early in their offensive. See “Afghanistan: Mounting Taliban Revenge Killings,” Human Rights Watch news release, July 30, 2021, <https://www.hrw.org/news/2021/07/30/afghanistan-mounting-taliban-revenge-killings>.

<sup>11</sup> Ibid.

<sup>12</sup> Human Rights Watch interview with a civil society activist in Afghanistan via Signal, November 4, 2021.

<sup>13</sup> Human Rights Watch interview with a resident, Ghazni province, October 21, 2021.

because they have committed a lot of atrocities.”<sup>14</sup> Because many people joined the ALP from their own communities, the Taliban also see them as a greater threat compared to locally deployed former ANSF members who were community outsiders. The Afghanistan Analysts Network noted in October 2020:

[T]he mobilisation of local men to fight each other can lead to violence which is particularly nasty and intimate. ... The cost of conflict where each side knows the other and their families and clans is high and the risk of setting up new cycles of revenge clear.<sup>15</sup>

At the local level, many Taliban fighters and former ANSF members come from the same communities and know each other. As a result, personal rivalries and grievances have played into some killings. Many have reportedly been ordered by the Taliban’s *delgai* (“small group”) units—lower-level commanders who often have direct knowledge of the local political dynamics and are able to identify and target people.<sup>16</sup>

The Taliban’s so-called *sara kheta* (“red unit”) elite special forces, highly trained commandos organized on a provincial basis, have also reportedly been tasked with searching for former security force members during night raids. The *sara kheta* are considered responsible for the Taliban’s most successful operations against the ANSF in recent years.<sup>17</sup>

Taliban forces have executed former members of local paramilitary forces operating under the ANSF umbrella known by a variety of names, such as *arbaki* or *patsun kawanki*

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<sup>14</sup> Human Rights Watch interview with a Taliban commander, Ghazni province, August 29, 2021.

<sup>15</sup> Kate Clark, “Disbanding the ALP: A dangerous final chapter for a force with a chequered history,” *Afghanistan Analysts Network*, October 20, 2020, <https://www.afghanistan-analysts.org/en/reports/war-and-peace/disbanding-the-alp-a-dangerous-final-chapter-for-a-force-with-a-chequered-history/>, (accessed November 5, 2021).

<sup>16</sup> “The Taliban’s smallest operating unit is the *delgai* (diminutive form of *dala*, or group), which in theory consists of 10 men but in reality can have from five to 20. The *delgai* leader typically collects the men under him by way of kinship ties, informal bonds forged through years of war ... and sometimes charisma... The *delgai* leader plans assaults, and the group conducts most of the attacks in its area of operation.” Anand Gopal, “The Battle for Afghanistan: Militancy and Conflict in Kandahar,” *New America*, 2010, <http://www.jstor.org/stable/resrep10483>, (accessed November 7, 2021).

<sup>17</sup> Fazelminalah Qazizai, “The Special Units Leading the Taliban’s Fight Against the Islamic State,” *New/Lines Magazine*, September 3, 2021, <https://newlinesmag.com/reportage/the-special-units-leading-the-talibans-fight-against-the-islamic-state/>, (accessed November 4, 2021); Frud Bezhan, “Explainer: Taliban ‘Special Forces Unit’ Bursts Into Spotlight with Deadly Attacks,” *Radio Free Europe/ Radio Liberty*, December 4, 2017, <https://www.rferl.org/a/afghanistan-taliban-special-forces-emerge-deadly-attacks/28896629.html>, (accessed November 4, 2021).

(“uprising forces”). Human Rights Watch is aware of at least one instance in which the Taliban executed detained former militia members in groups of 6 to 10. Like the Afghan Local Police, such militia forces had long earned the enmity of Taliban forces in their districts because of their abuses against communities perceived to support the Taliban or because they were rivals in exploiting these communities, and sometimes both.<sup>18</sup>

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<sup>18</sup> Human Rights Watch, *Just Don't Call it a Militia: Impunity, Militias, and the "Afghan Local Police,"* (New York: Human Rights Watch 2011, [https://www.hrw.org/sites/default/files/reports/afghanistan0911webwcover\\_o.pdf](https://www.hrw.org/sites/default/files/reports/afghanistan0911webwcover_o.pdf), (accessed November 3, 2021).

## II. Killings and Enforced Disappearances

Taliban killings and enforced disappearances have varied by district and province, the type of ANSF personnel targeted, and by time period. More opportunistic killings characterized the period immediately before and after the Taliban takeover of Kabul. Killings and disappearances appear to have become more deliberate since then, as Taliban commanders, especially at the provincial level, have used informants and information from the previous government to locate others linked to the former Afghan security forces. In some cases, the connection between the victims and the former government is not evident.

### Kandahar

Kandahar province stood out in the months before the collapse of the Ghani government as a target for Taliban revenge killings. Before and after the Taliban takeover, Taliban fighters went from house to house in some areas telling men to come in for questioning. Among the first killed were former members of the security forces. Since then, the killings and disappearances have continued.

Those most at risk include people who worked for the former government and those known to have had close personal ties or working relationships with government officials, civilian as well as military. One man reported that his friend, Hikmat, a security guard by profession, was picked up by the Taliban on September 25, 2021, in Kandahar city. The Taliban beat him severely and he died as a result. His friend believes his past informal relationships with government officials—he occasionally sat and talked with them—made him a Taliban target.<sup>19</sup>

A friend of Lali, who ran a bicycle shop near the Abdul Rab Akhundzada mosque in Kandahar, described his abduction. “The Taliban picked him up on September 26 from his shop, and the next day we found his body in the city street.”<sup>20</sup> He had been severely beaten. The friend said that a Taliban official denied killing Lali, but a local shopkeeper and another witness had seen the Taliban pick him up from his shop.

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<sup>19</sup> Human Rights Watch interview with a friend of Hikmat, September 28, 2021.

<sup>20</sup> Human Rights Watch interview with a friend of Lali, September 28, 2021.

Witnesses said they saw Hikmat and Lali being taken away from the middle of Kandahar city by official Taliban vehicles.

On September 23, 2021, Taliban fighters apprehended “Assad” and “Omar,” two brothers who had been working at the US base outside Kandahar city known as Gecko, although not as soldiers. At time of writing, their whereabouts are unknown.<sup>21</sup>

The Taliban summarily executed some former security force members in front of their families or have left their bodies where they were likely to be found. Others who were well known for fighting against the Taliban are among those forcibly disappeared. This includes key colleagues of former Kandahar provincial chief of police Gen. Abdul Raziq, such as Ayub Kakai, one of Raziq’s top commanders.<sup>22</sup> The Taliban took him into custody in late August 2021 and have held him incommunicado since. Haji Lala, former chief of police of Maiwand district of Kandahar, was arrested by the Taliban in late August 2021; he was also held incommunicado even though his family had asked to meet with Taliban officials seeking information about his whereabouts. On November 13, both Lala and Kakai were released following negotiations between Taliban officials and local tribal leaders.<sup>23</sup>

Social media attention in one case appears to have prevented an enforced disappearance. On September 11, Taliban forces raided the home of Haji Melad Rahmati, a former NDS official, in Kandahar city. His sister, Fahima Rahmati, used social media to alert her network about the raid, pleading for help, and her posts went viral. Haji Melad Rahmati said:

They took me and my younger brother to the main police station. I was beaten unconscious. They also shot me in the leg. After that they came under pressure [because of the social media attention], and they released us on one condition. They said we should come on social media to say that

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<sup>21</sup> Human Rights Watch interview with a former NDS o3 member, Kandahar province, September 25, 2021.

<sup>22</sup> Human Rights Watch Interview with a former government employee, Kandahar province, September 11, 2021.

<sup>23</sup> Other senior commanders who were released included Syed Sharif Sartib, Sardar Khan, Mahmood Aka, Attaullah Mama, and Haji Sab Jan. All are prominent figures with powerful tribal and political ties that gave them protection. @tolokannews, “د کندهار په سپين بولدک ولسوالۍ کې د تېر حکومت بندي قوماندانان خوشي سول.”

امنیه قوماندان سيد شريف سرطیب، د چټک غبرگون قوماندان سردار خان، د میوند امنیه قوماندان حاجي لالا، د کڼدکونو قوماندانان محمود اکا، عطا الله ماما، ایوب کاکي، حاجي صاب جان او نور په دي بنديانو کې شامل وه. *Twitter*, November 13, 2021 6:59 a.m.,

<https://twitter.com/tolokannews/status/1459491182007013382?s=20>, (accessed November 16, 2021).

the Islamic Emirate of Afghanistan [officials] are good people and behaved very well with us.<sup>24</sup>

After the incident, Taliban social media accounts claimed that the reason for the raid was that Haji Melad Rahmati had not registered with the Taliban.

### *Killing of Dadullah*

Dadullah had spent only a few months with the Kandahar police, but this was apparently enough to attract the notice of local Taliban commanders. He had been working in Kandahar city's District 9, but as the fighting worsened, he quit his job and went to work as a laborer in Spin Boldak on the Pakistan border. He stayed there after the Taliban's takeover of the country and the following two months. On October 23, he returned to Kandahar city where neighbors saw him at his house in Tamanyano Kalay in District 9. Two men believed to be Taliban members were seen standing with him and then escorted him to their car and drove away with him. Taliban security forces dress distinctively, are visibly armed, and are the only group to have the power and control to have carried out an arrest in the area. One of the neighbors said, "Later that evening an ambulance brought his dead body to the house. We took the body to the [provincial] governor's house, but the Taliban would not tell us anything and did not allow us to meet the governor."<sup>25</sup>

### *Enforced Disappearance of Ahmadullah*

Ahmadullah was from the Arghandab district of Kandahar province where he had served as a police commander at checkpoints across Kandahar city and its surroundings.<sup>26</sup> Taliban security forces took him into custody in mid-October 2021. In a 29-second video apparently recorded by a Taliban fighter obtained by Human Rights Watch, a Taliban fighter speaks of Ahmadullah as being responsible for killing the brother of one of the fighters present in the room.<sup>27</sup> The speaker says that the brother "doesn't want to let him [Ahmadullah] go." In the video, Ahmadullah is lying on the ground. There are no injuries visible, but he is not moving, his eyes are closed, and he appears unconscious. As of

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<sup>24</sup> Message passed to Human Rights Watch from acquaintance of Rahmati, October 13, 2021.

<sup>25</sup> Human Rights Watch interviews with a neighbor of the victim, Kandahar province, October 23, 2021.

<sup>26</sup> Human Rights Watch interviews with residents, Arghandab, October 21, 2021.

<sup>27</sup> Video obtained by Human Rights Watch, October 25, 2021. The Taliban sometimes film videos of detentions and killings to share on their social media networks.

November 22, no further information was available about Ahmadullah's fate or whereabouts.

## Kunduz

### *Killing of Nazim*

Nazim, a former member of the Afghan Local Police, surrendered to the Taliban along with other former members of his unit after the collapse of the Ghani government. A Taliban *sara kheta* special forces unit took Nazim along with other militia fighters to Nahri Sufi village in Char Dara district. When they reached the village, according to a militia member, "Nazim cursed at the Taliban, and a few minutes later he was separated from [the rest of the unit] and then [name withheld] fatally shot Nazim. The two men came from the same village and were known to have had a bitter rivalry in the past."<sup>28</sup>

### *Killing of Ziaul*

Ziaul was an NDS commander responsible for guarding a checkpoint in Ibrahim Khail village in Kunduz province. After the government's collapse, Ziaul went into hiding in Kunduz city. He tried to leave Kunduz but, according to a friend of his, "He was followed from his house and arrested at the Logir checkpoint in Aliabad district. The Taliban told him, 'There is no forgiveness for people like you.'"<sup>29</sup> His family found his body in the Angorbagh area of Kunduz city on the main road. As Ziaul had been a commander of a frontline checkpoint, he had fought the Taliban for many years. The Taliban knew him well as they had lost many fighters during attacks on his checkpoint. Neighbors believe he was targeted not only because he had been with the NDS but because local Taliban commanders knew him personally from past interactions.<sup>30</sup>

### *Killing of Abdul Qadir*

Abdul Qadir was a fighter under Ziaul's NDS command. His family said he had gone into hiding after the government fell, but went to his in-law's house, which was in a known Taliban stronghold. Around August 25, Taliban forces stopped him at a checkpoint and asked him if he had worked for the NDS. He said he was a former NDS member but pointed

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<sup>28</sup> Human Rights Watch interview with a former militia member, Kunduz province, October 11, 2021.

<sup>29</sup> Human Rights Watch interview with a witness who accompanied Ziaul to the checkpoint, [location withheld]. October 15, 2021.

<sup>30</sup> Human Rights Watch interviews with neighbors, Kunduz, October 15, 2021.

out the general amnesty the Taliban leadership had announced. According to a witness at the checkpoint, “When they stopped him, they asked for weapons. He told them he did not have any, but they took him with them anyway.”<sup>31</sup>

The family said that three days later they found his body on the banks of the Char Dara River.<sup>32</sup>

### *Killing of Watan*

Watan had been with the Afghan Local Police in Kunduz province where he had been accused of brutality against Taliban suspects. He was well-known in Kunduz and would have been known to the Taliban. While he was traveling by bus to Kabul in late August, the Taliban stopped him at a checkpoint in Kunduz. A witness on the bus said a Taliban fighter at the checkpoint fatally shot him on the spot.<sup>33</sup>

## Helmand

After the Taliban took control of Lashkargah, the capital of Helmand province, on August 13, they declared a general amnesty for the population.<sup>34</sup> They announced the amnesty via mosques, word of mouth, and social media. Nonetheless, the Taliban proceeded to forcibly disappear large numbers of people who had worked for the previous government, particularly members of the Afghan National Police, Afghan Local Police, intelligence agencies, and militias. Taliban authorities have not provided information about the whereabouts of many of those taken into custody, particularly those who were in *sangoryan*, led by well-known commander Muhammad Rasulyan, and other militias, and the ALP. Their whereabouts remain unknown.

Taliban forces in Helmand have continued searching for both civilian and military personnel affiliated with the former government, in particular senior commanders.

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<sup>31</sup> Human Rights Watch interview with witness who accompanied Abdul Qadir to the checkpoint, Kunduz, October 15, 2021.

<sup>32</sup> Human Rights Watch interview with a relative of Abdul Qadir, Kunduz, October 22, 2021.

<sup>33</sup> Human Rights Watch interview with a witness, Kunduz, October 16, 2021.

<sup>34</sup> The Helmand amnesty was announced two days before and separate from the general amnesty the Taliban leadership announced in Kabul for former Afghan government officials and military personnel after taking Kabul on August 15.

### *Enforced Disappearance of Abdul Raziq*

Abdul Raziq was one of the last ANSF commanders fighting against the Taliban after the collapse of Kabul. He fought Taliban forces in Gereshk and then in Sohrab at the former Camp Bastion, where he finally surrendered on August 15. The Taliban allowed him to go to his home in Gereshk, but when he arrived that night, another group of Taliban warned him that commanders and fighters might want to hurt him if they knew where he was hiding. After that warning, Abdul Raziq went with his nephew, Mudasir, who is himself a Taliban commander, to the Deh Adam Khan area of Gereshk district. A local resident said, “Abdul Raziq was there for two or three days, until another group claiming to be from the Taliban’s intelligence department took Abdul Raziq with them at night. Since then, we do not know about his whereabouts.”<sup>35</sup>

### *Enforced Disappearance of Zaman Gul*

Zaman Gul had been with a prominent militia under commander Muhammad Rasulyan in Gereshk and in Herat province. After August 15, he laid low in his home in Gereshk until the general amnesty. One of his friends said that soon after he came out of hiding sometime on August 22-24, “Taliban intelligence raided his house and Zaman was taken out from his home, handcuffed and had to go with them.”<sup>36</sup> His father and brothers searched for him but were unable to get any information. Said his friend: “When they went to the district governor or district chief of police, [Taliban officials] told them that he was in Musa Qala, or Sangin district, and recently the family was told [by a Taliban official] that he is in Nawzad.”<sup>37</sup> The Taliban have provided no more information about his whereabouts, and there is no proof whether he is alive or not.

### *Enforced Disappearance of Baz Muhammad*

Baz Muhammad had been a member of the Afghan Local Police before joining the Afghan National Police in Helmand. After the government’s collapse, he returned to his home in Gereshk. Sometime between August 20 and August 25, the Taliban raided his house and took him away. His father went to Sangin and Nawzad districts because Taliban officials in

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<sup>35</sup> Human Rights Watch interview with a villager, Helmand province, September 6, 2021.

<sup>36</sup> Human Rights Watch interview with a friend of Zaman Gul, Helmand province, September 2, 2021.

<sup>37</sup> Ibid.

Gereshk told him he was in prison there, but Taliban officials denied having him in custody.<sup>38</sup>

### *Enforced Disappearance of Ghafoor*

Ghafoor, a former police officer from Gereshk, stayed home after the government's collapse. Around August 12, two days after taking over the Gereshk bazaar, Taliban intelligence officials raided Ghafoor's house at night and arrested him. Taliban officials informed the family that he was being taken to Gereshk prison and then after three days they said he had been moved to the prison in Lashkar Gah, Helmand's provincial capital. Since then, the family has not been given any further information about his whereabouts and has not been able to have contact him.<sup>39</sup>

### *Enforced Disappearance of Maween*

Maween, a low-ranking Afghan National Police commander in Gereshk district, had been implicated in brutality. After the Taliban took Helmand, he went into hiding in Gereshk. After a couple of days, he tried to flee wearing a woman's burqa, but the Taliban captured him in a raid. His whereabouts remain unknown.<sup>40</sup>

## **Ghazni**

Around August 20, the Taliban detained at least 23 men from several districts in Ghazni province and killed them in groups of five or six or more. The men had been members of various Afghan security forces or militias, including the Afghan Local Police, *patsun kawanki*, and others.

Taliban fighters in Ghazni have claimed that all 23 people executed "had been provided amnesty in their districts, but they left those districts and went to Ghazni city. In Ghazni, they were arrested, and the [Taliban] court ordered them to be executed."<sup>41</sup> A Taliban fighter said, "These were all people who once, twice, or three times surrendered to us [before], and we forgave them, but they came back and fought us again and again. So, the

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<sup>38</sup> Human Rights Watch interview with a relative of Baz Mohammad, Helmand province, September 8, 2021.

<sup>39</sup> Human Rights Watch interview with a member of Ghafoor's family, [location withheld], October 2, 2021.

<sup>40</sup> Human Rights Watch interview with family members who witnessed the raid and with a witness who saw Maween when he was trying to flee, Gereshk, October 26, 2021.

<sup>41</sup> Interview with a humanitarian aid worker, Ghanzi province, October 29, 2021.

court ordered their deaths.”<sup>42</sup> However, families of the victims questioned whether any court could have heard the cases in such a short time and that even if a court were involved it would not have had time to meaningfully consider evidence or otherwise apply fair trial standards.

A hospital official said that they received 23 bodies that were all *patsun kawanki*, which were collected from different areas of Ghazni province and brought to the hospital.<sup>43</sup> The men were identified by their ID cards and by family members as coming from Maqur, Qarabagh, Gilan, and other districts of Ghazni province.

On October 12, Taliban forces detained ALP commander Allah Dad Halimi from his home in Maqur district. Halimi was also a district governor for several districts in Ghazni. The family found his body the next day.<sup>44</sup>

After Ghazni fell to the Taliban, “Sadaat”, a well-known commander in uprising forces and the ALP, kept to his home out of fear. Eventually, he began to move around. His cousin said that “Sadaat”’s confidence grew and...one day in mid-October he went to the bazaar on his motorcycle. We were waiting at home. Three hours were gone, he was not back.”<sup>45</sup> After some time, other residents of the area brought his body to the house. They told his cousin that armed men they believed were Taliban had stopped him on the road and killed him.<sup>46</sup>

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<sup>42</sup> Human Rights Watch interview with a Taliban commander, Ghazni province, September 6, 2021.

<sup>43</sup> Human Rights Watch interview with a health care worker, Ghazni province, November 5, 2021.

<sup>44</sup> Human Rights Watch interview with a journalist, Ghazni province, October 9, 2021.

<sup>45</sup> Human Rights Watch interview with a cousin of the victim, Ghazni province, October 9, 2021.

<sup>46</sup> Ibid.

### III. Taliban Response to Abuse Allegations

The Taliban leadership in Kabul has officially distanced itself from the summary killings, arbitrary arrests, and enforced disappearances that have occurred since taking over the Afghan government. In addition to denying having ordered such abuses, the leadership has also issued statements that seem to directly prohibit some of these actions. It has disseminated these via social media and other public messaging. In these statements, the Taliban have not only downplayed evidence of targeted killings but disavowed any role that the leadership may have played.

On September 21, 2021, the Taliban announced the formation of a commission to purge from the Taliban ranks anyone identified as “having personal enmity, being involved in corruption, immorality, violation of people's rights, harassment, theft and robbery, or other wrongdoings.”<sup>47</sup> On September 24, the acting minister of defense, Mullah Mohammad Yaqoob, said that there had been “isolated reports” of unauthorized executions.

In response to a letter from Human Rights Watch setting out our findings, the Taliban said they had removed from their ranks 755 members found to have committed such acts and had established a military tribunal for those accused of murder, torture, and illegal detention. They also said that executions of people taken into custody were not allowed unless decided by a Sharia court.<sup>48</sup>

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<sup>47</sup> @Zabehulah\_M33, “د اسلامي امارت د صفوفو د تصفيي کمیسیون خبرت,” *Twitter*, September 21, 2021, 3:09 p.m., [https://twitter.com/Zabehulah\\_M33/status/1440392816669040653?s=20](https://twitter.com/Zabehulah_M33/status/1440392816669040653?s=20), (accessed November 17, 2021). However, following media coverage of the detention and torture of two journalists on September 7-8, 2021, Taliban authorities announced that they would investigate the incident. @MJalal313, “Acting Minister of Information and Culture to Al Araby: We believe in freedom of expression within principles. There are always problems in the beginning. We have begun an investigation into the incident in which journalists were physically assaulted while covering the protests.” *Twitter*, September 11, 2021, 10:47 a.m., <https://twitter.com/MJalal313/status/1436702996147183618?s=20>. However, in a meeting with the newspaper’s editor, two members of the Taliban’s media committee, Sarujullhaq Omari and Hujatullah Mujadidi, said the newspaper itself was responsible for covering an “illegal” protest. Sudarsan Raghavan, “As an Afghan newspaper struggles to survive, a brutal beating — and a Taliban apology,” *Washington Post*, September 17, 2021, [https://www.washingtonpost.com/world/asia\\_pacific/afghanistan-journalists-taliban/2021/09/17/81b44d5a-1722-11ec-a019-cb193b28aa73\\_story.html](https://www.washingtonpost.com/world/asia_pacific/afghanistan-journalists-taliban/2021/09/17/81b44d5a-1722-11ec-a019-cb193b28aa73_story.html), (accessed November 17, 2021).

<sup>48</sup> Email to Human Rights Watch from Abdul Wahid Rayan, adviser & spokesperson for the Ministry of Information and Culture, November 21, 2021.

Zabihullah Mujahid, the Taliban's official spokesperson, has used Twitter to issue Taliban statements, including some on security, and to contest allegations that Taliban forces have been targeting opponents.

- On the morning of August 15, the day the Taliban took control of Kabul, Mujahid posted an announcement perhaps meant to caution their forces and to reassure Kabul residents that the Taliban have “not been thinking to [take] revenge [on] anyone. Those who worked in [the former government] as military and civilian are granted amnesty. We ask them to stay.”<sup>49</sup>
- That afternoon, Mujahid posted another statement saying Taliban forces are not “allowed to enter anyone’s house or harass anyone.” By this time, Kabul residents had reported dozens of home searches by Taliban forces. The statement gave no indication of any consequences for disobeying these orders, nor did it provide information about to whom any violation could be reported.<sup>50</sup>
- On August 15, Mujahid tweeted the non-harassment directive for embassies, diplomatic centers, and residences inhabited by foreigners as those not to be searched.<sup>51</sup>
- On August 16, as reports of home searches increased, Mujahid tweeted: “No one is allowed to go to former [government employees] demanding vehicles and intimidating them. The IEA [Islamic Emirate of Afghanistan] will take serious [steps] to stop it.”<sup>52</sup> The Taliban subsequently returned some vehicles that had been taken from compounds of nongovernmental organizations. However, in the ensuing weeks residents in several cities reported Taliban forces seizing vehicles that were not returned. The Taliban have also occupied a number of nongovernmental organization offices and have taken equipment from them.<sup>53</sup>

<sup>49</sup> @Zabehulah\_M33, “په کابل او نور هیواد کې د بانگو، تجارتخانو، صرافو او هټیو د اطمینان په اړه د اسلامي امارت د ویاند څرگندونې,” <https://justpaste.it/8foej>,” *Twitter*, August 15, 2021, 3:00 a.m., [https://twitter.com/Zabehulah\\_M33/status/1426800950749110275?s=20](https://twitter.com/Zabehulah_M33/status/1426800950749110275?s=20), (accessed November 17, 2021).

<sup>50</sup> @Zabehulah\_M33, “کابل ښار ته د مجاهدينو د داخلیدو د اړتیا په اړه د اسلامي امارت اعلامیه,” *Twitter*, August 15, 2021, 9:56 a.m., [https://twitter.com/Zabehulah\\_M33/status/1426905752782966786?s=20](https://twitter.com/Zabehulah_M33/status/1426905752782966786?s=20) (accessed November 17, 2021).

<sup>51</sup> @Zabehulah\_M33, “په همدې سفارت خانه ها، مراکز دپلوماتیک، مؤسسات و اماکن بود وباش اتباع خارجی در کابل اطمینا میدهم که هیچ گونه خطر مواجه آنها” نخواهد بود.

<sup>52</sup> @Zabehulah\_M33, “همه با اطمینان کامل در کابل بودویاش نمایند، نیروهای امارت اسلامی موظف شده اند که امنیت شهر کابل و تمام شهرها را مستحکم نمایند,” *Twitter*, August 15, 2021, 1:46 p.m., [https://twitter.com/Zabehulah\\_M33/status/1426963402992373761?s=20](https://twitter.com/Zabehulah_M33/status/1426963402992373761?s=20), (accessed November 17, 2021).

<sup>53</sup> @Zabehulah\_M33, “کابل ښار کې وضعیت د بشپړ کنترول کېدو په حال کې ده. هغه خپل سړي کسان چې په شرارت او آشوب یې لاس پورې کړی وو اکثره نیول شوي دي. هیڅکله اجازه نشته چې د پخوانیو چارواکو کورونو ته ورشي، د موټرو غوښتنه ترې وکړي او تهدید کړي، د هغوی مخه به په جدیت سره نیول کیږي، تر څو دې تعقیب لاندې دي,” *Twitter*, August 16, 2021, 7:54 a.m., [https://twitter.com/Zabehulah\\_M33/status/1427237251352776705?s=20](https://twitter.com/Zabehulah_M33/status/1427237251352776705?s=20), (accessed November 17, 2021).

<sup>53</sup> Human Rights Watch interviews with humanitarian organizations, Kabul, September 2021.

- On September 5, the Taliban authorities, for the first time, issued a statement commanding military commanders to take action against their members who violate orders by firing guns in the air, after several incidents in which celebratory gunfire had killed people.<sup>54</sup>
- On September 13, Mujahid, in a tweet, said the Taliban “flatly reject” Human Rights Watch allegations that Taliban forces had committed war crimes.<sup>55</sup>

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<sup>54</sup> @Zabehulah\_M33, “هدایات مقام رهبری در باره فیرهای هوایی در کابل و سائر شهرها,” *Twitter*, September 5, 2021, 7:33 a.m., [https://twitter.com/Zabehulah\\_M33/status/1434479686021754882?s=20](https://twitter.com/Zabehulah_M33/status/1434479686021754882?s=20), (accessed November 17, 2021).

<sup>55</sup> @Zabehulah\_M33, “واکنش#:

ما آن رایور سازمان دیده بان حقوق بشر را جدی رد مینماییم، که گفته، که گویا مجاهدین امارت اسلامی مرتکب جنایات جنگی شده اند.

سازمان مذکور باید گزارشات خود را بر اساس معلومات غلط تهیه نکند.

ان ها باید ساحات را از نزدیک به بینند و حقائق را به خود معلوم کنند,” *Twitter*, September 13, 2021, 1:00 p.m.,

[https://twitter.com/Zabehulah\\_M33/status/1437461255640465414?s=20](https://twitter.com/Zabehulah_M33/status/1437461255640465414?s=20), (accessed November 17, 2021).

## Recommendations

### To the Taliban

- End all summary executions and enforced disappearances by Taliban forces, investigate reported cases of such abuses, and appropriately charge and prosecute before competent, independent, and impartial courts any Taliban officials, commanders, or members responsible for serious human rights violations.
- Immediately provide information to families of victims and the public about the fate or whereabouts of people forcibly disappeared, and release those wrongfully held.
- Inform the public about all measures taken to hold specific personnel accountable for serious abuses. Provide prompt and appropriate compensation to victims of serious abuses and their families.
- Cease all acts of intimidation, harassment, and summary punishment of former government officials and others associated with the former government, journalists, and other media workers, and individuals who have criticized Taliban policies and practices.
- Provide full access to the United Nations, the media, and human rights organizations to investigate and report on human rights inside Afghanistan without fear of retaliation or punishment.
- Provide full access to the new Special Rapporteur on Afghanistan, once appointed, and cooperate with the rapporteur in the fulfilment of the mandate.

### To the United Nations

- The United Nations Assistance Mission to Afghanistan (UNAMA) should maintain and fully implement its mandate to investigate human rights violations and abuses; be able to travel freely throughout Afghanistan and have access to places of detention; and publicly report on and engage with the authorities on the human rights situation.
- The UN Secretary-General, in his January 2022 report to the UN Security Council regarding UNAMA's mandate, should emphasize the need for maintaining robust monitoring, investigating, and public reporting of human rights abuses, with a special focus on the rights of women and girls.

- Members of the UN Security Council should strengthen UNAMA’s human rights mandate, and provide UNAMA sufficient staff and resources to fulfill that mandate.

### **To Afghanistan’s Donors**

- Publicly and consistently press the Taliban at the national, district, and local levels to respect internationally recognized human rights, including by ending summary executions and enforced disappearances, and holding those responsible for abuses accountable.
- Place targeted conditions on direct assistance for non-humanitarian purposes until the Taliban takes credible steps toward meeting its international human rights obligations.

## Acknowledgments

This report was written by a consultant to Human Rights Watch and Patricia Gossman, associate Asia director at Human Rights Watch. Brad Adams, executive director of the Asia Division, edited and provided divisional review. James Ross, legal and policy director, provided legal review; and Joseph Saunders, deputy program director, provided program review. Editorial and production assistance was provided by Racqueal Legerwood, senior coordinator for the Asia Division, and Travis Carr, senior publications coordinator. The report was prepared for publication by Jose Martinez, senior coordinator, and Fitzroy Hepkins, senior administrative manager.

Human Rights Watch wishes to thank all those in Afghanistan who agreed to be interviewed. We have honored their requests for anonymity.

## **Appendix: Letters**

### **Human Rights Watch Letter to the Taliban, November 7, 2021**

To: Abdul Wahid Rayan:

[Adviser & Spokesperson for the Ministry of Information and Culture]

Human Rights Watch is preparing a report on detentions, alleged killings, and disappearances of former ANSF personnel since August 15. We have conducted dozens of interviews, including with some Taliban commanders and fighters, in Ghazni, Helmand, Kandahar, Kunduz, and Nangarhar, among other provinces.

We had contacted Mr. Zabihullah Mujahid, Mr. Zakir Jalali, and Mr. Sohail Shaheen about our findings but have not received a response. In this regard, I would be grateful if you could provide answers to the following questions as soon as possible (by November 22) so that we might include your responses in our report (you can send it in Pashto):

On September 21, your government announced the formation of a commission to remove from the security forces people identified as “having personal enmity, being involved in corruption, immorality, violation of people's rights, harassment, theft and robbery, or other wrongdoings.”

- Can you provide us with information on how many fighters have been disciplined by this commission and for what offenses?
- What is the procedure for investigating allegations of serious crimes, including killings, torture, and unlawful detentions?
- Is there a judicial process for determining the punishment for such crimes and if so, what is it?
- What procedure is available for people to register complaints of abusive behavior?

We are particularly concerned about reports of killings of groups of former ANP and uprising forces from Andar district, Maqur district, Gilan district, and Ab Band district of Ghazni province. Some were apparently killed in the villages of Nowghi and Isfanda on the Kandahar-Kabul highway.

Human Rights Watch is also aware of cases of detention in which the families have been unable to find their relative who has been arrested. For example:

- Ahmadullah, from Arghandab district of Kandahar province, served as one of the commanders in check posts across Kandahar city. We have received information that your forces took him into custody on October 21. As of now, no further information was available about his whereabouts.

We saw reports of the releases of a number of detained commanders from Kandahar, including Ayub Kakai, Syed Sharif Sartib, Sardar Khan, Maiwand police chief Haji Lala, Mahmood Aka, Attaullah Mama, and Haji Sab Jan. Were there any judicial proceedings held in these cases?

Abdul Raziq was an ANSF commanders fighting in Gereshk and then in Shorab. After August 15, he reportedly surrendered and was allowed to go to his home in Gereshk. We have been informed that after a few days, intelligence officials arrested him. As of now, no further information was available about his whereabouts.

We are aware that the ISKP has also continued to carry out assassinations, as have criminal, groups and possibly others with a motive against former government personnel. However, in the cases included in our report, those killed or disappeared had been first taken into custody during search operations or at checkpoints.

With regard to ISKP (also known as Daesh) could you comment on this statement by a fighter interviewed by the Washington Post: “We conduct night raids and whenever we find a Daesh member, we just kill them,” he said. “Eventually, they will be defeated.”  
<https://www.washingtonpost.com/world/2021/11/02/afghanistan-kabul-attack-hospital/>

We would appreciate your response as soon as possible, but by November 22, in order to be included in the report.

## Official Response from the Taliban to Human Rights Watch, November 21, 2021

Not all information in this report is accurate, the Islamic Emirate does not punish anyone without a judicial process.

Some cases of chasing or detention of some people you mentioned in your report are not based on these people's past deeds, but they are engaged in new criminal activities. Our intelligence information about these figures show that they try to create problems and plots against the new administration, they keep contacts with notorious individuals who fled the country and continue their struggles for destroying this country. Their relationships are based on a plan to ruin the new administration and the country, they are engaged in destructive activities; So, the IE [Islamic Emirate] as a responsible system must chase and arrest such individuals, take them to justice and put them in jail.

About ISKP, I can say that the threat from this group is not serious compared to the group's extensive coverage by the media.

ISKP members who are arrested [are] taken to justice and sentenced for their rebellion from the government. So, we can say that no one is punished without a court.

The views of an ordinary individual cannot represent the whole position of the IE [Islamic Emirate], so if you take comments of a person as the general position of a government, it seems illogical.

About the Cleansing Commission, the commission has great achievements, and so far, removed or arrested 755 individuals.

The Islamic Emirate's Cleansing Commission has a special procedure comprised of 12 articles which has been previously announced and shared with the media. So, the ranks cleansing process is ongoing based on the mentioned procedure.

A special court has been set up for the detainees by the cleansing commission and their cases will be investigated.

## Human Rights Watch Translation of Supplemental Response from the Ranks Clearance Commission (Tasfiya Commission), November 21, 2021

The Ranks Clearance Commission (*Tasfiya* Commission) also provided the following information:

When the commission was established by the Islamic Emirate on September 21, titled “Commission on Clearing from the Ranks”, we have since started taking actions against these people in the capital and provinces and we have activated our units in the provinces and their work is going on.

The number of people who would have been removed from the list was more than 750 and those who have been reported to the list are being worked on. The procedure is that we in the provinces have set up commissions. They go into each and every district. They have created tables in units and at the centers. The units fill in the tables. They record those who acted against the rules. Then they [the commissions] investigate. After a comprehensive investigation, they included the identified persons in the lists and reported them to the center. In addition to the information collected by those commissions, we also investigate and collect information about those persons and then we send letters to the concerned commissions to remove those persons from the ranks/lines.

And for those accused of murder, torture, and illegal detention, a military court has been established by the Islamic Emirate, which has now begun its work.

And for the public, if any problem happens to them, we have numbers (hotlines) in the capital and in the provinces to report on those who go to search people’s houses, carry out raids and operations, or enter houses for any other immoral purpose, or any evil deed. We have established points of contacts for the public to easily contact us in the capital which has other branches. As well as in the provinces, we have numbers to be contacted at any time, and we hope and plan that our work will get organized with each passing day so that we can solve the problems of the people one hundred percent, God willing.

In the case of ISIS, it is the policy of the Islamic Emirate to counter those who are in a state of war or when the Mujahideen are operating and confronting them and they might be killed during the armed clash, and when a person is captured, no one is allowed to kill him

under any circumstances and such incidents will not happen. If such incidents happen, we will take the case to the Sharia court and the court will decide. We have many individuals imprisoned as people affiliated to ISIS, ours is not to kill anyone without the court's order once arrested whether they belong to ISIS or any other group.

## Original Supplemental Response from the Ranks Clearance Commission (Tasfiya Commission) to Human Rights Watch, November 21, 2021

د صفونو د تصفیې د کمیسیون له لوری دا معلومات هم رالل

کله چې په یوویشتنم د سپتمبر باندې د اسلامي امارت لخوا د تصفیې د صفوفو په نامه باندې کوم کمیسیون جوړ شو، د یادو کسانو په وړاندې نو موږ په مرکز او ولایاتو کې خپل کارونه شروع کړي دي او په ډیرو

. ولایتونو کې موږ خپل تشکیل فعاله کړی ده د هغوی کارونه روان دي

هغه کسان په دغو اوصافو باندې متصف وو چې تقریباً دوی به له صفه ایستلي ول تعداد یې له اوونیم سوو 750 نه واوښت او هغه کسان چې غه لیست ته قلمداد سوي دي په هغوی باندې کار روان ده، طرز العمل زموږ دغه ده چې موږ په ولایاتو کې دغه کمیسیونونه جوړ کړي دي هغوی به ولسوالیو باندې ګرځي په ډلګیو باندې او په مرکزونو باندې جدولونه مو ورته جوړ کړي هغوی جدولونه ډکوي دوی هغه کسان چې د طرز العمل خلاف وي هغه ثبتوي بیا وروسته تحقیق کوي هر اړخیزه تحقیق نه وروسته به دوی هغه جدول کې شاملوي مرکز ته اطلاع راکوي موږ د دوی د معلوماتو سره سره >نور معلومات هم کوو وروسته له هغه معلوماتو موږ مکتوب ورلېږو او هغوی له صف نه خارجوو.

او هغه کسان چې په وژنو، شکنجو، او غیر قانوني توقیف خانو باندې متهم دي د دغو کسانو لپاره د اسلامي امارت لخوا >، نظامي محکمه جوړه شوي ده چې اوس یې په کار باندې شروع کړي ده

او د خلکو لپاره که کله کوم مشکل ورته پیښیږي د هغو لپاره موږ په مرکز او ولایاتو کې شمیرې لرو که څوک د چا کور ته د تلاشي لپاره ورځي یا هم د چاپي او عملیاتو او یا هم کوم بل غیر اخلاقي هدف او یا کوم ناوړه کار لپاره ورځي نو له موږ سره د اړیکې لپاره ډېره اسانه لاره هم په مرکز کې چې نور خاښونه لري او هم په ولایاتو کې شمیرې لرو چې په هر وخت کې ورسره رابطه کیږي، او موږ امید او پلان لرو چې زموږ کارونه منظم او ورځ په ورځ په مخ لاړ شي ترڅو چې د خلکو مشکلات سل په سل کې حل شي ان شاءالله

د داعش ډلې په مورد کې هم د اسلامي امارت دا پالیسي ده کوم کسان چې په جنګي حالاتو کې یا په داسې وخت کې چې مجاهدین عملیات کوي او دوی مقابله وکړي هغه وخت کې د دوی وژل طبیعي ده او کله چې یو کس نیول کیږي نو دوی ته په هیڅ صورت د مرګ اجازه نسته او داسې پیښې به هم نه وي شوې هغه موږ شرعي محکمې ته وړاندې کوو او محکمه به خپله پریکړه کوي له موږ سره ډیر کسان د داعش په نامه بندیان دي نو زموږ دا پالیسي نسته چې له محکمې نه بغیر یو څوک له نیول کېدا وروسته ووژني که هغه داعش وي او یا د بلې ډلې څخه وي.

# “No Forgiveness for People Like You”

## Executions and Enforced Disappearances under the Taliban in Afghanistan

Since taking power on August 15, 2021, Taliban forces in Afghanistan have carried out summary executions and enforced disappearances of former members of the Afghan security forces and civilian government—more than 100 in four provinces alone.

“*No Forgiveness for People Like You*” documents the killing or enforced disappearance of 47 former members of the Afghan National Security Forces (ANSF)—military personnel, police, intelligence service members, and militia forces—who had surrendered to or were apprehended by Taliban forces between August 15 and October 31, 2021. The report is based on 67 interviews, including 40 in-person interviews in Ghazni, Helmand, Kandahar, and Kunduz provinces with witnesses, former government officials, members of the media, healthcare workers, and Taliban fighters and commanders.

These abuses have taken place despite the Taliban’s announced amnesty for former government civilian and military officials and reassurances from the Taliban leadership that they would hold their forces accountable for violations of the amnesty order. Increasing evidence suggests that such abuses have continued under the orders or with the knowledge of senior Taliban commanders at the district or provincial level.

Human Rights Watch calls on the Taliban to end all executions and enforced disappearances, investigate reported cases of such abuses, and appropriately hold accountable any Taliban officials, commanders, or members responsible for serious abuses.

Human Rights Watch also calls on governments to publicly and consistently press the Taliban to respect internationally recognized human rights, including the rights of women and girls. The United Nations should maintain a robust monitoring presence in Afghanistan to investigate and report publicly on human rights abuses.



*Taliban fighters patrol in Kabul, Afghanistan, August 19, 2021.*

© 2021 AP Photo/Rahmat Gul, File

# Afghanistan

[hrw.org/world-report/2022/country-chapters/afghanistan](https://www.hrw.org/world-report/2022/country-chapters/afghanistan)

December 3, 2021



Afghan women wait in a line to receive cash at a money distribution organized by the World Food Program in Kabul, Afghanistan, November 3, 2021.

© 2021 AP Photo/Bram Janssen

After the Taliban takeover of the country in August, the protracted Afghanistan conflict abruptly gave way to an accelerating human rights and humanitarian crisis. The Taliban immediately rolled back women's rights advances and media freedom—among the foremost achievements of the post-2001 reconstruction effort. Most secondary schools for girls were closed, and women were prohibited from working in most government jobs and many other areas. The Taliban beat and detained journalists; many media outlets closed or drastically scaled back their reporting, partly because many journalists had fled the country. The new Taliban cabinet included no women and no ministers from outside the Taliban's own ranks.

In many cities, the Taliban searched for, threatened, and sometimes detained or executed former members of the Afghan National Security Forces (ANSF), officials of the former government, or their family members.

As the Taliban entered Kabul on August 15, thousands of people tried to flee the country, but chaos and violence at the airport impeded the evacuation of many at-risk Afghans.

The Taliban victory propelled Afghanistan from humanitarian crisis to catastrophe, with millions of Afghans facing severe food insecurity due to lost income, cash shortages, and rising food costs.

In the six months before the takeover, fighting between government forces and the Taliban caused a sharp rise in civilian casualties from improvised explosive devices (IEDs), mortars, and airstrikes. The Islamic State of Khorasan Province (the Afghan branch of the Islamic State, known as ISKP) carried out attacks on schools and mosques, many targeting minority Hazara Shia.

## Unlawful Killings, Enforced Disappearances, Violations of Laws of War

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The United Nations reported that Taliban forces were responsible for nearly 40 percent of civilian deaths and injuries in the first six months of 2021, although many incidents were unclaimed. Women and children comprised nearly half of all civilian casualties. Attacks by the ISKP included assassinations and a number of deadly bombings.

Many attacks targeted Afghanistan's Hazara Shia community. On May 8, three explosions at the Sayed al-Shuhada school in Kabul killed at least 85 civilians, including 42 girls and 28 women, and injured over 200—the vast majority from the Hazara community. The attack was unclaimed but occurred in a predominantly Hazara neighborhood that ISKP had repeatedly targeted. On October 8, a suicide bombing during Friday prayer at a Shia mosque in Kunduz killed at least 72 people and injured over 140; the ISKP claimed responsibility. On March 4, gunmen fatally shot seven Hazara laborers at a plastics factory in Jalalabad.

Taliban forces in several provinces carried out retaliatory killings of at least dozens of former officials and security force personnel. After the Taliban took control of Malistan, Ghazni, in mid-July, they killed at least 19 security force personnel in their custody, along with a number of civilians. Advancing Taliban forces killed at least 44 former security force members in Kandahar after the Taliban captured Spin Boldak in July. All had surrendered to the Taliban. There were credible reports of detentions and killings in other provinces as well as Kabul.

Both the Taliban and ISKP carried out targeted killings of civilians, including government employees, journalists, and religious leaders. On January 17, 2021, unidentified gunmen fatally shot two women judges who worked for Afghanistan's high court and wounded their driver. ISKP claimed responsibility for killing nine polio vaccinators in Nangarhar between

March and June. On June 9, gunmen killed 10 humanitarian deminers in Baghlan; ISKP claimed responsibility. In August, an ISKP suicide bombing at Kabul's airport killed 170 civilians, including many Afghans trying to flee the country.

Taliban forces also forcibly evicted people from their homes in a number of provinces including Daykundi, Uruzgan, Kunduz, and Kandahar, in apparent retaliation for the residents' perceived support for the former government. In the largest of these expulsions, in September, hundreds of Hazara families from the Gizab district of Uruzgan province and neighboring districts of Daykundi province were forced to abandon their homes and flee.

Both the Taliban and Afghan government security forces were responsible for killing and injuring civilians in indiscriminate mortar and rocket attacks, and civilian casualties from the former government forces' airstrikes more than doubled in the first half of 2021 compared with the same period in 2020. In one incident, on January 10, an airstrike in Nimroz killed 18 civilians, including seven girls, six women, and four boys; two civilian men were injured.

On August 15, as the Taliban entered Kabul, a strike force unit from the former government's National Directorate of Security captured and executed 12 former prisoners who had just been released, according to witnesses.

On August 29, the US launched a drone strike on a car it claimed was filled with explosives headed for Kabul's airport. The car was actually driven by an NGO employee scheduled for evacuation to the US. Two weeks later the US Defense Department admitted the strike had been a "tragic mistake," killing 10 civilians, including seven children.

## Women's and Girls' Rights

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In the weeks after the Taliban takeover, Taliban authorities announced a steady stream of policies and regulations rolling back women's and girls' rights. These included measures severely curtailing access to employment and education and restricting the right to peaceful assembly. The Taliban also searched out high-profile women and denied them freedom of movement outside their homes.

The Taliban have said they support education for girls and women, but on September 18 they ordered secondary schools to reopen only for boys. Some secondary schools for girls subsequently reopened in a few provinces, but as of October the vast majority remained shut. On August 29, the acting minister of higher education announced that girls and women could participate in higher education but could not study with boys and men. A lack of female teachers, especially in higher education, likely means this policy will lead to de facto denial of access to education for many girls and women.

Women who had taught boys in classes above sixth grade or men in mixed classes at university have been dismissed in some areas because teaching males is no longer allowed. In many parts of Afghanistan, Taliban officials have banned or restricted female humanitarian

workers—a move that could likely worsen access to health care and humanitarian aid. The Taliban have also dismissed almost all female government employees. In September, the Taliban's Ministry of Rural Development ordered only men to return to their jobs, saying women's return to work was "postponed" until it prepared a "mechanism for how they will work." When women have been allowed to return to work, they have faced requirements for gender segregation in their workplaces.

In September, the Taliban eliminated the Ministry for Women's Affairs and repurposed its building as the Ministry for the Propagation of Virtue and Prevention of Vice, an institution mandated to enforce rules on citizens' behavior, including how women dress, and when or whether women can move outside the home unaccompanied by a male relative. The shelters that had been established for women fleeing violence have been closed, and some the women who lived in them have been transferred to women's prisons.

## **Freedom of Media, Speech, and Assembly**

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The Afghan media came under growing threat since the beginning of the year, principally from the Taliban. The ISKP also carried out a number of deadly attacks on journalists.

On December 21, 2020, Rahmatullah Nekzad, head of the Ghazni journalists' union, was fatally shot as he walked from his home to a local mosque. Although the Taliban denied responsibility, Nekzad had previously received threats from local Taliban commanders.

The ISKP took responsibility for killing Malala Maiwand, a TV presenter for Enikass News in Jalalabad, along with her driver, Tahar Khan, on December 10, 2020. In two separate attacks in Jalalabad on March 2, 2021, gunmen fatally shot three women who worked at Enikass News dubbing foreign language news reports.

After the Taliban takeover, nearly 70 percent of all Afghan media outlets closed, and others were operating under threat and self-censoring. In September, the Taliban authorities imposed wide-ranging restrictions on media and free speech that included prohibitions on "insulting national figures" and reports that could have a "negative impact on the public's attitude." On September 7, Taliban security forces detained two journalists from the Etilaat-e Roz media outlet and severely beat them in custody before releasing them. The reporters had been covering protests by women in Kabul. The Taliban detained at least 32 journalists after taking power in Kabul.

Beginning on September 2, Afghan women carried out demonstrations in several cities to protest against Taliban policies violating women's rights. In Herat, Taliban fighters lashed protesters and fired weapons indiscriminately to disperse the crowd, killing two men and wounding at least eight more. The Taliban subsequently banned protests that did not have prior approval from the Justice Ministry in Kabul. Some protests nevertheless continued.

On July 6, the former Afghan government announced it was unlawful to broadcast news “against the national interest.” On July 26, four journalists were arrested by the former government’s intelligence agency after they returned from Spin Boldak, Kandahar, where they had been investigating the Taliban’s takeover of the district. They were not released until after Kandahar fell to the Taliban on August 13.

## International Justice and Investigations into Abuses

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On September 27, the prosecutor for the International Criminal Court filed an application before the court’s judges seeking authorization to resume an investigation in Afghanistan following the collapse of the former Afghan government. Prosecutor Karim Khan stated, however, that his investigation would focus only on crimes allegedly committed by the Taliban and the Islamic State and deprioritize other aspects of the investigation, namely alleged crimes committed by the forces of the former Afghan government and US military and CIA personnel.

On August 24, the UN Human Rights Council held a special session, requested jointly by Afghanistan and the Organisation of Islamic Cooperation (OIC), but the negotiations—led by Pakistan as OIC coordinator—failed to create any new monitoring mechanism. At its next regular session, the UN Human Rights Council adopted on October 7 a European Union-led resolution establishing a special rapporteur on Afghanistan, supported by experts, including on “fact-finding, forensics, and the rights of women and girls.”

In June, Afghan witnesses testified by video link in the defamation trial against Australian newspapers brought by former Australian SAS officer Ben Roberts-Smith. In 2018, *The Age*, *Sydney Morning Herald*, and *Canberra Times* had published accounts of alleged killings of civilians and other abuses by SAS units, and by Roberts-Smith himself. Those abuses are being examined by Australian investigators.

## Key International Actors

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On April 14, US President Joe Biden announced a full US troop withdrawal from Afghanistan. The expedited withdrawal did not include plans for evacuating many Afghans who had worked for the US and NATO forces or for programs sponsored by donor countries.

Canada, the EU, United Kingdom, United States, and other countries evacuated several hundred thousand Afghans who had worked directly with those governments, their military forces, or organizations they supported. Thousands more Afghans remained at risk—including human rights defenders, women’s rights activists, journalists, and lesbian, gay, bisexual, and transgender people—with no way of exiting the country safely. Although EU members evacuated some Afghans, as of November, none had made commitments to take in more refugees. Member states pledged one billion euros in humanitarian aid.

After the Taliban takeover, the New York Federal Reserve cut off the Afghanistan Central Bank's access to its US dollar assets. The International Monetary Fund prevented Afghanistan from accessing funding including Special Drawing Rights. In August, donors stopped payments from the World Bank-administered Afghanistan Reconstruction Trust Fund, previously used to pay civil servants' salaries, accelerating Afghanistan's economic collapse.

In September, the UN Security Council authorized a six-month renewal of the UN Assistance Mission in Afghanistan (UNAMA). The future of the mission, which among other things is mandated to promote the rights of Afghan women and girls and to monitor, investigate, and report on alleged human rights abuses, is uncertain. UN Secretary-General Antonio Guterres is expected to make recommendations to the council in early 2022 on UNAMA's future.

As of November, the Taliban government had not been formally recognized by any other country. In September, the EU set five benchmarks for engagement with the Taliban government, among them, respect for human rights, in particular those of women and girls, and establishing an inclusive and representative government.

At the G20 meeting on September 23, China's Foreign Minister Wang Yi called for an end to all economic sanctions on Afghanistan, said that China expected the Taliban government to eventually become more inclusive, and called on the Taliban to "resolutely" fight international terrorism.

As of November 1, Russia, Turkey, and Iran stated they would not acknowledge a Taliban-led government until they formed an "inclusive" administration. Russia invited Taliban representatives to international talks on Afghanistan in Moscow on October 20.

While Pakistan stopped short of recognizing the Taliban government, it called for greater international engagement with the Taliban, while also urging them to create a more "inclusive" government.

Throughout the year, the deteriorating situation in Afghanistan was repeatedly addressed by UN special procedures, treaty bodies, and the UN High Commissioner for Human Rights.

MARCH 30, 2022

## New Evidence that Biometric Data Systems Imperil Afghans

Taliban Now Control Systems with Sensitive Personal Information  
Published in

The Taliban control systems holding sensitive biometric data that Western donor governments left behind in [Afghanistan](#) in August 2021, putting thousands of Afghans at risk, Human Rights Watch said today.

These digital identity and payroll systems contain Afghans' personal and biometric data, including iris scans, fingerprints, photographs, occupation, home addresses, and names of relatives. The Taliban could use them to target perceived opponents, and Human Rights Watch research suggests that they may have already used the data in some cases.



A United States military official takes the fingerprints of a man in Afghanistan.

© 2010 AP Photo/Julie Jacobson

“Governments and organizations that helped amass vast quantities of personal data on large numbers of Afghans may be inadvertently assisting the Taliban repression,” said [Belkis Wille](#), senior crisis and conflict researcher at Human Rights Watch. “Data collection’s highly intrusive nature and inadequate protections could put people at heightened risk of Taliban abuse.”

Foreign governments such as the United States, and international institutions, including United Nations agencies and the World Bank, funded and in some cases built or helped to build vast systems to hold the biometric and other personal data of various groups of Afghans for official purposes. In some cases, these systems were built for the former Afghan government. In others, they were designed for foreign governments and militaries.

Afghanistan currently has no data protection law. Having such a law, even assuming it met international standards, would not have guaranteed adequate data protection, but it could have helped to ensure better practices and to reduce the potential harm to those whose data has fallen into Taliban hands.

Human Rights Watch interviewed 12 Afghans with expert knowledge of the country's biometric systems, including 6 judges; 5 foreign privacy and human rights researchers documenting the potential impacts of the systems being accessed by the Taliban; 3 UN staff members working on Afghanistan; and 2 US military officers formerly based in Afghanistan.

A former military commander still in Afghanistan said that Taliban detained him for 12 days in November and took his fingerprints and scanned his irises with a data-collection tool. "They told me they took my fingerprints to check if I was military and if they could confirm it, they would kill me," he said. "I was very lucky that for some reason they did not get a match."

Human Rights Watch examined six systems built by private companies for or with the assistance of foreign governments and international institutions:

1. Afghan National Biometric System, used to issue Afghan national identity cards, known as e-Tazkira;
2. US Defense Department Automated Biometric Identification System (ABIS), used to identify people whom the US believed might pose a security risk as well as those working for the US government;
3. Afghan Automated Biometric Identification System (AABIS), used to identify criminals and Afghan army and police members;
4. Ministry of Interior and Defense Afghan Personnel and Pay Systems (APPS) for the army and police, into which the AABIS was integrated in early 2021;
5. Payroll system of the National Directorate of Security, the former state intelligence agency; and
6. Payroll system of the Afghan Supreme Court.

In late 2021, several privacy rights organizations and media outlets raised their concerns about the Taliban gaining access to some of these systems, particularly the APPS and ABIS systems. Concerns about Taliban access to the other systems has received little coverage. However, information that a former government adviser shared with Human Rights Watch suggests that the Taliban may not have access to APPS.

The Taliban's access to this data comes at a time when they are targeting individuals because of their past association with the former government, particularly members of the security forces, judges and prosecutors, and civil servants, including women working in these fields. The Taliban have also detained and abused people who have criticized their policies. Human Rights Watch in November documented the Taliban's killing or enforced disappearance of 47 former members of the Afghan National Security Forces (ANSF) – military

personnel, police, intelligence service members, and militia – between August 15 and October 31, with the UN reporting credible allegations of the killing of at least 130 security forces members or their relatives.

The Taliban have targeted journalists and threatened human rights activists, including women's rights activists, women working in roles the Taliban believes are unsuitable for them, and people who are lesbian, gay, bisexual and transgender (LGBT).

Since the Taliban takeover on August 15, many people who believe themselves to be at risk have been in hiding and moving frequently. Taliban access to these systems may make it much harder, or impossible, for these people to remain hidden. The Taliban have also taken steps to block people from fleeing the country.

The Taliban have previously used biometric data to target people. In 2016 and 2017, journalists reported that Taliban fighters were using biometric scanners to identify and summarily execute bus passengers whom they determined were security force members, all the Afghans interviewed mentioned those incidents.

Aziz Rafiee, executive director of the Afghan Civil Society Forum, who is familiar with many of the systems and the risks posed, said, “The international community might have thought it was helping us, but instead it played with our fate and ended up creating systems more dangerous than they were helpful.”

A person familiar with the development and management of one of the systems examined, who asked to remain anonymous, said that some people who had been working for the company that maintained the system were still in Afghanistan and at risk from the Taliban. He said the Taliban had detained two senior staff members to force the company to continue supporting and maintaining the system, something it refused to do.

On August 21, Nawazuddin Haqqani, a Taliban brigade commander, reportedly told Zenger News, a US-based online media outlet, that his unit was using US-made handheld scanners to tap into Interior Ministry and other national biometric systems to gather data, including on “journalists and so-called human rights people.”

“Those who were barking about having US dollars in their pockets until a few days back — they won't be spared,” he said. “They can't be spared, can they?”

Human Rights Watch, on February 10, 2022, wrote to the US government, European Union, International Organization for Migration, World Bank, Grand Technology Resources, Leidos, and Netlinks Inc asking what steps they took before and after August 2021 to protect Afghans' biometric data and to alert individuals of data breaches. The International Organization for Migration replied, as well as one company, which said its response was not for publication.

Human Rights Watch also wrote to the Taliban, asking for details on which systems with Afghans' biometric data they had access to and, if any, what they intend to do with the information. The Taliban have not replied.

Given events since August 2021, all those involved in funding and building these biometric systems, including the US government, the European Union, UN agencies, and the World Bank, should make public the kinds of data lost or potentially seized by the Taliban, the architecture of these systems, the human rights and data protection impact assessments carried out before and during the life cycle of these systems, and the steps they have taken to inform data subjects of what has happened to their data.

“Governments, international organizations, and companies should work together to help protect the people at risk because of the Taliban’s access to some of these systems,” Wille said. “They should also learn from this fiasco so that data systems are better conceived and protected in the future.”

## **National Biometric System**

In 2010, the Afghan government began a campaign led by the Ministry of Communication and Information Technology to collect Afghans’ biometric and other personal data and issue electronic identity cards. The digital identity system is known as e-Tazkira. The system holds at a minimum a person’s name, father’s and grandfather’s name, national identity number, physical description, place of origin, place and date of birth, sex, marital status, religion, tribal links, ethnicity, first language, profession, level of education, level of literacy, and biometrics (iris scan, fingerprints, and photograph).

The Afghan government contracted Grand Technology Resources to build and manage the system. The government received funding from at least the United States, European Union, World Bank.

Ministry offices in the seven main regions of Afghanistan have computers that can access information on everyone registered from their region, but not other regions, said Rafiee, of the Afghan Civil Society Forum. In Kabul, the ministry staff with the requisite permissions can access information on anyone enrolled in the system.

A former armed forces deputy commander said that when he signed up for e-Tazkira, he listed his profession as a farmer. “Already for years we knew the Taliban could get its hands on those records,” he said. Five of the judges interviewed said that they did not say that they were judges when signing up for fear of Taliban access to personal data collected for the system. Rafiee said that while he did not sign up for e-Tazkira, he did sign up for the earlier nonelectronic version: “When I signed up for that, I didn’t tell officials I was an engineer. Instead, I said I was a student. I didn’t want to reveal my level of education and work, fearing one day this information would end up in the hands of extremists.”

Human Rights Watch asked the US government, the European Union, and the World Bank what assessments they had made about this risk and what safeguards that were put in place to protect the data held in the system, but they have not provided substantive information in response. Then-President Ashraf Ghani ordered a technical review of the system in 2015, which identified various concerns relating to issues including data

processing and data security, the securing of data transmission and data storage, the possibility of data loss, issues of connectivity, and the lack of robust testing of the system.

### **US Defense Department Automated Biometric Identification System (ABIS)**

In 2004, the US Department of Defense created the Automated Biometric Identification System (ABIS), which serves as a central repository for personal data, including biometrics (iris scan, fingerprints, and photograph) collected by US military officers and other department staff of people in Afghanistan and Iraq who might pose security risks.

Among other companies involved, the Defense Department contracted Northrop Grumman, a US-based company, to build and manage the system, but the contract was taken over by Leidos, a US-based company, in 2015. The system includes those considered a US national security concern, among them detainees, people who applied to work on US military bases in Afghanistan, and Afghans working for any US-funded projects.

While the system was designed for these purposes, investigative reporter Annie Jacobsen said in her book *First Platoon: A Story of Modern War in the Age of Identity Dominance* that in 2020 the Pentagon had aimed to gather biometric data on 80 percent of the Afghan population. For example, the “Commander’s Guide to Biometrics in Afghanistan,” drafted by the US military for US coalition and allied forces stated that:

[e]very person who lives within an operational area should be identified and fully biometrically enrolled with facial photos, iris scans, and all 10 fingerprints (if present). This information should be coupled with good contextual data, such as where they live, what they do, and to which tribe or clan they belong.

In her book Jacobsen stated that the longer-term goal of the military was to hand the system over to the then-Afghan government. The system contains the records of at least 2.5 million people in Afghanistan. After the Taliban’s takeover of the country, their forces were reportedly able to capture some of the machines that US military personnel used to record this data, including the Handheld Interagency Identity Detection Equipment (HIIDE), giving them access to some of the data.

Two US military personnel said that at the time of the takeover, the US military was using two generations of the HIIDE machine. The first generation had much of the collected data stored on a local internal drive. The second generation had improved internet capabilities so that less data stored locally, but still had the profiles of people working for US projects in the area stored locally. The sources said that the local memory drives of both generations of the device could store at least several thousand profiles and that these profiles included information regarding what US agency Afghans were working for. One US military members said:

My concern is that the Taliban might have found a defector who had a HIIDE device, and the ability to use it, and as a result have access to at least the profiles stored locally on that device. It could use that to go locally door to door, to see who was working with us. Alternatively, a foreign state's engineers might help the Taliban get access to the data in the device to download.

A former military commander currently in Afghanistan said that since their August takeover, he has seen Taliban forces manning checkpoints throughout the area he is living in and stopping people to check their names and faces against lists of names and photographs of former army and police. He said that in early November, Taliban forces stormed his house in the middle of night and detained him. They held him in various locations for 12 days. During his detention, Taliban forces took his fingerprints and scanned his irises using a HIIDE device, which he was familiar with because of his time in the military and in US military training programs, though luckily did not find a match and eventually released him.

Neither the US government nor Leidos replied substantively to a letter from Human Rights Watch regarding measures they had taken to protect the system and to alert data subjects to breaches.

### **Afghan Automated Biometric Identification System (AABIS)**

Modeled after the ABIS and formally established in late 2009 to keep criminal suspects and Taliban members from infiltrating the army and police force, the Afghan Automated Biometric Identification System (AABIS), run by the Afghan government, holds the biometrics (iris scan, fingerprints, and photograph) of former Afghan military and police members. The system was used to cross-check the data against biometric records held by the Afghan National Detention Facility, Kabul Central Police Command, Counternarcotics Police of Afghanistan, and the US Federal Bureau of Investigation (FBI) prison enrollments from Kabul, Herat, and Kandahar. The FBI supported the creation of the system and helped with data sharing, mentoring, and training.

Whether the Taliban have access to this system is not known.

### **Ministry of Interior and Defense Afghan Personnel and Pay Systems (APPS)**

In 2007, the United Nations Development Programme (UNDP) created a police payroll system called WEPS. It included the names of police, their father's and grandfather's names, rank, and banking details, but no biometric data, UNDP staff said. In February 2021, as part of a donor agreement reached in 2014, the implementation of which was delayed for many years, the Combined Security Transition Command–Afghanistan created a new integrated human resources and payroll system, APPS, that holds personal data on members of the army and police. The US Defense Department paid for the creation of APPS in 2016 and contracted Netlinks, an Afghan IT-company, to manage the system and integrate AABIS biometric data (iris scan, fingerprints, and photograph).

Ministry of Interior and Defense staff said that APPS includes additional details on where individuals live, and their height, eye color, immediate and extended family members' names and personal details, province, village, district, permanent address, current address, language, ethnicity, religion, and the names, addresses, employment, and family ties of two character witnesses who vouched for their candidacy when they applied for their jobs.

“All of this data belongs to the Afghan government, and since the Taliban is now the government, they have unfettered access to every government system,” said a UNDP staff member, who requested anonymity. The servers storing data on police were housed in the Interior Ministry, said an Afghan former NATO employee managing the system and a former police officer working with the system. Two former Afghan military officials believed the servers housing the military staff data sat in the Ministry of Defense headquarters in Kabul. Although the officials could not link to the data system, they said that the Taliban had rounded up and killed or forcibly disappeared many military officials they knew in the previous four months.

The NATO employee said:

If the Taliban gets access to these payroll systems, they will get all the information they need on Ministry of Interior, Defense, and National Security staff, including individuals' national security status and where they are from. I am most worried about the safety of our thousands of female officers. And even if these people have made it out of the country, the Taliban might go after their families.

An unnamed former Afghan government official who worked on the biometric gathering told a journalist that the Taliban did have access to the APPS systems. However, on March 28, Human Rights Watch spoke to a former adviser to the government who said that he had spoken to technology officers from the Ministries of Interior and Defense and a senior staffer at Netlinks who all said that one week before the Taliban took control of Kabul, staff in the ministries lost access to APPS and they believed that the US government removed the servers holding the data in the systems from the country and had blocked access.

Human Rights Watch sent an inquiry to the US government and Netlinks about APPS and the extent to which the Taliban had access to the system but received no substantive responses.

### **Supreme Court Payroll System**

The six Afghan judges interviewed included four men and two women. Three of the six are in hiding in the country. Those interviewed said that the Supreme Court has a payroll system with extensive personal data on all judges and their families including their biometrics (fingerprints, iris scans, and photographs), current addresses, and their car's model, color, and license plate number. European Union reporting suggests that it may have helped fund the payroll system.

The judges said that they believed that the biometric data stored in the system would make it impossible for judges to hide their identities indefinitely. This was of special concern to the judges still in Afghanistan, who said they were in hiding because they feared being arrested or killed by Taliban members or criminals whom they had sentenced to prison but were released after the Taliban took control.

All six judges thought that the Taliban was using the system to try to find or arrest them or others. A judge known for her work combatting domestic violence said that the first night the Taliban took control of her city, its members stormed her home after she had already fled. Taliban members then went to her mother's home looking for her. "How did they have the details of my mother's home?" she asked. "She doesn't even live with my father. Those details were only in the Supreme Court system."

Other judges shared a screen shot of a post in early December on a Telegram group for Afghan judges about a judge in Bamiyan whom Taliban officials arrested at the local passport office after learning his occupation. The judge had been trying to renew his passport so he could leave the country. The judges said that according to the Telegram group members, the judge's fingerprints helped the Taliban identify him as a judge.

The judges were convinced that the Taliban could access the servers housing the system, which they thought were in the Supreme Court headquarters in Kabul. One judge said that in late November, his court administrator told him that the Taliban had called him into the courthouse and ordered him to hand over his password to enter the system of criminal cases. This is separate from the system with data on judges but demonstrates the ease with which the Taliban were able to get access. One judge said that in November and December, he heard but could not confirm that gunmen killed two judges in Kabul near their homes, one of whom he knew personally.

Human Rights Watch asked the European Union whether it had funded the system but was unable to confirm that or to determine the risk assessments donors undertook or the safeguards put in place to protect the data held in the system.

### **National Directorate of Security Payroll System**

The National Directorate of Security (NDS), the former government's intelligence agency that was long implicated in torture and extrajudicial killings, had its own human resources and payroll systems that contain the same sensitive information on their staff, with servers housed in its Kabul headquarters. The former military commander for government security forces said that when the Taliban released him after holding him for 12 days, he discovered that they had been holding him in the local NDS office in his area.

Human Rights Watch was unable to verify whether the Taliban have been able to access the payroll systems, but an unnamed former Afghan government official cited in the *New Scientist* said that the Taliban had seized equipment from the NDS, adding, "It was left behind in the rush to exit. They have everything." In his August

interview, Nawazuddin Haqqani, the Taliban brigade commander, specifically mentioned the service, saying its staff would not be “let off.” The NDS was established by the US Central Intelligence Agency after 2001 and entirely funded by the US government.

Human Rights Watch sent an inquiry to the US government but was unable to determine the risk assessments donors undertook and the safeguards put in place to protect the data held in the system.

## **International Law**

The International Covenant on Civil and Political Rights (ICCPR), to which Afghanistan is party, affirms the right to privacy in article 17, which may not be subject to arbitrary or unlawful interference. The United Nations Human Rights *Committee (HRC)*, the international expert body that authoritatively interprets the *ICCPR*, has held that “any interference with privacy must be proportional to the end sought and be necessary in the circumstances of any given case.”

It has also stated that “gathering and holding of personal information in computers, data banks, and other devices, whether by public authorities or private individuals, must be regulated by law” and that every individual should have the right to know “what personal data is stored...and for what purposes” and “which public authorities or private individuals or bodies control or may control their files.” If a person is concerned that data has been collected or used incorrectly, they should have recourse to remedy the problematic information.

The HRC, in its General Comment No. 16 (1988) on the right to privacy, stated that governments are obligated to take effective measures to ensure that information concerning a person’s private life does not reach the hands of persons who are not authorized by law to receive, process, and use it, and that it is never used for purposes incompatible with the ICCPR. Effective protection should include everyone’s ability to ascertain in an intelligible form, whether and, if so, what personal data is stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files.

## **Recommendations**

Donor governments, international organizations, companies, and the former Afghan government should not have built these potentially dangerous systems without conducting a thorough human rights and data protection impact assessment that includes a contextual analysis, an analysis of the technology to be deployed within that context, a system threat model to assess the risk and possible outcomes of system failure, and a data protection and cyber security assessment specific to the Afghanistan context.

Once they decided to proceed with the systems, they should have meaningfully engaged with data subjects to explain how their data would be used, and how they were managing and mitigating risk. They should have revisited these assessments and communications regularly, as the political and security landscape in Afghanistan evolved.

Given events since August 2021, all those involved in funding and building these biometric systems, including the US government, the European Union, UN agencies, and the World Bank, should make public:

- The kind of data that may have been lost or seized following the Taliban takeover, including data they transferred to the former Afghan government or collected on their behalf;
- The architecture of any systems used to hold biometric or other data of large populations so that those affected will have a clearer understanding of possible impacts and measures they can take to mitigate risk. This should include data flow and critical security measures such as monitoring, encryption, authentication/authorization, and wipe/destruction capability;
- The human rights and data protection impact assessments that were conducted for these systems (if any) and how these assessments were tailored to address the context and threats present in Afghanistan. This includes whether these assessments were updated to reflect the Taliban's territorial gains over the years or whether separate analyses were conducted more broadly on the likelihood of theft or seizure of data by the Taliban;
- The steps they have taken to inform people whose data was held in the compromised systems, where doing so will not put data subjects at further risk. This includes information about the systems themselves at the time of data capture or implementation (for example a fair processing notice, consent statement, and transparency notice) and, subsequently, about any safeguards or mitigating steps they have taken for people whose biometric data may now be in the hands of the Taliban, and whether they have issued breach notifications, in line with good information handling and data protection practice. If they decide that informing data subjects would put them at further risk, they should make public how frequently they will review the decision not to inform them that their data was compromised and what further mitigating steps they are taking to protect those affected.

Given the events in Afghanistan, donors should make a commitment to develop a set of best practices in similar contexts, including procedures for the destruction of sensitive data that was collected using their funding and putting in place effective limits on the collection of data in accord with the principles of proportionality and necessity.

The United Nations High Commissioner for Refugees (UNHCR) and countries considering Afghan refugee claims should take into account the risks that Taliban control of biometric systems have created when making refugee status determinations.

Where they are supplying, building, or advising on systems and tools that may be used in conflict zones, fragile spaces, or humanitarian settings, private sector actors should ensure that their partnerships include a clear commitment to the right of privacy. Such commitments should also be reflected in the principles, scope, and undertaking of that partnership.

#### Region / Country

- Afghanistan

#### Topic

- Crisis and Conflict
- Technology and Rights

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# Everything you need to know about human rights in Afghanistan

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## AFGHANISTAN 2021

Parties to the conflict in Afghanistan continued to commit serious violations of international humanitarian law, including war crimes, and other serious human rights violations and abuses with impunity. Indiscriminate and targeted killings reached record levels. Human rights defenders, women activists, journalists, health and humanitarian workers, and religious and ethnic minorities were among those targeted by the Taliban and non-state actors. A wave of reprisal killings was unleashed during the Taliban takeover of the country.

Thousands of people, predominantly Shia Hazaras, were forcibly evicted. The limited progress made towards improving women's rights was sharply reversed under Taliban rule. Rights to freedom of assembly and expression were drastically curtailed by the Taliban. Access to healthcare, already severely compromised by the pandemic, was further undermined by the suspension of international aid.

## Background

The conflict in Afghanistan took a dramatic turn with the withdrawal of all international troops, the collapse of the government, and the takeover of the country by Taliban forces.

On 14 April, US President Joe Biden announced that remaining US troops in Afghanistan would be withdrawn by 11 September. A subsequent Taliban military offensive overran the provinces and reached the capital, Kabul, on 15 August, causing the government to collapse and President Ghani to flee the country. In early September, the Taliban announced an interim government.

An evacuation operation accompanied the final withdrawal of US and NATO forces, which was brought forward to 31 August in the face of Taliban gains. Some 123,000 people were airlifted in chaotic conditions from Kabul airport, including thousands of Afghan nationals at risk of reprisals from the Taliban.

The already precarious humanitarian situation deteriorated further in the second half of the year due to the conflict, drought, the Covid-19 pandemic and an economic crisis exacerbated by the suspension of foreign aid, the freezing of government assets, and international sanctions against the Taliban. In December, the UN warned that some 23 million people faced acute food insecurity and hunger, including more than 3 million children at risk of death from severe malnutrition.

## Indiscriminate attacks and unlawful killings

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Government forces under the leadership of President Ghani, as well as non-state actors, carried out indiscriminate attacks with improvised explosive devices and air strikes, killing and injuring thousands of civilians. According to the UN Assistance Mission in Afghanistan, civilian casualties reached record levels in the first half of the year, sharply increasing in May as international military forces began to withdraw. By June, 5,183 civilian deaths or injuries had been recorded, including 2,409 women and children. More than two-thirds (68%) were attributed to the Taliban and other non-state actors and 25% to Afghan National Defence and Security Forces (ANDSF) and other pro-government forces. On 29 August, a US drone strike killed 10 members of one family in Kabul, including seven children. The US Department of Defense later admitted acting in error and offered financial compensation to the victims' relatives.

Non-state groups deliberately targeted civilians and civilian objects throughout the year. A bomb attack on Sayed-ul-Shuhada High School in West Kabul on 8 May killed or injured more than 230 people, nearly all girls.<sup>1</sup> On 26 August, a suicide attack outside Kabul airport carried out by the armed group Islamic State – Khorasan Province (IS-K) resulted in at least 380 casualties, mostly Afghans seeking evacuation. Three separate attacks took place in October on Eid Gah Mosque in Kabul and two Shia-Hazara mosques in the cities of Kandahar and Kunduz, reportedly killing dozens and injuring hundreds of others.

The Taliban and other armed actors were responsible for numerous targeted killings throughout the year, including of human rights defenders, women activists, humanitarian and health workers, journalists, former government officials and security force members. Religious and ethnic minorities were at particular risk.

During its offensive and following its takeover, the Taliban carried out reprisal and extrajudicial killings of people associated with the former administration, including members of the ANDSF. On 19 July, the Taliban abducted and killed two sons of former Kandahar provincial council member Fida Mohammad Afghan. Former police officers, particularly women, were also targeted. Also in July, Taliban fighters killed nine ethnic Hazara men in Mundarakht village in Malistan district, Ghazni province.<sup>2</sup> On 30 August, in Kahor village in Khidir district, Daykundi province, the Taliban extrajudicially executed nine ANDSF members after they had surrendered, and killed two civilians, including a 17-year-old girl, as they attempted to flee the village. All were ethnic Hazaras. On 4 September, Banu Negar, a former member of the police force in Ghor province, was beaten and shot dead by Taliban fighters in front of her children. A further 100 former members of the security forces were killed or forcibly disappeared by the Taliban between mid-August and the end of December.

## Forced displacement and evictions

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Between January and December, some 682,031 people were displaced by fighting, adding to the 4 million already displaced by conflict and natural disasters.

The Taliban forcibly evicted thousands of people from their homes and land in Daykundi and Helmand provinces and also threatened to evict residents of Balkh, Kandahar, Kunduz and Uruzgan provinces. Evictions particularly targeted Hazara communities, as well as people associated with the former government. In June, the Taliban ordered Tajik residents of Baghe Sherkat in Kunduz province to leave the town in apparent retaliation for their support of President Ghani's government. In late September, more than 740 Hazara families were forcibly evicted from their homes and land in Kindir and Tagabdar villages in Gizab district, Daykundi province.

## **Refugees' and migrants' rights**

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The Taliban takeover increased the number of Afghan refugees entering neighbouring countries. After evacuations from Kabul airport were stopped, thousands of desperate Afghans sought land routes to Pakistan and Iran. Tens of thousands crossed into Pakistan before it closed its borders on 2 September to most Afghans. Only the Torkham crossing point was open to those holding gate passes. In November, the Norwegian Refugee Council reported that 4,000-5,000 Afghans were crossing the border to Iran every day.

The right of Afghans, including those at risk of reprisals, to seek asylum in third countries was compromised by Taliban-imposed restrictions on departures, including often insurmountable challenges in obtaining passports and visas. There were fears that border restrictions by neighbouring countries would force Afghans to make irregular journeys using smugglers, placing them at further risk of human rights abuses.

## **Women's and girls' rights**

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Prior to the Taliban takeover, women and girls continued to experience gender-based discrimination and violence. After the Taliban takeover, they lost many of their fundamental human rights. Despite reassurances from the Taliban that women's rights would be respected, the limited progress made in the previous two decades was quickly reversed.

### **Women's participation in government and the right to work**

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Women were severely under-represented in the final round of the failed peace talks, with just four women in the government delegation and none in the Taliban delegation.<sup>3</sup> Four cabinet posts were held by women under President Ghani's administration; women were excluded altogether from the Taliban's interim government. Shortly after coming to power, the Taliban disbanded the Ministry of Women's Affairs (MoWA) and its provincial offices.

In August, a Taliban spokesman told reporters that women should refrain from attending work until “proper systems” were put in place to “ensure their safety”. In September, women employed in government ministries were told to stay at home while their male colleagues resumed work. There were reports of women being barred from their workplaces or sent home in different parts of the country – with the exception of women working in the passport office, airport and health sector. In some cases, women were reportedly escorted home from work by Taliban fighters and told that they would be replaced by their male relatives.<sup>4</sup>

Women lawyers, judges and prosecutors were effectively dismissed from their jobs and forced into hiding. They faced reprisals from men whom they had convicted and imprisoned for domestic and other gender-based violence, who were subsequently freed from prison by the Taliban. There were reports of ex-prisoners and Taliban fighters ransacking the homes of female judges.

### **Right to education**

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On taking power, Taliban leaders announced that a “safe learning environment” was required before women and girls could return to education. Boys were permitted to resume school in mid-September, but the situation for girls remained unclear. At the end of the year, except in Kunduz, Balkh and Sar-e Pul provinces, the majority of secondary schools remained closed to girls. Intimidation and harassment of teachers and pupils led to low attendance rates, particularly among girls, even where schools and other education facilities were open.<sup>5</sup>

### **Sexual and gender-based violence**

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Violence against women and girls remained widespread but chronically under-reported. In the vast majority of cases, no action was taken against perpetrators. Between January and June, the MoWA registered 1,518 cases of violence against women, including 33 murders. Beatings, harassment, forced prostitution, deprivation of alimony, and forced and early marriages remained the main manifestations of violence against women. There was no government data available for the second half of the year.

Violence against women escalated further from August when women’s legal and other support mechanisms began shutting down – in particular when women’s shelters closed. The Taliban’s ending of institutional and legal support for women left women at risk of further violence, and they feared the consequences of reporting incidents.

### **Human rights defenders**

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Human rights defenders faced intimidation, harassment, threats, violence and targeted killings. A spike in attacks that began in late 2020 continued into 2021. According to the Afghan Human Rights Defenders Committee, at least 17 human rights defenders were killed between September 2020 and May 2021, while hundreds more received threats.

From late August, the Taliban occupied all 14 offices of the Afghanistan Independent Human Rights Commission, forcing its staff to flee the country or go into hiding. Door-to-door searches by Taliban fighters looking for human rights defenders and journalists were reported, and NGO workers and their families were beaten.

## **LGBTI people's rights**

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On 29 October, the Taliban spokesperson for the Ministry of Finance said that LGBTI rights would not be recognized under sharia law. Afghanistan's Penal Code continued to criminalize consensual same-sex sexual relations.

## **Freedom of expression and assembly**

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The Taliban forcibly dispersed peaceful protests across Afghanistan, including using gunfire, electroshock weapons and tear gas, and beat and lashed protesters with whips and cables. On 4 September, a protest in Kabul involving around 100 women demanding the inclusion of women in the new government and respect for women's rights was dispersed by Taliban special forces, reportedly with tear gas and electroshock weapons. Women protesters were beaten. On 7 September, the Taliban shot and killed Omid Sharifi, a civil society activist, and Bashir Ahmad Bayat, a schoolteacher, as they protested against the Taliban in Herat province. Eight other protesters were injured. On 8 September, the Taliban's Ministry of the Interior issued an order banning all demonstrations and gatherings "until a policy of demonstration is codified".

Despite assurances that it would respect freedom of expression, the Taliban severely curtailed media freedom. Journalists were detained and beaten and had equipment confiscated, particularly when covering protests. Media workers, particularly women, were intimidated, threatened and harassed, forcing many to go into hiding or leave the country. House-to-house searches for journalists were conducted, particularly those working for western media outlets. On 20 August, Taliban members broke into the home of a journalist working for the German media outlet Deutsche Welle. Unable to find him, they killed one of his relatives and injured another. By late October, more than 200 media outlets had closed. The Afghan Journalist Safety Committee announced that at least 12 journalists had been killed and 230 assaulted in the 12 months to November 2021.

## **Right to health**

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The already weak health sector was further damaged in August by the suspension of international aid to the System Enhancement for Health Action in Transition Project for Afghanistan (Sehatmandi). As of November, 3,000 health clinics had closed due to lack of funding. The multi-donor project was the main source of support for quality health care,

nutrition and family planning services across Afghanistan. In September, the WHO warned of a rapid decline in public health conditions, including escalating rates of measles, diarrhoea and polio in children.

Lack of emergency preparedness and the poor state of public health infrastructure meant that Afghanistan was already ill-equipped to deal with a mid-year surge in Covid-19 cases. Internally displaced people living in overcrowded conditions with insufficient access to water, sanitation and health facilities were at particular risk.<sup>6</sup> As of 15 November there had been at least 7,293 deaths from Covid-19. About 7% of the population were vaccinated.

Health workers and health facilities came under attack throughout the year. Nine polio vaccinators were shot and killed in Nangarhar province in the first six months of the year.<sup>7</sup> In October, the Taliban committed to supporting the resumption of a nationwide polio vaccination campaign and to permit the involvement of women frontline workers. They also committed to provide security and safety for all frontline health workers.

## Impunity

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On 27 September the Prosecutor of the ICC announced plans to resume investigations into crimes committed in Afghanistan, but focused only on those crimes allegedly committed by the Taliban and IS-K. The decision to “deprioritize” investigations into possible war crimes committed by the National Directorate of Security, ANDSF, US armed forces and the US Central Intelligence Agency risked further entrenching impunity and undermining the legitimacy of the ICC.<sup>8</sup>

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# **AFGHANISTAN 2021 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

The United States has not recognized the Taliban or another entity as the government of Afghanistan. All references to “the pre-August 15 government” refer to the Islamic Republic of Afghanistan. References to the Taliban reflect events both prior to and after August 15.

Prior to August 15, the Islamic Republic of Afghanistan had a directly elected president, a bicameral legislative branch, and a judicial branch. The country held presidential elections in September 2019 after technical problems and security threats compelled the Independent Election Commission to reschedule the election multiple times. The commission announced preliminary election results on December 22, 2019, indicating that President Ashraf Ghani had won, although runner-up and then chief executive Abdullah Abdullah disputed the results, including after official results were announced February 18, 2020. Both President Ghani and Chief Executive Abdullah declared victory and held competing swearing-in ceremonies on March 9, 2020. Political leaders mediated the resulting impasse, resulting in a compromise on May 17, 2020, in which Ashraf Ghani retained the presidency, Abdullah was appointed to lead the High Council for National Reconciliation, and each of them was to select one-half of the cabinet members.

Under the pre-August 15 government, three entities shared responsibility for law enforcement and maintenance of order in the country: the Ministry of Interior, the Ministry of Defense, and the National Directorate of Security. The Afghan National Police, under the Ministry of Interior, had primary responsibility for internal order and for the Afghan Local Police, a community-based self-defense force with no legal ability to arrest or independently investigate crimes. Civilian authorities under the Ghani administration generally maintained control over the security forces, although security forces occasionally acted independently and committed numerous abuses. After August 15, security forces largely disbanded. The Taliban began to recruit and train a new police force for Kabul and announced in early October that the force had 4,000 persons in its ranks. The Taliban

instructed pre-August 15 government employees to return to work, and the Ministry of Interior formally invited former police officers to return; however, returns were slow due to fear of retaliation and lack of salary payments.

The Taliban culminated its takeover on August 15 when Kabul fell to their forces. On September 7, the Taliban announced a so-called interim government made up almost entirely of male Taliban fighters, clerics, and political leaders, hailing from the dominant Pashtun ethnic group. As of December, the Taliban had announced most of its “interim cabinet” but had not outlined steps or a timeline to establish a new permanent government. The Taliban is a Sunni Islamist nationalist and pro-Pashtun movement founded in the early 1990s that ruled much of the country from 1996 until October 2001. The Taliban promoted a strict interpretation of Quranic instruction according to the Hanafi school of Sunni jurisprudence, seeking to eliminate secular governance.

Peace negotiations between representatives of the Ghani administration and the Taliban continued until August as the Taliban consolidated control over territory, but the talks failed to yield a political settlement or unity government. Throughout the year armed insurgents attacked Ghani administration forces, public places, and civilians, killing and injuring thousands of noncombatants. On August 15, as the Taliban approached Kabul, President Ghani fled the country, prompting an immediate collapse of the Afghan National Defense and Security Forces, and a political vacuum. Vice President Amrullah Saleh left the country shortly after as well.

Significant human rights issues occurred before and after August 15. Details of which group or groups perpetuated these human rights issues are addressed throughout the report. The human rights issues included credible reports of: killings by insurgents; extrajudicial killings by security forces; forced disappearances by antigovernment personnel; torture and cases of cruel, inhuman, or degrading treatment or punishment by security forces; physical abuses by antigovernment entities; arbitrary arrest or detention; serious problems with the independence of the judiciary; serious abuses in internal conflict, including killing of civilians, enforced disappearances and abductions, torture and physical abuses, and other conflict-related abuses; unlawful recruitment and use of child soldiers and sexual abuse of children, including by security force members and educational

personnel; serious restrictions on free expression and media by the Taliban, including violence against journalists and censorship; severe restrictions of religious freedom; restrictions on the right to leave the country; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on and harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence, including but not limited to cases of violence against women, including domestic and intimate partner violence, sexual violence, child, early and forced marriage, and other harmful practices; trafficking in persons for forced labor and commercial sexual exploitation; violence targeting members of ethnic minority groups; violence by security forces and other actors against lesbian, gay, bisexual, transgender, queer, and intersex persons; existence and use of laws criminalizing consensual same-sex sexual conduct; severe restrictions on workers' freedom of association and severe restrictions by the Taliban on the right to work for women; and the existence of the worst forms of child labor.

Widespread disregard for the rule of law and official impunity for those responsible for human rights abuses were common. The pre-August 15 government did not consistently or effectively investigate or prosecute abuses by officials, including security forces. After taking over, the Taliban formed a commission to identify and expel "people of bad character" from its ranks. On December 25, a Taliban spokesperson told media that the group had expelled 1,985 individuals, and that those accused of corruption and robbery had been referred to legal authorities. Local and provincial Taliban leaders formed similar commissions and reported rooting out corrupt members. Little information was available regarding how individuals were identified, investigations were conducted, or what their outcomes were.

On September 27, the Office of the Prosecutor of the International Criminal Court filed an application for an expedited order seeking authorization to resume the investigation of alleged crimes against humanity and war crimes committed in the country. The investigation had been deferred due to a request from the pre-August 15 government. The International Criminal Court prosecutor stated that the Taliban takeover represented a significant change of circumstances affecting the ongoing assessment of the pre-August 15 government's deferral request. The

prosecutor determined that there was no prospect of genuine and effective domestic investigations within the country of crimes defined by Article 5 of the Rome Statute. The prosecutor announced that if he receives authorization to resume investigations, he intends to focus his efforts on crimes allegedly committed by the Taliban and ISIS-K, a terrorist group based in Salafist ideology that is an affiliate of the Islamic State in Iraq and al Sham and which is active in South and Central Asia.

Taliban elements attacked religious leaders who spoke out against them, particularly between the February 2020 signing of the U.S.-Taliban agreement and the August 15 Taliban takeover. During the year many Islamic scholars were killed in attacks for which no group claimed responsibility. Nonstate and armed groups, primarily the Taliban and ISIS-K, accounted for most child recruitment and used children younger than 12 during the year. Insurgent groups, including the Taliban, used children as suicide bombers. Antigovernment elements threatened, robbed, kidnapped, and attacked government workers, foreigners, medical and nongovernmental organization workers, and other civilians. The UN Assistance Mission in Afghanistan reported thousands of civilian casualties in the first nine months of the year due to clashes between government and antigovernment actors. Many of these casualties were attributed to antigovernment actors; however, the Taliban did not claim responsibility for civilian casualties. The Taliban referred to suicide attacks as “martyrdom operations.” The Taliban engaged in targeted killings of perceived opponents in areas controlled by the pre-August 15 government and in reprisal killings as it moved across the country. After August 15, senior Taliban leadership announced a wide-ranging general amnesty that prohibited reprisals, including against officials and others associated with the pre-August 15 government, for actions before the Taliban takeover; however, credible reports were received of retaliatory acts, including extrajudicial killings and forced disappearances, both before and after this announcement.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically**

## Motivated Killings

There were reports that the pre-August 15 government or its agents committed arbitrary or unlawful killings. The Attorney General's Office maintained a specialized office to investigate cases involving the Ministry of Interior and its agencies, including the Afghan National Police. The Ministry of Defense maintained its own investigation and prosecution authority at the primary and appellate level; at the final level, cases were advanced to the Supreme Court.

*Pajhwok News* reported that on April 9 security forces manning a checkpoint in Uruzgan Province shot and killed a 10-year-old boy as he passed through the area. The father called on authorities to arrest his son's killers and bring them to justice. There was no indication that authorities investigated the crime or brought charges against the officers involved.

Media published videos of Afghan National Defense and Security Forces (ANDSF) personnel allegedly killing a suspected Taliban sympathizer in Paktika on July 8 by forcing him to sit on an improvised explosive device (IED) and then detonating it. According to the reports, the suspected Taliban sympathizer was a local construction worker who was nearby when the IED was discovered. He was reportedly beaten by Afghan National Police and anti-Taliban militia members before being handed over to the ANDSF. According to the reports, a Defense Ministry spokesperson denied that the incident took place and called the videos "Taliban propaganda."

After August 15, there were numerous reports of reprisal killings by Taliban fighters as they consolidated control of the country. The UN Assistance Mission in Afghanistan (UNAMA) and Human Rights Watch (HRW) received credible reports of more than 100 individuals associated with the previous administration and its security forces as being killed, tortured, or disappeared following the Taliban leadership's August announcement of a general amnesty. Taliban leaders denied these incidents reflected an official policy and claimed many were attributed to personal disputes. According to BBC news, Taliban fighters executed two senior police officials – Haji Mullah Achakzai, the security director of Badghis Province and Ghulam Sakhi Akbari, security director of Farah Province.

A November report by HRW documented “the summary execution or enforced disappearance of 47 former members of the ANDSF – military personnel, police, intelligence service members, and paramilitary militia – those who had surrendered to or were apprehended by Taliban forces between August 15 and October 31, 2021.” Senior Taliban leaders declared a general amnesty and forbade reprisals, although reports persisted of local Taliban leaders engaging in such actions.

In November the Taliban conducted a crackdown in ISIS-K’s stronghold province of Nangarhar, reportedly sending more than 1,300 additional fighters. These fighters arrested, killed, or disappeared scores of suspected ISIS-K collaborators in the campaign. Sources in Nangahar reported observing dozens of decapitated bodies of alleged ISIS-K sympathizers in the crackdown’s aftermath.

Thousands of those who worked for or supported the pre-August 15 government or foreign entities, as well as members of minority groups, sought to flee the country on or after August 15 due to fear of reprisals. Others left their homes to hide from Taliban conducting house-to-house searches for government officials. Unknown actors carried out numerous targeted killings of civilians, including religious leaders, journalists, and civil society advocates (see section 1.g.).

In March, three women working for a television station in Jalalabad were killed in two incidents. Mursal Wahidi was killed as she walked home while Sadia Sadat and Shahnaz were killed in a separate incident on the same night, also while returning home from work. ISIS-K militants claimed responsibility for the attacks.

On May 8, a car bomb attack outside the Sayed ul-Shuhuda school in Kabul resulted in 300 casualties – mostly schoolgirls – including 95 killed. No group claimed responsibility. The attack occurred in a western district of the capital where many residents are of the mostly Hazara ethnic community.

On September 4, Taliban gunmen killed a pregnant policewoman in front of her family, according to the victim’s son. She had worked in Ghor prison and was eight months pregnant when she died. The Taliban spokesperson denied the accusation.

## **b. Disappearance**

Both the pre-August 15 government security forces and the Taliban were responsible for forced disappearances.

UNAMA reported that the Taliban carried out abductions with 40 civilian casualties resulting from those abductions in the first six months of the year, a slight decrease from the same period in 2020 (see section 1.g.).

There were reports of enforced disappearances by the pre-August 15 government that included transnational transfers from the country to Pakistan, according to an August UN Human Rights Council report for the period of May 2020 to May 2021.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the 2004 constitution and law under the pre-August 15 government prohibited such practices, there were numerous reports that government officials, security forces, detention center authorities, and police committed abuses.

Nongovernmental organizations (NGOs) reported that the security forces of the pre-August 15 government used excessive force, including torturing and beating civilians. Despite legislation prohibiting these acts, independent monitors including UNAMA continued to report credible cases of torture in government detention centers.

There were numerous reports of torture and cruel, inhuman, and degrading punishment by the Taliban, ISIS-K, and other antigovernment groups. UNAMA reported that punishments carried out by the Taliban included beatings, amputations, and executions. The report showed that the Taliban held detainees in poor conditions and subjected them to forced labor.

On September 25, the Taliban hung a dead body in the central square in Herat and displayed another three bodies in other parts of the city. A Taliban-appointed district police chief in Herat said the bodies were those of four kidnappers killed by police that day while securing the release of two abductees.

On October 5, the Taliban hung the bodies of two alleged robbers in Herat, claiming they had been killed by residents after they attempted to rob a house.

Impunity was a significant problem in all branches of the pre-August 15 government's security forces. Accountability of National Directorate of Security (NDS), Afghan National Police (ANP), and Afghan Local Police (ALP) officials for torture and abuse was weak, not transparent, and rarely enforced. There were numerous reports that service members were among the most prevalent perpetrators of *bacha bazi* (the sexual and commercial exploitation of boys, especially by men in positions of power). In May the minister of justice and head of the Trafficking in Persons High Commission reported on government efforts to stop trafficking in persons and *bacha bazi*, providing a readout of investigations and prosecutions, but he listed no prosecutions of security officers. The pre-August 15 government did not prosecute any security officers for *bacha bazi*.

### **Prison and Detention Center Conditions**

Conditions in prisons run by the pre-August 15 government were harsh due to overcrowding, lack of sanitation, and limited access to medical services despite the heightened risk of COVID-19. The General Directorate of Prisons and Detention Centers (GDPDC), part of the Interior Ministry, was responsible for all civilian-run prisons (for both men and women) and civilian detention centers. The Ministry of Justice's Juvenile Rehabilitation Directorate was responsible for all juvenile rehabilitation centers. The NDS operated short-term detention facilities at the provincial and district levels, usually colocated with its headquarters facilities. The Ministry of Defense ran the Afghan National Detention Facilities at Parwan. There were credible reports of private prisons run by members of the ANDSF and used for abuse of detainees. The Taliban also maintained illegal detention facilities throughout the country prior to their takeover, with credible reports describing beatings at makeshift prisons.

**Physical Conditions:** Overcrowding in prisons continued to be a serious, widespread problem under the pre-August 15 government. According to UNAMA, in April at least 30 of 38 prisons nationwide had exceeded full capacity, with an average occupancy rate close to 200 percent. After the Taliban took over Kabul, many prisons were emptied as nearly all prisoners escaped or were

released. The two largest prisons – Pul-e-Charkhi in Kabul and Parwan at Bagram – remained largely empty as of December.

Pre-August 15 government authorities generally lacked the facilities to separate pretrial and convicted inmates or to separate juveniles according to the seriousness of the charges against them. Local prisons and detention centers did not always have separate facilities for female prisoners.

According to NGOs and media reports, pre-August 15 government authorities held children younger than age 15 in prison with their mothers, due in part to a lack of capacity of separate children's support centers. These reports documented insufficient educational and medical facilities for these minors.

Access to food, potable water, sanitation, heating, ventilation, lighting, and medical care in prisons varied throughout the country and was generally inadequate under the pre-August 15 government. The pre-August 15 GDPDC's nationwide program to feed prisoners faced a severely limited budget, and many prisoners relied on family members to provide food supplements and other necessary items.

Pre-August 15 authorities were not always able to maintain control of prisons. Dozens of prisoners escaped a Badghis central prison in July when the Taliban breached the province's capital city. The Taliban reportedly paid off prison employees to facilitate the escape of inmates. An estimated 5,000 Taliban militants were imprisoned in provincial capitals before the Taliban took over in July and August, all of whom were released by August 15. In addition to their own imprisoned fighters, the Taliban released thousands more from prisons like Parwan and Pul-e-Charkhi, including members of ISIS-K and al-Qa'ida.

The ISIS-K suicide bomber who carried out an attack at Kabul airport in late August killing dozens of local citizens (and 13 U.S. service members) was among the thousands of prisoners released by the Taliban from Parwan Prison at Bagram Air Base just 11 days before the bombing.

**Administration:** In the pre-August 15 government, authorities conducted some investigations of credible allegations of mistreatment. The law provides prisoners with the right to leave prison for up to 20 days for family visits. Most prisons did

not implement this provision, and the law is unclear in its application to different classes of prisoners.

**Independent Monitoring:** The Afghan Independent Human Rights Commission (AIHRC), UNAMA, and the International Committee of the Red Cross monitored pre-August 15 government ministries, including the Ministry of Interior, Ministry of Justice, Ministry of Defense, and NDS detention facilities. The NATO Resolute Support Mission monitored the NDS, the ANP, and Defense Ministry facilities until the start of the drawdown of NATO forces early in the year. Security constraints and obstruction by authorities occasionally prevented visits to some places of detention. UNAMA and the AIHRC reported difficulty accessing NDS places of detention when they arrived unannounced. The AIHRC reported NDS officials usually required the AIHRC to submit a formal letter requesting access at least one to two days in advance of a visit. NDS officials continued to prohibit AIHRC and UNAMA monitors from bringing cameras, mobile phones, recording devices, or computers into NDS facilities, thereby preventing AIHRC monitors from documenting physical evidence of abuse, such as bruises, scars, and other injuries.

After the Taliban takeover, the UN Security Council unanimously agreed on September 17 to renew the UNAMA mandate for another six months in an effort to continue its in-country activities, including strengthening capacity in the protection and promotion of human rights such as the protection of children affected by armed conflict and prevention of child soldier recruitment.

On September 18, the AIHRC stated their facilities and assets had been commandeered by Taliban forces, thereby rendering the commission unable to fulfill its duties to protect and monitor human rights in the country's prisons.

#### **d. Arbitrary Arrest or Detention**

The 2004 constitution in effect until the August 15 Taliban takeover prohibited arbitrary arrest and detention, but both remained serious problems. In the pre-August 15 period, authorities detained many citizens without respecting essential procedural protections. According to NGOs, law enforcement officers continued to detain citizens arbitrarily without clear legal authority or without regard to

substantive procedural legal protections. Local law enforcement officials reportedly detained persons illegally on charges that lacked a basis in applicable criminal law. In some cases authorities improperly held women in prisons because they deemed it unsafe for the women to return home or because women's shelters were not available to provide protection in the provinces or districts at issue (see section 6, Women). The law provided a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter, but authorities generally did not observe this stipulation.

There were reports throughout the year of impunity and lack of accountability by security forces by both the pre-August 15 government and the Taliban. According to observers, ALP and ANP personnel under the pre-August 15 government were largely unaware of their responsibilities and defendants' rights under the law because many officials were illiterate and lacked training. Independent judicial or external oversight of the NDS, Major Crimes Task Force, the ANP, and the ALP in the investigation and prosecution of crimes or misconduct was limited or nonexistent.

(See also section 1.g.)

### **Arrest Procedures and Treatment of Detainees**

UNAMA, the AIHRC, and other observers reported that, under both the pre-August 15 government and the Taliban, arbitrary and prolonged detention occurred throughout the country, including persons being detained without judicial authorization. Pre-August 15 government authorities often did not inform detainees of the charges against them.

Justice-sector actors and the public lacked widespread understanding and knowledge of the law in effect under the pre-August 15 government. The law details due-process procedures for the use of warrants, periods of detention, investigations, bail, and the arrest of minors. Special juvenile courts with limited capacity operated in a few provinces. Some women and children caught in the criminal justice system were victims rather than perpetrators of crimes. In the absence of sufficient shelters for boys, authorities detained abused boys, many of whom were victims of bacha bazi. Authorities often placed these abused boys in

juvenile rehabilitation centers because they faced violence should they return to their families, and no other shelter was available. Police and legal officials often charged women (but not the men who were involved) with intent to commit *zina* (sex outside marriage) to justify their arrest and incarceration for social offenses, such as running away from their husband or family, rejecting a spouse chosen by their families, fleeing domestic violence or rape, or eloping to escape an arranged marriage.

Authorities imprisoned some women for reporting crimes perpetrated against them and detained some as proxies for a husband or male relative convicted of a crime on the assumption the suspect would turn himself in to free the family member.

Authorities placed some women in protective custody to prevent retributive violence by family members. They also employed protective custody (including placement in detention centers) for women who had experienced domestic violence, if no shelters were available to protect them from further abuse. The 2009 Elimination of Violence against Women (EVAW) presidential decree, commonly referred to as the EVAW law, obliged police to arrest persons who abuse women. Implementation and awareness of the EVAW law was limited, however.

On November 23, the Taliban's so-called prime minister Akhund instructed the Taliban to respect and protect the rights of detained persons under sharia, including by limiting the duration of detention. Still, UNAMA continued to receive reports of detainees not being brought before courts or dispute resolutions following this announcement.

**Arbitrary Arrest:** Under the pre-August 15 government, arbitrary arrest and detention remained a problem in most provinces. Observers reported some prosecutors and police detained individuals without charge for actions that were not crimes under the law, in part because the judicial system was inadequate to process detainees in a timely fashion. Observers continued to report those detained for moral crimes were primarily women.

HRW reported that between August 15 and October 1, the Taliban arrested at least 32 journalists. Most were given warnings regarding their reporting and released,

but some were beaten. In a September 10 statement, the UN Office of the High Commissioner for Human Rights (OHCHR) stated that on September 7 and 8, the Taliban beat and detained protesters, including women, and up to 20 journalists, two of whom were beaten severely.

Between August 15 and December 14, UNAMA documented nearly 60 apparently arbitrary detentions, beatings, and threats of activists, journalists, and staff of the AIHRC, attributed to the Taliban.

There were reports throughout the country in July, August, and September of the Taliban conducting raids on homes and establishments and the detention of citizens as political reprisals, despite assurances from senior Taliban leaders beginning in August that nobody would be harmed and that they did not seek to take revenge. UNAMA documented 44 cases of temporary arrests, beatings, threats and intimidation between August 15 and December 31, 42 of which were attributed to the Taliban.

In November a former senior security official reported the deputy chief of the National Directorate of Security in Bamiyan, a former district police chief, the security chief of a copper mine, a former district governor, and a community activist had all been arrested by the Taliban and that their status and location were unknown.

The Afghanistan Journalists Center reported that Taliban security forces searched the home of independent television network owner Aref Nouri without a warrant on December 26 and took Nouri to an undisclosed location for two days. A Taliban spokesperson said that the detention was unrelated to Nouri's media activities.

Reports in October described Taliban-defined "law enforcement" as lacking in due-process protections, with citizens detained on flimsy accusations and treated harshly while in detention.

In November and December, Taliban intelligence officials targeted Ahmadi Muslims for arrest. According to reports from international Ahmadiyya organizations, the detainees were physically abused and coerced into making false "confessions of being members of ISIS-K." As of December the Taliban had

released some of the Ahmadiis while others remained in detention. Some of the released minors reported that their release was conditioned upon “repenting” their Ahmadiyya beliefs and attending a Taliban-led madrassa every day.

**Pretrial Detention:** The constitution in effect under the pre-August 15 government provided a defendant the right to object to his or her pretrial detention and receive a court hearing on the matter. Nevertheless, lengthy pretrial detention was a problem. Many detainees did not benefit from the provisions of the law because of a lack of resources, limited numbers of defense attorneys, unskilled legal practitioners, and corruption. The law provided that, if there is no completed investigation or filed indictment within the code’s 10-, 27-, or 75-day deadlines, judges must release defendants. Judges, however, held many detainees beyond those periods, despite the lack of an indictment.

#### **e. Denial of Fair Public Trial**

The constitution under the pre-August 15 government provided for an independent judiciary, but the judiciary was underfunded, understaffed, inadequately trained, largely ineffective, and subject to threats, bias, political influence, and pervasive corruption.

Judicial officials, prosecutors, and defense attorneys were often intimidated or corrupt. Corruption was considered by those surveyed by the World Justice Project 2021 report to be the most severe problem facing criminal courts.

Bribery and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency impaired judicial impartiality. Most courts administered justice unevenly, employing a mixture of codified law, sharia, and local custom. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. Corruption was common in the judiciary, and often criminals paid bribes to obtain their release or a sentence reduction (see section 4).

Because the formal legal system often did not exist in rural areas, local elders and *shuras* (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes. They also imposed punishments without regard to the formal legal system. UNAMA and

NGOs reported several cases where perpetrators of violence against women that included domestic abuse reoffended after their claims were resolved by mediation.

In areas they controlled throughout the year, the Taliban enforced a judicial system devoid of due process and based on a strict interpretation of sharia. Punishments included execution and mutilation.

## **Trial Procedures**

The constitution under the pre-August 15 government provided the right to a fair and public trial, but the judiciary rarely enforced this provision. The administration and implementation of justice varied in different areas of the country. The government formally used an inquisitorial legal system. By law all citizens were entitled to the presumption of innocence, and the accused had the right to be present at trial and to appeal, although the judiciary did not always respect these rights. This law also required judges to provide five days' notice prior to a hearing, but judges did not always follow this requirement, and many citizens complained that legal proceedings often dragged on for years.

Under the pre-August 15 government, three-judge panels decided criminal trials, and there was no right to a jury trial under the constitution. Prosecutors rarely informed defendants promptly or in detail of the charges brought against them. Indigent defendants had the right to consult with an advocate or counsel at public expense; however, the judiciary applied this right inconsistently, in large part due to a severe shortage of defense lawyers and a lack of resources. Citizens were often unaware of their constitutional rights. Defendants and attorneys were entitled to examine physical evidence and documents related to a case before trial, although observers noted court documents often were not available for review before cases went to trial, despite defense lawyers' requests.

The pre-August 15 constitution stipulates that a translator appointed by the Court shall be provided if a party in a lawsuit does not know the language of the court proceeding, but it does not clearly indicate whether the court must pay for the translator.

By comparison, citizens all have the right to a fair trial, which includes both the right to defense counsel and the right to an interpreter or translator if needed. But

on defense counsel, the right to “free” and state-appointed counsel is limited to “indigent” defendants, not to ones who can otherwise afford to pay.

Prior to August 15, criminal defense attorneys reported the judiciary’s increased respect and tolerance for the role of defense lawyers in criminal trials, but defendants’ attorneys continued to experience abuse and threats from prosecutors and other law enforcement officials.

The law under the pre-August 15 government established time limits for the completion of each stage of a criminal case, from investigation through final appeal, when the accused was in custody. The law also permitted temporary release of the accused on bail, but this was rarely applied. The law provided for extended custodial limits in cases involving crimes committed against the internal and external security of the country. Courts at the Justice Center in Parwan Province regularly elected to utilize the extended time periods. If the judiciary did not meet the deadlines, the law required the accused be released from custody. Often courts did not meet these deadlines, but detainees nevertheless remained in custody.

In cases where no clearly defined legal statute applied, or where judges, prosecutors, or elders were unaware of the statutory law, judges and informal shuras enforced customary law. This practice often resulted in outcomes that discriminated against women.

According to HRW, the Taliban established its own courts in areas under its control prior to August 15 that relied on religious scholars to adjudicate cases or at times referred cases to traditional dispute resolution mechanisms. Taliban courts prior to August 15 included district-level courts, provincial-level courts, and a *tamiz*, or appeals court, located in a neighboring country.

According to HRW, the Taliban “justice system” was focused on punishment, and convictions often resulted from forced confessions in which the accused was abused or tortured. At times the Taliban imposed corporal punishment for serious offenses, or *hudud* crimes, under an interpretation of sharia.

In October the Taliban appointed a new “chief justice” but largely retained members of the pre-August 15 government’s judicial bureaucracy and appeared to

maintain many related processes. The “chief justice” was quoted in October as stating that the Taliban would follow the country’s 1964 constitution with modifications for Islamic principles. The Taliban have not subsequently elaborated on this statement, and it remained unclear the degree to which prior elements of the legal system and constitution remain in effect. Reports described the Taliban’s approach to law enforcement as lacking procedural protections, and many Taliban fighters were undisciplined and frequently detained on criminal charges. At least 60 Taliban militants were reportedly held in a section of Pul-e-Charkhi Prison after August 15 for crimes such as raiding homes at night and robbery, according to one news report.

On November 22, the Taliban issued a decree declaring that the Afghanistan Independent Bar Association would come under control of the Ministry of Justice. On November 23, more than 50 armed Taliban gunmen forcibly took over the organization’s headquarters and ordered staff to stop their work. Taliban Acting “Justice Minister” Abdul Hakim declared that only Taliban-approved lawyers could work in their Islamic courts, effectively revoking the licenses of approximately 2,500 lawyers.

### **Political Prisoners and Detainees**

There were no reports the pre-August 15 government held political prisoners or political detainees.

The Taliban detained government officials, individuals alleged to be spying for the pre-August 15 government, and individuals alleged to have associations with the pre-August 15 government.

**Amnesty:** In August the Taliban announced a general amnesty for those who worked for or were associated with the pre-August 15 government and those who had fought against the Taliban, saying they had been pardoned. Nonetheless, there were numerous reported incidents of Taliban reprisal killings throughout the year (see section 1.a.).

### **Civil Judicial Procedures and Remedies**

Corruption and limited capacity restricted citizen access to justice for

constitutional and human rights abuses. Prior to August, citizens could submit complaints of human rights abuses to the AIHRC, which reviewed and submitted credible complaints to the Attorney General's Office for further investigation and prosecution. Some female citizens reported that when they approached government institutions with a request for service, government officials, in turn, demanded sexual favors as a quid pro quo.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law under the pre-August 15 government prohibited arbitrary interference in matters of privacy, but authorities did not always respect its provisions. The law contained additional safeguards for the privacy of the home, prohibiting night arrests, requiring the presence of a female officer during residential searches, and strengthening requirements for body searches. The government did not always respect these prohibitions.

Pre-August 15, government officials entered homes and businesses of civilians forcibly and without legal authorization. There were reports that government officials monitored private communications, including telephone calls and other digital communications, without legal authority or judicial warrant.

Likewise, numerous reports since August indicated that the Taliban entered homes and offices forcibly to search for political enemies and those who had supported the NATO and U.S. missions. On December 29, the Taliban's "interim minister for the propagation of virtue and the prevention of vice" decreed all Taliban forces would not violate anyone's privacy, including unnecessary searches of phones, homes, and offices, and that any personnel who did would be punished.

## **g. Conflict-related Abuses**

Internal conflict that continued until August 15 resulted in civilian deaths, abductions, prisoner abuse, property damage, displacement of residents, and other abuses. The security situation deteriorated largely due to successful insurgent attacks by the Taliban and terrorist attacks by ISIS-K. ISIS-K terrorist attacks continued to destabilize the country after August 15, and Taliban efforts to defeat

the terrorist group resulted in numerous violent clashes. According to UNAMA, actions by nonstate armed groups, primarily the Taliban and ISIS-K, accounted for most civilian deaths although civilian deaths decreased dramatically following the Taliban's territorial takeover in August.

**Killings:** UNAMA counted 1,659 civilian deaths due to conflict from January 1 to June 30, and 350 from August 15 to December 31. Pro-Islamic Republic forces were responsible for 25 percent of pre-August 15 civilian casualties: 23 percent by the ANDSF, and 2 percent by progovernment armed groups such as militias. Antigovernment elements were responsible for 64 percent of the total pre-August 15 civilian casualties: 39 percent by the Taliban, 9 percent by ISIS-K, and 16 percent by undetermined antigovernment elements. UNAMA attributed 11 percent of pre-August 15 civilian casualties to “cross fire” during ground engagements where the exact party responsible could not be determined and other incident types, including unattributable unexploded ordnance and explosive remnants of war.

During the year antigovernment forces, including the Taliban, carried out numerous deadly attacks against religious leaders, particularly those who spoke out against the Taliban. Many progovernment Islamic scholars were killed in attacks for which no group claimed responsibility. On January 24, unidentified gunmen shot and killed Maulvi Abdul Raqeeb, a religious scholar, imam, and teacher. On March 3, Kabul University professor and religious scholar Faiz Mohammad Fayeze was shot and killed on his way to morning prayers. On March 31, the ulema council chief in northern Takhar Province, Maulvi Abdul Samad Mohammad, was killed in a bomb blast when an explosive attached to his vehicle detonated.

On May 8, an elaborate coordinated attack on Sayed ul-Shuhuda girls' school in Kabul deliberately targeted its female students in a mostly Hazara neighborhood, killing at least 90 persons, mostly women and girls. The Taliban denied responsibility, but the pre-August 15 government blamed the killings on the Taliban, calling the action “a crime against humanity.”

On June 12, a religious scholar in Logar Province, Mawlawi Samiullah Rashid, was abducted and killed by Taliban gunmen, according to a local Logar government official. In June, according to NGO HALO Trust, gunmen attacked a compound in Baghlan Province killing 10 de-miners. ISIS-K claimed

responsibility for the attack in which there were indications the gunmen may have sought to target Hazaras specifically. Taliban fighters killed nine ethnic Hazara men from July 4 to 6 after taking control of Ghazni Province, according to Amnesty International. On July 22, the Taliban executed a popular comedian from Kandahar, Nazar Mohammad, after beating him, according to HRW. After a video of two men slapping and abusing him appeared in social media, the Taliban admitted that two of their fighters had killed him.

A former police chief of Kandahar and a member of the High Council on the National Reconciliation on August 4 stated that the Taliban had killed as many as 900 individuals in Kandahar Province in the preceding six weeks.

On August 24, Michelle Bachelet, UN high commissioner for human rights, stated during the 31st Special Session of the Human Rights Council that her office received credible reports of serious violations of international humanitarian law and human rights abuses in many areas under effective Taliban control.

An ISIS-K suicide bombing outside the Kabul Airport on August 26 killed more than 180 persons, including 169 civilians in a large crowd seeking to flee the country. ISIS-K claimed responsibility for the attack.

Taliban fighters allegedly engaged in killings of Hazaras in Daykundi Province on August 30; the Taliban denied the allegations.

On September 6, Taliban fighters in Panjshir reportedly detained and killed civilians as a part of their offensive to consolidate control over the province. Reports of abuses remained unverified due to a Taliban-imposed blackout on internet communications in the province. According to Amnesty International, on the same day, the Taliban conducted door-to-door searches in the village of Urmaz in Panjshir to identify persons suspected of working for the pre-August 15 government. Taliban fighters executed at least six civilian men, with eyewitnesses saying that most had previously served in the ANSDF, but none were taking part in hostilities at the time of the execution.

Antigovernment groups regularly targeted civilians, including using IEDs to kill or maim them. UNAMA reported the use of nonsuicide IEDs by antigovernment elements as the leading cause of civilian casualties in the first six months of the

year.

A bomb attack targeting Taliban leadership at a mosque in Kabul on October 3 killed at least five civilians at the memorial service for the mother of Taliban spokesperson Zabiullah Mujahid.

ISIS-K launched several attacks on mosques in October. The attacks targeted the Shia community, killing dozens of worshipers in Kunduz, Kandahar. No group claimed responsibility for two attacks on December 10 in western Kabul targeting predominantly Shia Hazara neighborhoods.

On November 2, ISIS-K suicide blasts and gunfire at the main military hospital in Kabul left at least 20 persons dead and dozens more injured.

On November 3, the UN special rapporteur on human rights defenders and 11 other thematic UN special rapporteurs stated that Afghan human rights defenders were under direct threat by the Taliban, including gender-specific threats against women, beatings, arrests, enforced disappearances, and killings. The report noted that defenders described living in a climate of constant fear, with the most at-risk groups being defenders documenting alleged war crimes; women defenders, in particular criminal lawyers; cultural rights defenders; and defenders from minority groups. The Taliban raided the offices of human rights and civil society organizations, searching for the names, addresses, and contacts of employees, according to the report.

According to the UN secretary-general's report on the situation in the country, eight civil society activists were killed (three by the Taliban, three by ISIS-K, and two by unknown actors between August and December 31).

**Abductions:** The UN secretary-general's 2020 *Children and Armed Conflict Report*, released in June, cited 54 verified incidents of the Taliban abducting children. Of those, 42 children were released, four were killed, and the whereabouts of eight children remained unknown.

**Child Soldiers:** Under the pre-August 15 government's law, recruitment of children in military units carried a penalty of six months to one year in prison. The *Children and Armed Conflict Report* verified the recruitment and use of 196 boys,

of whom 172 were attributed to the Taliban and the remainder to pre-August 15 government or progovernment forces. Children were used in combat, including attacks with IEDs. Nine boys were killed or injured in combat. Insurgent groups, including the Taliban and ISIS-K, used children in direct hostilities, to plant and detonate IEDs, carry weapons, surveil, and guard bases. The Taliban recruited child soldiers from madrassas in the country and Pakistan that provide military training and religious indoctrination, and it sometimes provided families cash payments or protection in exchange for sending their children to these schools. UNAMA verified the recruitment of 40 boys by the Taliban, the ANP, and progovernment militias half in the first half of the year. In some cases the Taliban and other antigovernment elements used children as suicide bombers, human shields, and to place IEDs, particularly in southern provinces. Media, NGOs, and UN agencies reported the Taliban tricked children, promised them money, used false religious pretexts, or forced them to become suicide bombers. UNAMA reported the ANDSF and progovernment militias recruited and used 11 children during the first nine months of the year, all for combat purposes. Media reported that local progovernment commanders recruited children younger than age 16. NGOs reported security forces used child soldiers in the practice of bacha bazi.

The country remained on the Child Soldiers Prevention Act List in the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

The pre-August 15 government's Ministry of Interior took steps to prevent child soldier recruitment by screening for child applicants at ANP recruitment centers, preventing 187 child applicants from enrolling in 2020. The pre-August 15 government operated child protection units (CPUs) in all 34 provinces; however, some NGOs reported these units were not sufficiently equipped, staffed, or trained to provide adequate oversight. The difficult security environment in most rural areas prevented oversight of recruitment practices at the district level; CPUs played a limited oversight role in recruiting. Recruits underwent an identity check, including an affidavit from at least two community elders that the recruit was at least 18 years old and eligible to join the ANDSF. The Ministries of Interior and Defense also issued directives meant to prevent the recruitment and sexual abuse of children by the ANDSF. Media reported that in some cases ANDSF units used

children as personal servants, support staff, or for sexual purposes. Pre-August 15 government security forces reportedly recruited boys specifically for use in bacha bazi in every province of the country.

While the pre-August 15 government protected trafficking victims from prosecution for crimes committed because of being subjected to trafficking, there were reports the government treated child former combatants as criminals as opposed to victims of trafficking. Most were incarcerated alongside adult offenders without adequate protections from abuse by other inmates or prison staff.

See also the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

**Other Conflict-related Abuse:** After the August 15 Taliban takeover, there were fewer security and security-related incidents throughout the rest of the year. According to UNAMA, between August 19 and December 31, the United Nations recorded 985 security-related incidents, a 91 percent decrease from the same period in 2020. Security incidents also dropped significantly as of August 15 from 600 to less than 100 incidents per week. Available data indicated that armed clashes also decreased by 98 percent as of August 15 from 7,430 incidents to 148; airstrikes by 99 percent from 501 to three; detonations of IEDs by 91 percent from 1,118 to 101; and killings by 51 percent from 424 to 207.

The security environment continued to make it difficult for humanitarian organizations to operate freely in many parts of the country through August. Violence and instability hampered development, relief, and reconstruction efforts throughout the year. Prior to August 15, insurgents, such as the Taliban, targeted government employees and aid workers. NGOs reported insurgents, powerful local elites, and militia leaders demanded bribes to allow groups to bring relief supplies into their areas and distribute them. After the Taliban takeover, a lack of certainty regarding rules and the prevalence of conservative cultural mores in some parts of the country restricted operation by humanitarian organizations.

The period immediately following the Taliban takeover in mid-August was marked by general insecurity and uncertainty for humanitarian partners as Taliban operations included searches of NGO office premises, some confiscation of assets

and investigation of activities. According to UNAMA, challenges to humanitarian access increased from 1,104 incidents in 2020 to 2,050 incidents during the year, the majority occurring in the pre-August 15 period at the height of fighting between the Taliban and government forces.

The cessation of fighting was associated with a decrease in humanitarian access challenges with only 376 incidents reported between September 17 and December 17, according to UNAMA. The initial absence of a clear Taliban policy on humanitarian assistance; lack of awareness of the humanitarian principles of humanity, neutrality, impartiality, and independence; sweeping albeit varied restrictions on women in the workplace; access problems; and banking challenges were also significant impediments to aid groups' ability to scale up response operations.

After mid-August, geographic access by humanitarian implementing partners improved significantly, allowing access to some rural areas for the first time in years. Taliban provincial and local leaders expressed willingness to work with humanitarian partners to address obstacles to the principled delivery of humanitarian assistance. In September the Taliban provided written and oral assurances to humanitarian partners and increasingly facilitated access for the provision of humanitarian goods and services from abroad and within the country. Nonetheless, impediments to the full participation of women in management, delivery, and monitoring of humanitarian assistance programs remained a concern.

In October a Taliban official reportedly declared a prominent U.S.-based humanitarian aid organization an "enemy of the state." Taliban forces occupied the organization's Kabul offices, seized their vehicles, and warned that NDS officials were determined to "punish" the organization on alleged charges of Christian proselytization. Faced with mounting hostility and threats to arrest staff, the organization suspended its operations. The organization's Kabul offices remained occupied by the Taliban.

In its campaign leading up to the August 15 takeover, the Taliban also attacked schools, radio stations, public infrastructure, and government offices. An explosives-laden truck destroyed a bridge in Kandahar's Arghandab district on March 23. While the blast inflicted no casualties, part of the bridge used to

connect the district with Kandahar city was destroyed. Sediq Sediqqi, Ghani's deputy minister of interior affairs for strategy and policies, accused the Taliban of destroying the bridge, which Taliban spokesperson Mujahid denied.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution provided for freedom of speech, including for the press, but the pre-August 15 government sometimes restricted this right. Following August 15, the Taliban used force against protesters and journalists and suppressed political discussion and dissent. Journalists reported a chilling effect on free speech and press in the country as a result of the Taliban's policies, particularly following media reports of torture of two local journalists covering women's protests after the Taliban takeover. The Taliban announced restrictive media regulations in September and additional guidelines in November, in line with the Taliban's strict interpretation of sharia.

**Freedom of Expression:** The constitution provided for freedom of speech under the pre-August 15 government. There were reports that the pre-August 15 government officials at times used pressure, regulations, and threats to silence critics. Criticism of the pre-August 15 government was regular and generally free from restrictions, but criticism of provincial governments was more constrained, where local officials and power brokers exerted significant influence and authority to intimidate or threaten their critics, both private citizens and journalists.

**Freedom of Expression for Members of the Press and Other Media, Including Online Media:** Prior to the Taliban's takeover, independent media were active and expressed a wide variety of views. Implementation of a law that provides for public access to government information remained inconsistent, and media reported consistent failure by the pre-August administration to meet the requirements of the law. Pre-August 15 government officials often restricted media access to official government information or simply ignored requests for information. UNAMA, HRW, and Reporters without Borders reported the government did not fully implement the law, and therefore journalists often did not

receive access to information they sought. Furthermore, journalists stated pre-August 15 government sources shared information with only a few media outlets.

On September 16, Reporters Without Borders said that 103 journalists signed a joint statement asking the international community to take urgent action to help protect press freedom in the country. The journalists pled for international action to guarantee the protection of female journalists who sought to continue their work, resources for local media outlets to remain open, and material assistance for those who have fled abroad.

Reporters Without Borders and the Afghan Independent Journalists Association reported that approximately 200 media outlets have shut down, leaving almost 60 percent of journalists unemployed. Various factors, including financial constraints, fear, and departure of staff, also contributed to closures.

**Violence and Harassment:** Pre-August 15 government officials and private citizens used threats and violence to intimidate independent and opposition journalists, particularly those who spoke out against impunity, crimes, and corruption by powerful local figures. The Taliban insurgency continued to threaten, attack, and kill journalists and media organizations. The Taliban warned media would be targeted unless they stopped broadcasting what it called “anti-Taliban statements.” Increased levels of insecurity until August 15 created a dangerous environment for journalists, even when they were not the specific targets of violence. Media advocacy groups reported that many female journalists worked under pseudonyms in both print and social media to avoid recognition, harassment, and retaliation, especially after the Taliban takeover in August.

Many media workers fled to safe havens starting in January after the Taliban launched a campaign of violence against journalists in late 2020, as reported by UNAMA and independent media. Taliban violence continued to escalate against journalists throughout the year, and frequent reports of attacks continued after their occupation of the country in August. According to the UNESCO observatory of killed journalists, seven journalists were killed between January 1 and August 8, including four women.

On January 1, gunmen in Ghor Province opened fire on the car of journalist

Bismillah Adil, killing him in an attack for which no one has claimed credit. On February 25, gunmen stormed Adil's family home and killed three of his family members and wounded five children.

On June 3, unidentified assailants in Kabul detonated an explosive device attached to a van in which Ariana News TV Kabul anchor Mina Khairi was a passenger, killing her and two family members. An Ariana News TV manager said other station employees had received threats.

In response to increased concern regarding the targeting of journalists following the Taliban's takeover in August, the UN Human Rights Council held an emergency session, and a group of UN human rights experts convened to issue a statement through the OHCHR. On September 3, the statement called on all member states to provide urgent protection to Afghan journalists and media workers who fear for their lives and are seeking safety abroad. Many of those journalists who remained in the country ceased their work and reported living in hiding to avoid targeted attacks. According to an al-Jazeera report in October, more than 30 instances of violence and threats of violence were reported by the Afghanistan National Journalists Union. Many journalists fled the provinces to Kabul and others departed the country.

Journalists faced the threat of harassment and attack by ISIS-K, the Taliban, and pre-August 15 government-linked figures attempting to influence how they were covered in the news. With the Taliban takeover of the country, the Committee for the Protection of Journalists (CPJ) in September reported numerous instances of Taliban physical violence against and detention of journalists, warning that an entire generation of reporters was at risk in the country.

On September 7, Taliban fighters detained a freelance photographer after he covered a protest in the western city of Herat, according to the Committee to Protect Journalists. At the end of the year, he had not been released.

On September 8, according to the CPJ, the Taliban detained and later released at least 14 journalists covering protests in Kabul. According to media sources, at least nine of the journalists were subjected to violence during their arrests or detention.

On September 18, an unidentified man shot journalist Mohammad Ali Ahmadi after accusing him of working for an “American radio station.” Ahmadi, a reporter and editor with national radio broadcaster Salam Watandar in Kabul, was shot twice in the leg and hospitalized.

CPJ reported in October that Taliban fighters assaulted at least three journalists covering a women’s protest in Kabul for demanding “work, bread, and education.” The fighters also attacked a photographer working with a French news agency, who captured some of the violence on camera.

According to UNAMA, two journalists were killed after August 15 – one by the ISIS-K and another by unknown actors.

**Censorship or Content Restrictions:** Media observers claimed journalists reporting on administrative corruption, land embezzlement, and local officials’ involvement in narcotics trafficking engaged in self-censorship due to fear of violent retribution by provincial police officials and powerful families. Most requests for information from journalists who lacked influential connections inside the pre-August 15 government or international media credentials were disregarded, and government officials often refused to release information, claiming it was classified.

On September 19, the Taliban issued a set of 11 media directives including a requirement that media outlets prepare detailed reports in coordination with the new “governmental regulatory body.” The directives prohibit media from publishing reports that are “contrary to Islam,” “insult national figures,” or “distort news content.” The directives also included prohibitions on “matters that could have a negative impact on the public’s attitude or affect morale should be handled carefully when being broadcast or published.” Journalists in Kabul reported being turned away from covering events of interest and being told to obtain individual permits from local police stations with jurisdiction over the area of reporting activity.

Tolo TV, a commercial television station broadcasting programming through major cities across the country, scaled back programming in September in an act of self-censorship with the Tolo TV CEO, saying, “we had to sacrifice music for

survival,” with the process of self-censorship entailing the elimination of Turkish soap operas, adding programming featuring women scarved, and replacing musical programming with religious chants.

Journalists called the restriction and censorship of information by the Taliban the primary obstacle to reporting and said many media organizations stopped their activities in an act of self-censorship after the collapse of the pre-August 15 government.

The Taliban’s Ministry for the Promotion of Virtue and Prevention of Vice announced eight restrictive “religious guidelines” on November 21, including one recommending that women should not appear in television dramas or entertainment programs and another indicating that female journalists should wear head coverings. As of December the guidelines were not being enforced consistently.

**Libel/Slander Laws:** The pre-August 15 government’s laws prescribed prison sentences and fines for defamation. Pre-August 15 authorities sometimes used defamation as a pretext to suppress criticism of government officials.

**National Security:** Journalists complained pre-August 15 government officials frequently invoked the national interest exception in the relevant law to avoid disclosing information.

**Nongovernmental Impact:** Throughout the year some reporters acknowledged they avoided criticizing the Taliban and some neighboring countries in their reporting because they feared Taliban retribution. Insurgent groups coerced media agencies in insecure areas to prevent them from broadcasting or publishing advertisements and announcements of the security forces, entertainment programming, music, and women’s voices.

Women in some areas of the country said their freedom of expression in choice of attire was limited by conservative social mores and sometimes enforced by the Taliban in insurgent-controlled areas as well as by religious leaders.

## **Internet Freedom**

The pre-August 15 government did not restrict or disrupt access to the internet, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Media outlets and activists routinely used social media to discuss political developments, and Facebook was widely used in urban areas. The Taliban used the internet and social media to spread its messages.

There were many reports of Taliban attempts to restrict access to information.

During its offensive on Panjshir in August and September, the Taliban shut down the internet in the province to restrict the transmission of information regarding fighting and communication between residents and the outside world. Reports indicated that, with limited exceptions in the days before the Taliban seized control in Kabul, access to the internet remained available throughout the country, including access to social media and messaging apps such as Twitter and WhatsApp. On September 9, the Taliban reportedly turned off internet service in parts of Kabul following a series of large anti-Taliban and anti-Pakistan street demonstrations.

Human rights groups encouraged human rights defenders to delete or modify their online presence to minimize the risk that the Taliban would link them to the former regime or NATO forces.

## **Academic Freedom and Cultural Events**

Academic freedom was largely exercised under the pre-August 15 government. In addition to public schooling, there was growth in private education, with new universities enjoying full autonomy from the government. Both government security forces and the Taliban took over schools to use as military posts.

The expansion of Taliban control in rural areas before the group's takeover left an increasing number of public schools outside of pre-August 15 government control. The Taliban operated an "education commission" in parallel to the pre-August 15 Ministry of Education. Although their practices varied among areas, some schools

under Taliban control reportedly allowed teachers to continue teaching but banned certain subjects and replaced them with Islamic studies; others provided only religious education, and only for male students.

In September the Taliban announced it would review subjects to be taught to ensure compliance with the Taliban interpretation of sharia, while also committing in October and November not to change the curriculum to a madrassa-style education. Public universities did not open for the academic year starting in September and remained closed as of December.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights; however, the pre-August 15 government limited these freedoms in some instances. The Taliban generally did not respect freedom of peaceful assembly and association, although they allowed some limited protests and demonstrations to take place without interference.

### **Freedom of Peaceful Assembly**

The pre-August 15 government generally respected citizens' right to demonstrate peacefully. Numerous public gatherings and protests took place during the year; however, police sometimes fired live ammunition into the air when attempting to break up demonstrations. On January 29, at least 10 civilians were killed and 20 others injured when police fired upon a protest in the Behsud district of Maidan Wardak Province, according to *Etilaatroz* news. The Ministry of Interior stated the protesters were armed. On June 8, the Badakhshan Province governor allegedly ordered police to shoot demonstrators who had entered the governor's compound, resulting in four deaths.

Protests and rallies were also vulnerable to attacks by ISIS-K and the Taliban. The August Taliban takeover prompted numerous, small-scale protests by women demanding equal rights, participation in government, and access to education and employment. Taliban fighters suppressed several women's protests by force.

In the weeks immediately following the August 15 Taliban takeover, several

peaceful protests were staged in cities throughout the country, primarily by women activists, without interference by the Taliban. Further protests were increasingly met with resistance and violence by the Taliban, however, and as of December the Taliban suppressed protests against the group and its policies.

On September 5, a march by dozens of women towards the presidential palace calling for the right to work was broken up by the Taliban with tear gas and pepper spray. In a similar incident three days later in Kabul, the Taliban reportedly used whips and batons to suppress a group of women demonstrating for equal rights. On September 8, the Taliban issued instructions banning unauthorized assemblies, motivating civil society, particularly women, to shift their efforts behind closed doors and to online platforms. The UN Human Rights Commission stated on September 10 that peaceful protests in many parts of the country were met with an increasingly violent response by the Taliban after their takeover. The Taliban frequently used force to suppress protests, including firing live ammunition overhead to disperse crowds.

### **Freedom of Association**

The constitution provided for the right to freedom of association, and the pre-August 15 government generally respected it. The pre-August 15 government's law on political parties required political parties to register with the Ministry of Justice and to pursue objectives consistent with Islam. The same law prohibited employees and officials of security and judicial institutions, specifically the Supreme Court, Attorney General's Office, Ministry of Interior, Ministry of Defense, and NDS, from political party membership. Noncompliant employees were subject to dismissal.

After August 15, the Taliban generally did not respect freedom of association.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement and the Right to Leave the Country**

The pre-August 15 government's law provided for freedom of internal movement, foreign travel, emigration, and repatriation. The pre-August 15 government generally respected these rights. The Taliban generally respected these rights for citizens with sufficient identity documentation, including passports, but they prevented certain political figures associated with previous administrations from travelling abroad. Restrictions were also placed on women's in-country movements.

**In-country Movement:** The pre-August 15 government generally did not restrict the right to freedom of movement within the borders of the country. Social custom limited women's free movement in some areas without a male family member's consent or a male relative chaperone (*mahram*). Prior to August 15, the greatest barrier to movement in some parts of the country remained the lack of security. Taxi, truck, and bus drivers reported security forces and insurgents sometimes operated illegal checkpoints and extorted money and goods from travelers. Prior to August 15, the Taliban regularly blocked highways completely or imposed illegal taxes on those who attempted to travel.

Through the year, Taliban checkpoints increasingly dotted the main highways leading in and out of Kabul, since many outposts were abandoned by pre-August 15 government security forces. Media workers and officials of the pre-August 15 government avoided in-country travel because they feared being identified by the Taliban and subjected to reprisals.

After the Taliban takeover in August, intercity travel was generally unobstructed. On December 26, the Taliban announced that women could not engage in long-distance travel without a mahram. Within populated areas, women could move more freely, although there were increasingly frequent reports of women without a mahram being stopped and questioned.

**Foreign Travel:** The country's neighbors closed land borders to regular traffic after the Taliban takeover of Kabul in August, and travel by air decreased significantly due to capacity constraints and lack of functionality at the country's airports. The Taliban stated they do not want citizens to leave the country but that

those with foreign travel authorization and required documentation would be allowed to depart; Taliban leaders stated the right to travel is guaranteed by Islam. Enforcement of these “regulations” was inconsistent. Citizens with passports and visas for third countries were generally permitted to depart the country, and Pakistan was allowing pedestrians from Kandahar Province to cross into Pakistan and back for trade and day labor using only identity cards. The Taliban prevented certain political figures associated with previous administrations from travelling abroad due to concerns regarding possible political activities abroad. After August 15, most airlines flying commercial routes to and from Kabul International Airport cancelled flights, although Afghan airlines (Ariana and Kam) continued to fly commercial routes. Damaged equipment at Kabul International Airport limited aircraft takeoffs and landings to daylight hours under visual flight rules, which also required clear weather; these limitations made insurance costs for airlines prohibitive to operate and prevented the return of many commercial routes that existed prior to August 15.

In October the Taliban stated they would resume issuing passports, ending a months-long suspension that had diminished the limited ability of citizens to depart the country. According to local media, more than 170,000 passport applications received in August and September remained unadjudicated as of December 31. In December the Taliban announced that passport offices had opened in 25 provinces. Anecdotal reports suggested passports were not always issued impartially but rather reserved for individuals whom the Taliban deemed “unproblematic” or who could pay substantially higher prices for the passport. Some individuals associated with the previous administration reported being detained and beaten following their visit to passport offices.

In October Taliban authorities closed the Chaman-Spin Boldak border crossing into Pakistan. After a 27-day closure, the crossing reopened to pedestrians and trade. After the reopening, Pakistan reportedly permitted Kandahar *tazkira* (national identification card) holders – as well as individuals with medical reasons but without documentation – to cross the border.

## **e. Status and Treatment of Internally Displaced Persons**

Internal population movements continued because of armed conflict and natural

disasters, including avalanches, flooding, and landslides. The Office of the UN High Commissioner for Refugees (UNHCR) stated that widespread intense fighting between pre-August 15 government security forces and the Taliban between May and August forced approximately 250,000 citizens to flee their homes. The UN Office for the Coordination of Humanitarian Affairs (OCHA) estimated a total of 669,682 persons were displaced between January and December 19, of whom 2 percent were displaced following August 15. Most internally displaced persons (IDPs) left insecure rural areas and small towns to seek relatively greater safety and government services in larger towns and cities in the same province. UNHCR estimated that 158,000 displaced persons returned home since fighting subsided following the Taliban takeover in August.

Limited humanitarian access due to the poor security situation caused delays in identifying, assessing, and providing timely assistance to IDPs, who continued to lack access to basic protection, including personal security and shelter. Many IDPs, especially in households with a female head, faced difficulty obtaining basic services because they did not have identity documents. Many IDPs in urban areas reportedly faced discrimination, lacked adequate sanitation and other basic services, and lived at constant risk of eviction from illegally occupied displacement sites, according to the Internal Displacement Monitoring Center. Women in IDP sites reported high levels of domestic violence. Limited opportunities to earn a livelihood following the initial displacement often led to secondary displacement, making tracking of vulnerable persons difficult. Even IDPs who had access to local social services sometimes had less access than their non-IDP neighbors, due to distance from the services or other factors.

Protection concerns were increasingly reported to humanitarian partners, with growing protection needs for persons with disabilities, the elderly, female-headed households, and sexual and gender minorities. By October, food shortages and lack of access to basic services contributed to a widespread humanitarian crisis, with millions of individuals lacking basic life necessities as the country faced the onset of winter. The economic and liquidity crisis since the Taliban takeover, lower agricultural yield due to drought conditions, unreliable electricity supply and deteriorating infrastructure, and the continuing COVID-19 pandemic all combined to worsen the humanitarian crisis.

## **f. Protection of Refugees**

The pre-August 15 government cooperated with UNHCR, the International Organization for Migration (IOM), and other humanitarian organizations to provide protection and assistance to IDPs, returning refugees, and other persons of concern. The Taliban has cooperated to a limited extent with UNHCR, the IOM, or other humanitarian organizations. On September 13, UN Refugee Commissioner Filippo Grandi visited the country and met with the Taliban's so-called interim minister of refugees and repatriation affairs Khalil-ur-Rahmen Haqqani. In an interview with the *Washington Post*, Grandi noted that humanitarian access had increased since August due to the cessation of hostilities and improved security.

**Access to Asylum:** The pre-August 15 government did not create a legal and programmatic framework for granting asylum or refugee status and had not established a legal framework for providing protection to refugees. Since the takeover, the Taliban also have not created a legal and programmatic framework for granting of asylum or refugee status.

**Abuse of Migrants and Refugees:** The pre-August 15 government's ability to assist vulnerable persons, including returnees from Pakistan and Iran, remained limited, and it continued to rely on the international community for assistance. The Taliban's "Ministry of Refugees and Repatriation Affairs" repatriated approximately 4,000 IDPs to their communities of origin, although the IOM estimated there were more than five million IDPs in the country. "Interim Minister" Khalil Haqqani told al-Jazeera that the Taliban had a plan to return all IDPs to their homes, assist in repairing damaged homes, and designate provincial support zones to assist returnees.

The IOM estimated that all returning migrants required humanitarian assistance. Between January and September, the IOM recorded a total of 866,889 undocumented Afghans returning or being deported from Iran and Pakistan. In the same time period, the IOM recorded 40,089 assisted returnees. UNHCR reported the number of registered refugees returning remained lower than in 2020, mainly due to the Taliban takeover. The country lacked the capacity to reintegrate successfully large numbers of returnees due to continuing insecurity, poor

development, and high unemployment, exacerbated by COVID-19. Insecurity and lack of services meant most recent returnees could not return to their places of origin. While numbers of deportations or spontaneous voluntary returns were trending upwards, the seizure of Kabul by the Taliban in August disrupted accurate tracking of returnees.

### **g. Stateless Persons**

NGOs noted the lack of official birth registration for refugee children in the country as a significant problem and protection concern, due to the risk of statelessness and potential long-term disadvantage.

## **Section 3. Freedom to Participate in the Political Process**

The 2004 constitution provides citizens the opportunity to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The right to vote may be stripped for certain criminal offenses. Violence from the Taliban and other antigovernment groups interfered with, but did not prevent, the most recent presidential election, held in 2019. In September, after the Taliban takeover, the Taliban's so-called chief justice was quoted as saying that the country would follow the 1964 Constitution with modifications until it drafted a replacement document. There was no further clarification, leaving uncertain whether there would be future elections or other democratic processes. The Taliban announced on December 27 that it was disbanding the Independent Election Commission, the Electoral Complaints Commission, and the Ministry of Parliamentary Affairs, stating they were "unnecessary for current conditions."

### **Elections and Political Participation**

**Recent Elections:** Elections were last held in 2019, and President Ghani's second five-year term began in April 2020. President Ghani fled the country on August 15 as the Taliban approached Kabul. First Vice President Amrullah Saleh under President Ghani announced a government in exile in September. In September the Taliban's spokesperson said future elections would be considered in the process of establishing a new constitution.

**Political Parties and Political Participation:** Under the pre-August 15

government, the constitution granted parties the right to exist as formal institutions. The law provided that any citizen 25 years old or older may establish a political party. The same law required parties to have at least 10,000 members nationwide to register with the Ministry of Justice, conduct official party business, and introduce candidates in elections. Only citizens 18 years old or older and who have the right to vote were permitted to join a political party. Certain members of the government, judiciary, military, and government-affiliated commissions were prohibited from political party membership during their tenure in office.

Before August 15, in large areas of the country, political parties could not operate due to insecurity. After August 15, the Taliban engaged with some political parties, including Gulbuddin Hekmatyar's Hezb-e Islami. Senior leaders of other key parties left the country as the Taliban seized Kabul, including most notably the predominantly ethnic Tajik Jamiat Islami, the predominantly ethnic Hazara Hezb-e Wahdat, the predominantly Pashtun Islamic Dawah Organization, and the predominantly ethnic Uzbek Junbish-i-Milli. Taliban representatives reportedly maintained communication with those parties, but their ability to operate in the country was limited.

**Participation of Women and Members of Minority Groups:** No laws under the pre-August 15 government prevented women or members of religious or ethnic minority groups from participating in political life, although different ethnic groups complained of unequal access to local government jobs in provinces where they were in the minority. Individuals from the largest ethnic group, the Pashtuns, had more seats than any other ethnic group in both houses of parliament, but they did not have more than 50 percent of the seats. There was no evidence authorities purposely excluded specific societal groups from political participation.

The 2004 constitution specified a minimum number of seats for women and minorities in the two houses of parliament. For the Wolesi Jirga (lower house of the national assembly), the constitution mandated that at least two women shall be elected from each province (for a total of 68). The Independent Election Commission finalized 2018 parliamentary election results in May 2019, and 418 female candidates contested the 250 seats in the Wolesi Jirga in the 2018 parliamentary election. In Daikundi Province a woman won a seat in open competition against male candidates, making it the only province to have more

female representation than mandated by the constitution. The constitution also mandated one-half of presidential appointees must be women. It also set aside 10 seats in the Wolesi Jirga for members of the nomadic Kuchi minority. In the Meshrano Jirga (upper house), the president's appointees were required to include two Kuchis and two members with physical disabilities, and one-half of the president's nominees were required to be women. One seat in the Meshrano Jirga and one in the Wolesi Jirga were reserved for the appointment or election of a Sikh or Hindu representative, although this was not mandated by the constitution.

In many regions traditional societal practices limited women's participation in politics and activities outside the home and community, including the need to have a male escort or permission to work. The 2016 electoral law mandated that 25 percent of all provincial, district, and village council seats "shall be allocated to female candidates." Neither district nor village councils were established by year's end.

Women active in government and politics before August 15 continued to face threats and violence and were targets of attacks by the Taliban and other insurgent groups.

In September the Taliban announced a "caretaker government," dominated by ethnic Pashtun members with no women and only a few members of minority groups, none at the cabinet level. In late December the Taliban announced that a second member of the Hazara minority had been appointed to the government, this time as deputy minister for economic affairs.

On September 17, the Taliban closed the Ministry of Women's Affairs and announced that the reconstituted "Ministry of the Propagation of Virtue and the Prevention of Vice" would be housed in its building. The Ministry of Women's Affairs was founded in 2001 with a mandate to "implement government's social and political policy to secure legal rights of women in the country." The ministry often struggled with a lack of influence and resources.

According to media reports, the Taliban repressed members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community and would not allow members of historically marginalized minority groups to participate in

ministries and institutions (see section 6).

## **Section 4. Corruption and Lack of Transparency in Government**

The law under the pre-August 15 government provided criminal penalties for corruption by government officials. The pre-August 15 government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Reports indicated corruption was endemic throughout society, and flows of money from the military, international donors, and the drug trade continued to exacerbate the problem. There were numerous reports of government corruption during the year. Local businessmen complained that government contracts were routinely steered to companies that paid a bribe or had family or other connections to a contracting official.

According to prisoners and local NGOs, corruption was widespread across the justice system during the pre-August 15 government, particularly regarding the prosecution of criminal cases and in arranging release from prison. There were reports officials received unauthorized payments in exchange for reducing prison sentences, halting investigations, or dismissing charges outright.

Freedom House reported extensive corruption in the judiciary, with judges and lawyers often subject to threats and bribes from local leaders or armed groups.

During the year there were reports of “land grabbing” by both private and public actors, including the Taliban. Most commonly, businesses illegally obtained property deeds from corrupt officials and sold the deeds to unsuspecting prospective homeowners who were later prosecuted. Other reports indicated government officials confiscated land without compensation with the intent to exchange it for contracts or political favors. There were reports provincial governments illegally confiscated land without due process or compensation in order to build public facilities.

**Corruption:** Under the pre-August 15 government, the Anti-Corruption Justice Center (ACJC) had jurisdiction over corruption crimes allegedly committed by high-ranking government officials. Between January 2020 and February 2021, a

total of 10 military officials of the rank of general were tried by the ACJC Primary Court. The ACJC Primary Court conducted trials in 95 cases involving 384 defendants. The court convicted 302 defendants, acquitted 77, and returned cases of two defendants to the prosecutor for further investigation. Since August the ACJC ceased to operate.

In January, three parliamentarians were arrested for bribery. Per parliamentary rules, the members were released from detention. They were indicted in February and convicted in a trial during which the defendants were absent but represented by counsel. The court sentenced each to 10 years' imprisonment and a fine of three million afghanis (\$40,000). The Senate wrote to the Supreme Court committing not to arrest the defendants pending their appeal to the ACJC appellate court. The defendants neither surrendered nor were arrested.

Local news agencies reported in February that the pre-August 15 government Ministry of Interior had removed 321 personnel from their posts as a part of the ministry's campaign against extortion on the country's highways. Also in February the Attorney General's Office stated three members of the Meshrano Jirga were sentenced to prison for corruption.

Violent attacks by insurgents against judges, prosecutors, and prison officials made members of the judicial sector increasingly fearful in carrying out their duties. Justice-sector professionals came under threat or attack for pursuing certain cases, particularly corruption or abuse-of-power cases against politically or economically powerful individuals.

According to various reports, many pre-August 15 government officials, including district or provincial governors, ambassadors, and deputy ministers, were suborned. Pre-August 15 government officials with reported involvement in corruption, the drug trade, or records of human rights abuses reportedly continued to receive executive appointments and served with relative impunity. There were allegations of widespread corruption and abuse of power by officers at the Ministry of Interior. Provincial police reportedly extorted civilians at checkpoints and received kickbacks from the drug trade. Police reportedly demanded bribes from civilians to gain release from prison or avoid arrest. Senior Interior Ministry officials of the pre-August 15 government also refused to sign the execution of

arrest warrants.

The Taliban announced anticorruption policies following their takeover, including creating commissions in Kabul and at the provincial level to identify corrupt or criminal officials and taking a hardline stance against bribery. The Taliban launched a commission through the “Ministry of Defense” to identify members who were flouting the movement’s directives. A ministry spokesman stated that 2,840 Taliban members were dismissed on charges of corruption and drug use. Reporting from multiple local businessmen revealed that cross-border trading had become much easier under Taliban stewardship with elimination of the “gifts” usually required for Customs officials.

On December 8, Taliban officials in Herat announced that 100 Taliban security personnel were arrested and dismissed on charges of misconduct and illegal activity. They also reported a revenue of 100 million afghanis (\$1.3 million) collected over three months due to reduced corruption. Local Taliban leaders in Balkh began investigations into allegations of corruption involving disability benefits, and leaders in Nangarhar established special units to prevent the illegal occupation of land and deforestation.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

As the conflict intensified in the lead-up to the Taliban takeover, the pre-August 15 government came under increasing criticism for being either incapable or unwilling to act upon reports of human rights abuses, especially regarding targeted killings by the Taliban of journalists and civic activists. Media also came under increasing pressure to restrict coverage of the government’s responsibility for civilian victims of the conflict.

Since their takeover in August, the Taliban has intervened in the operations of international and nongovernmental organizations. Staff from several organizations reported the Taliban asked that staff obtain a security clearance from them and pay a 30 percent tax on salaries received by employees.

On September 15, Taliban falsely claiming to be acting under the authority of the Ministry of Interior conducted a search of the country office premises of an international NGO dedicated to the promotion of rule of law in Kabul, seizing assets and stating an intent to return to conduct further searches.

International NGOs reported in August and September that the Taliban conducted house-to-house searches for pre-August 15 government officials and others who worked for international and human rights organizations.

The Taliban takeover and the ensuing turmoil created an immediately nonpermissive environment for many international and nongovernmental entities, including human rights organizations. Historic Taliban practices and post-August 15 actions created a climate of uncertainty and fear, which curtailed the work of journalists, civic activists, and human rights defenders, many of whom left the country due to retaliation. Investigations and reports by journalists and human rights organizations, however, continued to bring to light human rights abuses and atrocities, including allegations of summary executions of persons associated with the previous government, as well as extrajudicial killings of journalists and activists. Taliban authorities often denied that those abuses were taking place.

**Government Human Rights Bodies:** Under the 2004 constitution, the pre-August 15 government was required to support the AIHRC. The AIHRC highlighted human rights problems, but it received minimal government funding and relied almost exclusively on international donor funds. Three Wolesi Jirga committees dealt with human rights: the Gender, Civil Society, and Human Rights Committee; the Counternarcotic, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addressed human rights concerns. The Taliban takeover effectively curtailed almost all AIHRC operations and the operation of the pre-August 15 government's parliament.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** Implementation and awareness of a government decree regarding violence against women remained a serious problem under the pre-August 15 government. The decree criminalizes 22 acts of violence against women, including rape, battery or beating, forced marriage, humiliation, intimidation, and deprivation of inheritance. The law criminalizes rape against both women and men. The law provides for a minimum sentence of five to 16 years' imprisonment for conviction of rape, or up to 20 years if one or more aggravating circumstances are present. If the act results in the death of the victim, the law provides for a death sentence for the perpetrator. The law criminalizes statutory rape and prohibits the prosecution of rape victims for zina. The law provides for imprisonment of up to seven years for conviction of "aggression to the chastity or honor of a female [that] does not lead to penetration to anus or vagina." Under the law, rape does not include spousal rape. Pre-August 15 government authorities did not always enforce these laws, although the government was implementing limited aspects of the decree, including through dedicated prosecution units. Women and girls with disabilities were at increased risk for sexual abuse.

Prosecutors and judges in rural areas were frequently unaware of the decree or received pressure to release defendants due to familial loyalties, threat of harm, or bribes, or because some religious leaders declared the law "un-Islamic." Female survivors faced stringent or violent societal reprisal, ranging from imprisonment to extrajudicial killing.

The law criminalizes forced gynecological exams, which acted as "virginity tests," except when conducted pursuant to a court order or with the consent of the subject. Awareness and enforcement of the restrictions on forced gynecological exams remained limited. There were reports police, prosecutors, and judges continued to order the exams in cases of "moral crimes" such as zina. Pre-August 15 government doctors, frequently men, conducted these exams, often without consent. Women who sought assistance in cases of rape were often subjected to the exams.

The law for the pre-August 15 government criminalized assault, and courts convicted domestic abusers under this provision, as well as under the “injury and disability” and beating provisions in the relevant decree. According to NGO reports, millions of women continued to suffer abuse at the hands of their husbands, fathers, brothers, in-laws, and other individuals. The AIHRC announced that of 3,477 cases of violence against women recorded with its organization in the first 10 months of 2020, 95.8 percent of cases involved a family-member perpetrator and that the home environment was the most dangerous place for women in the country. State institutions, including police and judicial systems, failed to adequately address such abuse. Lockdowns due to the COVID-19 pandemic forced women to spend more time at home, reportedly resulting in increased incidence of domestic violence as well as additional stress on already limited victim-support systems. One such incident included a man from Paktika Province who cut off his wife’s nose with a kitchen knife in May. The woman, who regularly faced physical abuse by her husband, was reportedly seeking to leave the abusive relationship when her husband attacked her.

Due to cultural normalization and a view of domestic violence as a “family matter,” domestic violence often remained unreported. The justice system’s response to domestic violence was insufficient, in part due to underreporting, a preference for mediation, sympathy toward perpetrators, corruption, and family or tribal pressure. According to an HRW report published in August, there were dedicated prosecution units in all 34 provinces as of March and specialized courts – at least in name – with female judges in 15 provinces, and dedicated court divisions expanded to operate at the primary and appellate levels in all 34 provinces.

Space at the 28 women’s protection centers across the country was sometimes insufficient, particularly in major urban centers, and shelters remained concentrated in the western, northern, and central regions of the country, under the pre-August 15 administration. Some women did not seek legal assistance for domestic or sexual abuse because they did not know their rights or because they feared prosecution or being sent back to their family or to the perpetrator. Cultural stigmatization of women who spent even one night outside the home also prevented women from seeking services that may bring “shame” to herself or her

family.

At times, women in need of protection ended up in prison, either because their community lacked a protection center or because “running away” was interpreted as a moral crime. Adultery, fornication, and kidnapping are criminal offenses. Running away from home is not a crime under the law, and both the Supreme Court and the Attorney General’s Office issued directives to this effect, but some local authorities continued to detain women and girls for running away from home or “attempted zina.” The pre-August 15 government’s Ministry of Women’s Affairs, as well as nongovernmental entities, sometimes arranged marriages for women who could not return to their families (see also section 6, Children, Child, Early, and Forced Marriage).

On September 19, Taliban gunmen entered a women’s shelter in Kabul by force, interrogated staff and residents for several hours and forced the head of the shelter to sign a letter promising not to allow the residents to leave without Taliban permission. The Taliban told the shelter operator they would return married shelter residents to their abusers and marry the single residents to Taliban soldiers.

Additionally, sources in September reported the Taliban were conducting “audits” of women’s shelters and women’s rights organizations, including those that provided protection services. These audits were enforced with intimidation through the brandishing of weapons and threats of violence. Equipment, including computers, paper files, and other documentation, was confiscated, and staff reported being aggressively questioned regarding their activities and possible association with the United States. Essential service providers either reduced or ceased their services altogether, citing fear of putting battered women, an already vulnerable demographic, at greater risk of violence and harm.

**Other Harmful Traditional Practices:** Under the 2004 constitution, the law criminalizes forced, underage, and *baad* marriages (the practice of settling disputes in which the culprit’s family trades a girl to the victim’s family) and interference with a woman’s right to choose her spouse. NGOs reported instances of *baad* were still practiced, often in rural areas. The practice of exchanging brides between families was not criminalized and remained widespread. “Honor killings” continued throughout the year.

**Sexual Harassment:** The law under the pre-August 15 government criminalized all forms of harassment of women and children, including physical, verbal, psychological, and sexual harassment. By law all government ministries are required to establish a committee to review internal harassment complaints and support appropriate resolution of these claims. Implementation and enforcement of the law under the pre-August 15 government remained limited and ineffective. Media reported that the number of women reporting sexual harassment increased compared with prior years, although some speculated this could be an increased willingness to report cases rather than an increase in the incidence of harassment. Women who walked outside alone or who worked outside the home often experienced harassment, including groping, catcalling, and being followed. Women with public roles occasionally received threats directed at them or their families.

Prior to the August 15 Taliban takeover, businesswomen faced a myriad of challenges from the “traditional” nature of society and its norms regarding acceptable behavior by women. When it was necessary for a businesswoman to approach the government for some form, permit, or authorization, it was common for a male functionary to ask for sexual favors or money in exchange for the authorization.

After the Taliban takeover, most women-led businesses suspended operations due to the ongoing liquidity crisis and fear of violating Taliban edicts against women in the marketplace.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Under the pre-August 15 government, married couples had the legal right to decide the number, spacing, and timing of their children. The Family Law (2019), which was in effect by promulgation of a presidential proclamation (although parliament never passed it), outlines individuals’ rights to reproductive health. There were no recent, reliable data regarding reproductive rights. According to the 2015 *Afghanistan Demographic and Health Survey*, only 5 percent of women made independent decisions concerning their own health care, while 44 percent reported that their husbands made the decisions for them.

According to UNICEF, more than 50 percent of girls in the country started their period without knowing what to expect or understanding why it was happening, and 30 percent of female students in the country were absent during menstruation because schools did not have adequate water, sanitation, and hygiene facilities.

Having a child outside of wedlock is a crime according to the pre-August 15 government's penal code and is punishable by up to three years' imprisonment for both men and women. Mothers faced severe social stigma for having a child out of wedlock, even when the pregnancy was a result of rape. Abortion or ending a pregnancy was classified as a crime under the law and was punishable by three months' to one year's imprisonment.

Women must obtain their husband's consent to use contraception under the law. Barriers impacting reproductive health care or obstetrical care included many men preventing their wives from receiving care from male doctors or from having a male doctor in attendance at the birth of a child. Sources in October reported continued availability of contraceptives after the Taliban takeover of Kabul.

Persons with disabilities faced increased barriers to reproductive health resources as a result of decreased access to transportation, education, and social support. LGBTQI+ persons, already disadvantaged prior to August 15, faced further barriers to accessing reproductive health resources after the Taliban takeover. The already fragile community, which provided some resources to its members, largely disintegrated as members either fled the country or went into deep hiding. Widespread discrimination and abuse prevented most members from seeking reproductive or sexual-health assistance from all but the most trusted confidants.

Families and individuals in cities generally had better access to information than did those living in rural areas. According to the United Nations, the rate of contraceptive use among married women was 35 percent for those living in urban areas compared with 19 percent in rural areas. According to the pre-August 15 government's Ministry of Public Health, while there was wide variance, most clinics offered some type of modern family planning method.

The World Health Organization reported that the country had 638 maternal deaths per 100,000 live births in 2017 (the last year of reported data). A survey conducted

by the Central Statistics Organization in the provinces of Bamyan, Daikundi, Ghor, Kabul, Kapisa, and Parwan concluded that many factors contributed to the high maternal death rate, including early pregnancy, narrowly spaced births, and high fertility. Some societal norms, such as a tradition of home births and the requirement for some women to be accompanied by a male relative to leave their homes, led to negative reproductive health outcomes, including inadequate prenatal, postpartum, and emergency obstetric care. Access to maternal health care services was constrained by the limited number of female health practitioners, including an insufficient number of skilled birth attendants. Additionally, the conflict environment and other security concerns limited women's safe access to health services of any kind.

Since their takeover, the Taliban permitted women to continue their roles as health practitioners, but many women were afraid to return to work due to safety and security concerns related to the Taliban's stated policies restricting women in the workplace. After August 15, the ever-smaller number of qualified female health practitioners steeply increased the risk of poor health outcomes for women.

**Discrimination:** Prior to the Taliban's takeover, women who reported cases of abuse or who sought legal redress for other matters reported they experienced discrimination within the justice system. Some observers, including female judges, asserted that discrimination was a result of faulty implementation of law. Limited access to money and other resources to pay fines (or bribes) and the social requirement for women to have a male guardian affected women's access to and participation in the justice system. Women do not have equal legal rights, compared to men, to inherit assets as a surviving spouse, and daughters do not have equal rights, compared to sons, to inherit assets from their parents. By law women may not unilaterally divorce their husbands but must obtain their husband's consent to the divorce, although men may unilaterally divorce their wives. Many women petitioned instead for legal separation. According to the family court in Kabul, during the year women petitioned for legal separation twice as frequently as in the previous year.

Prosecutors and judges in some provinces continued to be reluctant to use the decree related to domestic violence, and judges sometimes replaced those charges with others based on other legal provisions.

The law provides for equal work without discrimination, but there are no provisions for equal pay for equal work. The law criminalizes interference with a woman's right to work. Women faced discrimination in access to employment and terms of occupation.

After August 15, the Taliban prohibited most female government employees from working, although the Taliban claimed they continued to pay their salaries. Afghanistan Women Chamber of Commerce and Industry (AWCCI) executives sought meetings with the Taliban-controlled Ministry of Economy after the takeover to get clarity on whether the Taliban would allow the estimated 57,000 women-led private businesses in the country to remain open. The AWCCI stated they failed to get a formal meeting with high-level Taliban decisionmakers but were assured informally that women would be allowed to work "if that work conformed with Islamic law."

Prior to August 15, in the Taliban-controlled areas of the country many women and girls could not decide whom they would marry or at what age, or object to beatings by their husbands. In Jowzjan's Darzab district, a Taliban commander raped and killed a 16-year-old girl when the family refused to allow her to marry a Taliban fighter.

On April 28, the Taliban published an article, "Feminism as a Colonial Tool," on its website, accusing the West of using feminism to justify its "invasion, subjugation and bullying of Muslims." The article asserted the "man-made" concept of women's rights has "destructive effects on human society" and that women's rights must be defined by Islam.

## **Systemic Racial or Ethnic Violence and Discrimination**

Ethnic tensions continued to result in conflict and killings. Societal discrimination against Hazaras continued in the form of extortion of money through illegal taxation, forced recruitment and forced labor, physical abuse, and detention. According to NGOs, the pre-August 15 government frequently assigned Hazara police officers to symbolic positions with little authority within the Ministry of Interior.

ISIS-K continued attacks against Shia, predominately Hazara, communities. On

October 8, an ISIS-K suicide bomber killed at least 50 members of the minority Shia community at a mosque in Kunduz. On October 15, a suicide bomber attack targeting a Shia community mosque in Kandahar killed more than 30 worshippers. Following attacks and threats, Taliban security forces augmented protective operations at Shia mosques.

Sikhs and Hindus faced discrimination, reporting unequal access to government jobs, harassment in school, and verbal and physical abuse in public places. The pre-August 15 government delivered meals and aid to approximately 200 Afghan Sikh and Hindu families who returned from India in mid-May after facing financial hardship and COVID outbreaks in India. The government also directed increased security for the Sikh and Hindu communities and the deputy minister of Haj and religious affairs said in June that the ministry had undertaken 14 reconstruction projects for temples in view of their central role in the community. With the Taliban takeover, many of the estimated several hundred Afghan Sikhs and Hindus in the country may have fled to India and other countries.

According to HRW, Taliban representatives in early October forcibly displaced hundreds of Hazara families from southern Helmand Province to the northern Balkh Province, in part to distribute land to their own supporters. The Taliban carried out the evictions at gunpoint and with little notice, preventing families from taking their belongings or finishing harvesting their crops. An HRW report stated that the largest displacements took place in 15 villages in Daikundi and Uruzgan Provinces where the Taliban evicted at least 2,800 Hazara residents in September.

UNHCR reported that approximately 40 percent of Afghan arrivals to Iran were Hazaras.

In December senior Taliban representatives held a series of engagements with Shia Hazara leaders. On December 26, “interim Deputy Prime Minister” Maulavi Mohammed Abdul Kabir hosted a meeting of Shia leaders from around the country, and “interim Deputy Foreign Minister” Sher Mohammad Abbas Stanekzai spoke at a December 29 meeting of the Shia Ulema Council in Kabul. In these meetings the Taliban officials expressed their commitment to provide security for all citizens and a desire to avoid sectarian division.

In November and December, Taliban intelligence officials targeted Ahmadi Muslims for arrest. According to reports from international Ahmadiyya organizations, the detainees were physically abused and coerced into making false “confessions” of being members of ISIS-K and subsequent releases required recanting their faith. In October Sikhs reported harassment by armed Taliban representatives at their central temple in Kabul. In late November more than 80 Sikhs and Hindus departed for India.

After August 15, ISIS-K’s heightened activity further increased the targeting of non-Sunni groups. At least four attacks by ISIS-K targeted Shia and Hazara communities between October and December.

Religion and ethnicity in the country were often closely linked, making it difficult to categorize many incidents as being solely based on religious identity. Sikhs, Hindus, Christians, Ahmadi Muslims, and other non-Muslim minorities reported continued harassment and repression under both the pre-August 15 government and the Taliban.

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **Children**

**Birth Registration:** A citizen father transmits citizenship to his child. Birth in the country or to a citizen mother alone does not bestow citizenship. Adoption is not legally recognized.

**Education:** Under the pre-August 15 government, education was mandatory up to the lower secondary level (six years in primary school and three years in lower secondary), and the law provides for free education up to and including the college level. UNICEF reported that approximately 3.7 million children, 60 percent of them girls, were not in school due to discrimination, poverty, lack of access, continuing conflict, and restrictions on girls’ access to education in Taliban-controlled areas, among other reasons. Under the pre-August 15 government, only an estimated 16 percent of the country’s schools were for girls, and many of them lacked proper sanitation facilities. Key obstacles to girls’ education included poverty, early and forced marriage, insecurity, a lack of family support, lack of

female teachers, and a lack of nearby schools.

An education director in Jawzjan Province said in March that Taliban militants stopped an estimated 20,000 female students from studying beyond sixth grade. Even before their takeover of Kabul, in Taliban-controlled districts within the provinces of Kunar, Helmand, Logar, and Zabul, the Taliban had largely prohibited women and girls from attending school as provincial education officials attempted in vain to negotiate with the Taliban for girls to have access to education.

Violent attacks on schoolchildren, particularly girls, hindered their access to education, particularly in areas controlled by the Taliban. The Taliban and other extremists threatened and attacked school officials, teachers, and students, particularly girls, and burned both boys' and girls' schools. In February Taliban militants set fire to a girls' school in Takhar Province, burning all equipment, books, and documents.

There were reports that both insurgent groups and government forces used school buildings for military purposes. School buildings were damaged, and students were injured in Taliban attacks on nearby government facilities.

Following their takeover, the Taliban severely restricted or prohibited female education across all age levels, citing a need to ensure proper facilities were in place for segregated education in line with the Taliban's interpretation of sharia.

The Taliban's lack of a clear education policy regarding women's ability to teach and girls' ability to attend schools, combined with nonpayment of teachers' salaries, led to low enrollment rates even where schools were open.

In September the Taliban stated that girls would be able to go to school in line with Islamic law, without further clarifying how it would respect their access to education. According to UNICEF, the Taliban instructed primary schools in late August to reopen for both girls and boys.

On September 18, the new Taliban ministry of education issued a statement resuming secondary education for boys but gave no indication as to when girls might return to classes. As of December schools in nine of the country's 34 provinces – Balkh, Jawzjan, Samangan, Kunduz, Urozgan, Ghazni, Faryab, Zabul,

and Herat – had allowed girls to attend secondary school before closing for the winter break, according to UNICEF and other reports. In December the Taliban asserted that this number had grown to 12 provinces and pledged that all girls could return to school in March 2022 after the break.

As of December all public universities remained closed. Several private, all-female universities reopened for fall classes in October.

Taliban leaders stated they were committed to allowing girls and women access to education through the postgraduate level, although only in accordance with their interpretation of sharia and within the confines of Afghan culture, which includes segregation of genders and strict behavioral and dress codes.

On November 16, the head of the so-called Ministry for the Promotion of Virtue and Prevention of Vice stated there was no theological basis in Islam for preventing girls and women from having access to all levels of education. Other Taliban representatives expressed the group's intent to provide educational access at all levels to women and girls. At year's end many Afghan girls remained excluded from the educational system.

**Child Abuse:** The law criminalizes child abuse and neglect. The penalty for beating, or physically or mentally disciplining or mistreating a child ranges from a fine of 10,000 afghanis (\$130) to one year in prison if the child does not sustain a serious injury or disability. Conviction of endangering the life of a child carries a penalty of one to two years in prison or a fine of 60,000 to 120,000 afghanis (\$780 to \$1,560).

Police reportedly beat and sexually abused children. Children who sought police assistance for abuse also reported being further harassed and abused by law enforcement officials, particularly in bacha bazi cases, which deterred child victims from reporting their claims.

In 2020, the most recent year data were available, there was an uptick in arrests, prosecutions and prison sentences given to perpetrators of bacha bazi, including members of the military and security forces. Kandahar's governor sent seven members of the ANP suspected of sexually abusing and killing a 13-year-old boy in Kandahar to trial in Kabul. One of the seven was given the death penalty, and

the others were sentenced to lengthy prison terms on charges including rape, as well as bacha bazi (two of them received sentences of 30 years' imprisonment and the other four were sentenced to 24 years' imprisonment).

Despite consistent reports of bacha bazi perpetrated by the Afghan National Army, the ANP, and ALP officials, the government has only once (in September 2020) prosecuted officials for bacha bazi. The government denied that security forces recruited or used child soldiers. Some victims reported that authorities perpetuated abuse in exchange for pursuing their cases, and authorities continued to arrest, detain, and penalize survivors.

NGOs reported a predominantly punitive and retributive approach to juvenile justice throughout the country. Although it is against the law, corporal punishment in schools, rehabilitation centers, and other public institutions remained common.

There were reports some members of the pre-August 15 government military and progovernment groups sexually abused and exploited young girls and boys. UNAMA reported children continued to be subjected to sexual violence by parties to the conflict at an “alarming rate.” According to media and NGO reports, many of these cases went unreported or were referred to traditional mediation, which often allowed perpetrators to reoffend. There were press reports of sexual abuse perpetrated by teachers and school officials, particularly against boys. The pre-August 15 government claimed families rarely pressed charges due to shame and doubts that the judicial system would respond.

On May 4, the pre-August 15 government's Minister of Justice and head of the Trafficking in Persons High Commission, Fazil Ahmad Mannawi, shared the pre-August 15 government's statistics on trafficking in persons for the year 2020: He reported that the ministry arrested 70 suspects, the Attorney General's Office launched investigations of 50 suspects, and courts were reviewing 235 cases of trafficking in persons, smuggling of migrants, and bacha bazi at the end of 2020. Six hundred victims were provided with medical, psychological, and educational services in 2020. The pre-August 15 government held more than 200 trafficking-in-persons awareness-training sessions for more than 8,000 citizens, government officials, and ANDSF personnel. There was an increase of bacha bazi cases investigated, prosecuted, and convicted.

The pre-August 15 government took steps to discourage the abuse of boys and to prosecute or punish those involved. The pre-August 15 government's law criminalizes bacha bazi as a separate crime and builds on a 2017 trafficking-in-persons law that includes provisions criminalizing behaviors associated with the sexual exploitation of children. The law details the punishment for authorities of security forces involved in bacha bazi with an average punishment of up to 15 years' imprisonment. Although no police officer had ever been prosecuted for bacha bazi, eight officers were arrested during the year in connection with bacha bazi incidents and charged with "moral crimes," sodomy, or other crimes.

The pre-August 15 government's Ministry of Interior operated CPUs throughout the country to prevent the recruitment of children into the ANP, although the CPUs played a limited oversight role in recruiting. Nevertheless, recruitment of children continued, including into the ANP, the ALP, progovernment forces, and the Taliban. Additionally, the government did not have sufficient resources to reintegrate children into their families once they had been identified by the CPUs.

**Child, Early, and Forced Marriage:** Despite a law under the pre-August 15 government setting the legal minimum age for marriage at 16 years for girls (15 years with the consent of a parent or guardian or the court) and 18 years for boys, international and local observers continued to report widespread early and forced marriages throughout the country. A 2017 UNICEF study found that 28 percent of women were married by age 18. Those convicted of entering into or arranging forced or underage marriages are subject to at least two years' imprisonment; however, implementation was limited. By law a marriage contract requires verification that the bride is age 16 (or 15 with the permission of her parents or a court), but only a small fraction of the population had birth certificates.

After the August takeover by the Taliban, due to the deteriorating humanitarian situation in the country, widespread reports surfaced suggesting that some families were selling their young children, usually daughters for early marriage, to afford food.

Societal pressures and the Taliban practice of arranging marriages for widows forced women into unwanted marriages. HRW conducted telephone interviews with residents in Herat in September and found that women in Taliban-controlled

areas increasingly felt pressured to marry for their own safety in view of restrictions upon their movements and activities imposed by the Taliban.

On August 13, the Taliban entered Herat, seizing government offices and the police station. A Taliban fighter reportedly threatened to kill a widowed mother of five if she did not marry him, and she was forced to do so in September with the consent of a mullah. She has said that her life is a nightmare and “it is like he is raping me every night.”

On December 3, Taliban supreme leader Hibatullah Akhunzada announced a public decree banning the forced marriage of women. The decree set out the rules governing marriage and property for women, stating that women should not be forced into marriage and widows should have a share in their late husband’s property. The decree mandated that courts should consider these rules when making decisions, and religious affairs and information ministries should promote these rights.

**Sexual Exploitation of Children:** The pre-August 15 government criminalized sexual exploitation of children. In addition to outlawing the practice of bacha bazi, a practice common in parts of the country in which men exploit boys for social and sexual entertainment, the law provides that, “[i]f an adult male has intercourse with a person younger than the legal age, his act shall be considered rape and the victim’s consent is invalid.” In the case of an adult female having intercourse with a person younger than the legal age, the law considers the child’s consent invalid, and the woman may be prosecuted for adultery. The law prescribes a penalty of 10 to 15 years’ imprisonment for forcing an underage girl into commercial sexual exploitation. Taking possession of a child for sexual exploitation or production of pornographic films or images constitutes trafficking in persons under the Trafficking in Persons law regardless of whether other elements of the crime are present.

**Displaced Children:** NGOs and government offices reported high numbers of returnee families and their children in border areas, specifically Herat and Jalalabad. The pre-August 15 government attempted to follow its policy and action plan for the reintegration of Afghan returnees and IDPs, in partnership with the United Nations; however, the government’s ability to assist vulnerable persons,

many of them unaccompanied minors, remained limited, and it relied on the international community for assistance. Although the government banned street begging in 2008, NGOs and government offices reported large numbers of children begging and living in the streets of major cities.

**Institutionalized Children:** Living conditions for children in orphanages were poor. NGOs reported as many as 80 percent of children between ages four and 18 in orphanages were not orphans but from families unable to provide them with food, shelter, schooling, or all three. Children in orphanages reported mental, physical, and sexual abuse and occasionally were victims of trafficking. They did not have regular access to running water, heating in winter, indoor plumbing, health-care services, recreational facilities, or education. Security forces kept child detainees in juvenile detention centers run by the Ministry of Justice, except for a group of children arrested for national security violations who stayed at the detention facility in Parwan, the country's primary military prison. NGOs reported these children were kept separate from the general population but still were at risk of radicalization.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>

## **Anti-Semitism**

There were no known reports of anti-Semitic acts. The one confirmed Afghan Jew residing in the country departed the country when the Taliban took over Kabul.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

Persons with disabilities could not access education, health services, public

buildings, and transportation on an equal basis with others. Persons with disabilities faced barriers such as limited access to educational opportunities, inability to access government buildings, difficulty in acquiring government identification required for many government services and voting, lack of economic opportunities, and social exclusion due to stigma. The government did not provide government information and communication in accessible formats.

The World Institute on Disability (WID) estimated that 90 percent of persons with disabilities were unemployed as a result of entrenched social biases and faced barriers to accessing public services including health and education. According to WID, persons with disabilities also faced barriers to accessing education, transportation, and health care.

Lack of security remained a problem for disability programs throughout the year. Insecurity in remote areas, where a disproportionate number of persons with disabilities lived, precluded delivery of assistance in some cases. Most buildings remained inaccessible to persons with disabilities, prohibiting many from benefitting from education, health care, and other services.

Before the August takeover, the Taliban attacked the Special Olympics headquarters in Kabul with at least two separate bombing attempts. On August 15, Taliban gunmen entered the headquarters and seized the office director's laptop and credentials, prompting the director to flee the country due to repression.

The 2004 constitution prohibited any kind of discrimination against citizens and requires the state to assist persons with disabilities and to protect their rights, including the rights to health care and financial protection. The constitution also requires the government to adopt inclusive measures and provide for the active participation in society of persons with disabilities. The law under the pre-August 15 government also provides for equal rights to, and the active participation of, persons with disabilities. Observers reported that both the constitutional provisions and disability rights law were mostly ignored and unenforced.

In the Meshrano Jirga, authorities reserved two of the presidentially appointed seats for persons with disabilities. By law, 3 percent of all government positions are reserved for persons with disabilities, but pre-August 15 government officials

acknowledged the law was not enforced.

## **HIV and AIDS Social Stigma**

There were no confirmed reports of discrimination or violence against persons with HIV or AIDS, but there was reportedly serious societal stigma against persons with AIDS. While the law allows for the distribution of condoms, the pre-August 15 government restricted distribution to married couples.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

LGBTQI+ individuals reported they continued to face arrest by security forces and discrimination, assault, and rape. There were reports of harassment and violence of LGBTQI+ individuals by society and police. Same-sex sexual conduct was widely seen as taboo and indecent. LGBTQI+ individuals did not have access to certain health-care services and could be fired from their jobs because of their sexual orientation or gender identity. Organizations devoted to protecting the freedom of LGBTQI+ persons remained underground because they could not legally register with the government. Registered organizations working on health programs for men who have sex with men faced harassment and threats by the Ministry of Economy's NGO Directorate and NDS officials.

The Taliban takeover of the country increased fears of repression and violence among LGBTQI+ persons, with many individuals going into hiding to avoid being captured by the Taliban. Many fled the country after the takeover. After the takeover, LGBTQI+ persons faced increased threats, attacks, sexual assaults, and discrimination from Taliban members, strangers, neighbors, and family members.

Members of the LGBTQI+ community reported being physically and sexually assaulted by Taliban members, and many reported living in physically and economically precarious conditions in hiding. In July a Taliban judge stated that gay men would be subject to death by stoning or crushing. In August a gay man was reportedly tricked into a meeting by two Taliban members and then raped and beaten. There were also reports from members of civil society that LGBTQI+ persons were outed purposely by their families and subjected to violence to gain

favor with the Taliban. There were reports of LGBTQI+ persons who had gone missing and were believed to have been killed.

The law criminalizes consensual same-sex sexual conduct. Under sharia, conviction of same-sex sexual conduct is punishable by death, flogging, or imprisonment. Under the law, sex between men is a criminal offense punishable by up to two years' imprisonment and sex between women with up to one year of imprisonment. Individual Taliban members have made public statements confirming that their interpretation of sharia allows for the death penalty for homosexuality.

The law does not prohibit discrimination or harassment based on sexual orientation or gender identity. LGBTQI+ persons faced societal and governmental discrimination both before and after the Taliban takeover.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The pre-August 15 government's law provides for the right of workers to join and form independent unions and to conduct legal strikes and bargain collectively, and the government generally respected these rights, although it lacked enforcement tools. The law, however, provided no definition of a union or its relationship with employers and members, nor did it establish a legal method for union registration or penalties for violations. The law did not prohibit antiunion discrimination or provide for reinstatement of workers fired for union activity. Other than protecting the right to participate in a union, the law provided no other legal protection for union workers or workers seeking to unionize. International NGOs noted that unions were largely absent from the informal and agricultural sectors, which accounted for the majority of Afghan workers.

Although the law identifies the Labor High Council in the Ministry of Labor, Social Affairs, Martyrs and Disabled (Ministry of Labor) as the highest decision-making body on labor-related matters, the lack of implementing regulations prevented the council from performing its function. The ministry contained an inspection office, but labor inspectors could only advise and make suggestions.

Inspectors lacked the authority to enter workplaces freely, conduct inspections, and assess fines for violations. As a result, application of the law remained limited because of a lack of central enforcement authority, implementing regulations that describe procedures and penalties for violations, funding, personnel, and political will. The Taliban's so-called interim minister of labor and social affairs has not made any statements on workers' unions since he assumed the office.

## **b. Prohibition of Forced or Compulsory Labor**

The law narrowly defines forced labor and does not sufficiently criminalize forced labor and debt bondage. Men, women, and children were exploited in bonded labor, where an initial debt assumed by a worker as part of the terms of employment was used to entrap other family members, sometimes for multiple generations. This type of debt bondage was common in the brickworks industry. Some families knowingly sold their children into sex trafficking, including for bacha bazi (see section 7.c.).

Government enforcement of the labor law was ineffective; resources, inspections, and remediation were inadequate; and the government made minimal efforts to prevent and eliminate forced labor. Penalties were not commensurate with analogous crimes, such as kidnapping.

Men, women, and children (see section 7.c.) were exploited in bonded and forced labor. Traffickers compelled entire families to work in bonded labor, predominantly in the carpet and brickmaking industries in the eastern part of the country and in carpet weaving countrywide. Some women who were sold to husbands were exploited in domestic servitude by their husbands. Men were subjected to forced labor and debt bondage in agriculture and construction.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The labor law sets the minimum age for employment at 15 but permits 14-year-old children to work as apprentices, allows children ages 15 and older to do light, nonhazardous work, and permits children 15 to 17 to work up to 35 hours per

week. The law prohibits children younger than 14 from working under any circumstances. The law was openly flouted, with poverty driving many children into the workforce. The law also bans the employment of children in hazardous work that is likely to threaten their health or cause disability, including mining and garbage collection; work in blast furnaces, waste-processing plants, and large slaughterhouses; work with hospital waste; drug-related work; security-guard services; and work related to war. The Taliban made no public statements on child labor and has not purported to alter the existing labor law, but reports indicated that child labor continued in poverty-stricken areas.

Poor institutional capacity was a serious impediment to effective enforcement of the law. Labor inspectors had legal authority to inspect worksites for compliance with child-labor laws and to impose penalties for noncompliance. But deficiencies included the lack of authority to impose penalties for labor inspectors, inadequate resources, labor inspector understaffing, inspections, remediation, and penalties for violations.

Child labor remained a pervasive problem. Most victims of forced labor were children. Child laborers worked as domestic servants, street vendors, peddlers, and shopkeepers. There was child labor in the carpet industry, brick kilns, coal mines, and poppy fields. Children were also heavily engaged in the worst forms of child labor in mining, including mining salt; commercial sexual exploitation including bacha bazi (see section 6, Children); transnational drug smuggling; and organized begging rings. Some forms of child labor exposed children to land mines. Children faced numerous health and safety risks at work. There were reports of recruitment of children by the ANDSF during the year (see section 1.g.). Taliban forces pressed children to take part in hostile acts (see section 1.g.).

Some children were forced by their families into labor with physical violence. Families sold their children into forced labor, begging, or sex trafficking to settle debts with opium traffickers. Some parents forcibly sent boys to Iran to work to pay for their dowry in an arranged marriage. Children were also subject to forced labor in orphanages run by NGOs and overseen by the government.

According to the International Labor Organization and UNICEF, millions more children were at risk of child labor due to COVID-19 because many families lost

their incomes and did not have access to social support. Child labor was a key source of income for many families and the rising poverty, school closures, and decreased availability of social services increased the reliance on child labor. Many children already engaged in child labor experienced a worsening of conditions and worked longer hours, posing significant harm to their health and safety. Aid and human rights groups reported child labor laws were often violated, and noted that children frequently faced harassment and abuse and earned very little or nothing for their labor. In November UNICEF reported 9.7 million children needed humanitarian assistance and that child labor was likely to increase as humanitarian coping mechanisms were exhausted. The number of child laborers increased both due to general impoverishment of families and the arrival of more IDPs, according to a December statement by a Social Affairs Directorate officer in Herat Province.

Gender inequities in child labor were also rising, since girls were particularly vulnerable to exploitation in agriculture and domestic work. The UN Security Council reported that nine violent attacks against schools occurred between April 1 and June 30. Poverty and security concerns frequently led parents to pull girls out of school before boys, further increasing the likelihood that girls could be subjected to child labor.

In August international aid organizations noted that, without sufficient humanitarian aid, families would be forced to resort to child labor and child marriage. In November UN officials noted that a worsening economic situation was leading households to resorting to dangerous practices, such as child labor and early marriage, in order to survive.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

#### **d. Discrimination with Respect to Employment and Occupation**

The 2004 constitution prohibits discrimination and notes that citizens, both “man and woman,” have equal rights and duties before the law. It expressly prohibits

discrimination based on language. The constitution contains no specific provisions addressing discrimination based on race, religion, national origin, color, sex, ethnicity, disability, or age. The law prescribes a term of imprisonment of not more than two years for anyone convicted of spreading discrimination or factionalism, which was commensurate with laws related to civil rights, such as election interference. A 2018 law criminalizes physical, verbal, and nonverbal harassment, punishable with a fine, but the law remained largely ineffective due to underreporting.

Under the pre-August 15 government, women faced discrimination and hardship in the workplace. Women made up only 22 percent of the workforce. Many women faced pressure from relatives to stay at home and encountered hiring practices that favored men. Older and married women reported it was more difficult for them than for younger, single women to find jobs. Women who worked reported they encountered insults, sexual harassment, lack of transportation, and an absence of day-care facilities. Gender-based violence escalated with targeted killings of high-profile women in the public sector. Salary discrimination existed in the private sector. Men earned 30 percent more on average in the same occupations as women and 3.5 times more in agriculture and forestry, where women occupied two-thirds of the workforce. Female journalists, social workers, LGBTQI+ persons, and police officers reported they were often threatened or abused. Persons with disabilities also suffered from discrimination in hiring.

The pre-August 15 government's Ministries of Labor and Public Health jointly adopted a regulation listing 244 physically arduous and harmful occupations prohibited to women and children, of which 31 are identified as the worst forms of child labor that are prohibited to children younger than 18. Under the regulation, it is not permissible for women and children to engage in types of work that are physically arduous, harmful to health, or carried out in underground sites, such as in the mining sector.

In September the Taliban-appointed "Kabul mayor" instructed the city's female staff (amounting to approximately one-third of Kabul's 3,000 municipal employees) to stay at home, with the exception of women whose jobs could not be replaced by men. Taliban leaders stated they would implement their version of sharia, prohibiting women from working alongside men, but gave no indication

when female employees would be able to return to work. A similar Taliban ruling kept public universities from opening in September, as they were not configured to meet the Taliban's gender-segregation standards, which effectively barred women from obtaining a secondary education, disenfranchising them from professional employment.

In October, media reported Taliban representatives stated women would continue to work at police stations and in passport offices. The Taliban further stated they were trying to provide working conditions for women in the sectors where they were needed, according to Islamic law. Taliban representatives also stated women were banned from most employment while saying women could keep their jobs only if they were in a role a man could not fill. In a December 16 interview, Taliban spokesperson Zabihullah Mujahid claimed no women had been fired from public-sector jobs and that they continued to receive salaries at home.

As of December the UN OCHA mapped the agreements between aid agencies and the Taliban in each of the country's 34 provinces, showing where female staff members would be permitted to work. The document, reviewed by HRW, indicated that, as of October 28, Taliban representatives in only three provinces had provided a written agreement unconditionally permitting women aid workers to do their jobs. Ethnic Hazaras, Sikhs, and Hindus faced discrimination in hiring and work assignments, in addition to broader social discrimination (see section 6, Systemic Racial or Ethnic Violence and Discrimination).

## **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law for the pre-August 15 government established a minimum wage of 6,000 afghanis (\$78) per month for permanent (unlimited duration, paid leave) government employees and 5,500 afghanis (\$71) per month for workers in the nonpermanent private sector (fixed-term contracts, temporary agency work and casual or seasonal work). The country did not have minimum wage rules for permanent workers in the private sector. In 2020 the Ministry of Economy established a poverty line of two dollars per day. The afghani devalued from 77 afghanis per U.S. dollar to more than 105 afghanis per U.S. dollar from June to year's end, putting all minimum wage earners below the poverty line.

The law for the pre-August 15 government defined the standard workweek for both public- and private-sector employees as 40 hours: eight hours per day with one hour for lunch and noon prayers. The government regulated night and overtime work. Night work (between 8 p.m. and 7 a.m.) qualified production workers for a 25 percent increase in wages; service and administrative workers earned a 15 percent increase. Overtime work earned employees a 25 percent increase in wages for the hours worked, 50 percent if those hours were during a public holiday. The law provides workers with the right to receive wages, annual vacation time in addition to national holidays, compensation for on-the-job injuries, overtime pay, health insurance for the employee and immediate family members, and other incidental allowances. The law prohibits compulsory work without establishing penalties and stipulates that overtime work be subject to the agreement of the employee. The law requires employers to provide day care and nurseries for children.

The Ministry of Labor, in cooperation with the Ministry of the Interior, was responsible for enforcement of wage and hour laws. The Ministry of Labor was responsible for conducting inspections and responding to complaints; the Interior Ministry would enforce the law with fines and prison sentences. In 2020 the government did not report the number of labor inspectors; however, as of December 2018 the Labor Ministry had 27 inspector positions, 21 of which were filled. The number of labor inspectors was insufficient for the size of the country's workforce, which included more than 7.9 million workers. According to the International Labor Organization's technical advice of a ratio approaching one inspector for every 40,000 workers in less developed economies, the country should employ more than 200 labor inspectors. Government officials and NGOs acknowledged the number of labor inspectors was insufficient to enforce compliance. Officials within the Ministry of Labor indicated that labor inspections took place only in Kabul. Ministry inspectors had the authority to make unannounced inspections but could not initiate sanctions or assess penalties themselves. The Labor Ministry would pass findings to the Interior Ministry, whose prosecutors would decide how and whether to prosecute. No data were available on Labor Ministry funding or the number of inspections conducted during the year.

The pre-August 15 government did not effectively enforce minimum wage and overtime laws. Neither the Ministry of Labor nor the Ministry of Interior made data available on penalties assessed for violation of labor laws, making comparisons with similar crimes (fraud) impossible. Media reporting suggested the Labor Ministry had focused its inspections on public organizations, ignoring worksites in the private sector as well as in the informal economy. International NGOs and Afghan media reported that violations of wage, hour, and overtime laws were especially prominent in the brickmaking and carpet-making sectors.

**Occupational Safety and Health:** The country has no occupational safety and health (OSH) regulations or officially adopted standards. There were no government inspectorates to investigate unsafe conditions or respond to workers' complaints. Workers could not remove themselves from health-endangering situations without risking their employment.

The law provides for reduced standard workweeks for children ages 15 to 17, pregnant women, nursing mothers, miners, and workers in other occupations that presented health risks. Inspectors for compliance for reduced hours for at-risk employees were the same as those responsible for wage enforcement. The pre-August 15 government did not effectively enforce wage, workweek, or OSH laws. The number of labor inspectors was not sufficient to enforce compliance, and inspectors have no legal authority to impose penalties for violations. Resources, inspections, and remediation were inadequate, and penalties for violations were nonexistent.

With no formal OSH laws in place, the government did not track sector-specific deaths and injuries. Media reports suggested that workers in the construction, metalworking, and mining industries were especially vulnerable to death or injury, because adherence to OSH principles was not compulsory.

**Informal Sector:** Even before August 15, employers often chose not to comply with the pre-August 15 government labor requirements and often preferred to hire workers informally. Most employees worked longer than 40 hours per week, were frequently underpaid, and worked in poor conditions, particularly in the informal sector. In October the UN secretary-general noted 80 percent of the country's economy was informal, with women dominating the informal economy. Workers

in the informal sector were covered by minimum wage and workweek-hour laws, but informal workers were generally unaware of the full extent of their labor rights.

The pre-August 15 government did not provide additional social protections for workers in the informal economy. The Labor Ministry, however, was responsible for the operation of Child Protection Action Network (CPAN) units, a coalition of government agencies, NGOs, and community and religious leaders designed to combat child labor which occurred primarily in the informal sector. CPAN units received complaints of child labor, investigated, and referred cases to NGO and government shelters that provided social services. CPAN operated in 171 districts and processed more than 3,500 cases in 2020. No data were available on cases during the year or whether CPAN would continue under the Taliban.



FREEDOM IN THE WORLD 2022

# Afghanistan

NOT FREE

**10**  
/100

<u>Political Rights</u>	<b>1</b> /40
<u>Civil Liberties</u>	<b>9</b> /60

LAST YEAR'S SCORE & STATUS

**27** /100    **Not Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



# Overview

Afghanistan's elected government, which had been undermined by an insurgency waged by the Taliban as well as violence, corruption, and flawed electoral processes, nevertheless offered a wide range of individual rights before its collapse in 2021. Since overthrowing the elected government, the Taliban have closed the country's political space; opposition to its rule is not tolerated, while women and minority groups have seen their rights curtailed by the new regime.

## Key Developments in 2021

- In April, US president Joe Biden announced that US military personnel would be withdrawn from Afghanistan by September 11. In July, President Biden accelerated the withdrawal, with the US military presence in Afghanistan ending in August.
- In August, the Islamic Republic of Afghanistan's elected government was deposed by the Taliban, which led a renewed offensive against it beginning in May. Provincial capitals fell in August and Kabul was overrun on August 15, the same day President Ashraf Ghani fled the country. The Taliban named a cabinet in September, with members coming from its upper echelons.
- Afghans sought to flee their homes and the country in large numbers as the civil conflict concluded. Several countries managed an airlift to allow their citizens and Afghans to depart, with over 122,000 people being evacuated by the United States between late July and the end of August. Some 700,000 people were newly displaced within Afghanistan by year's end.
- After deposing the elected government, the Taliban restricted personal and political freedoms. In September, it reconstituted a Ministry of Vice and Virtue (MVV), which had enforced their interpretation of Sharia (Islamic law) under their previous regime. The new regime has also violently suppressed demonstrations, restricted private discussion perceived as critical of its rule, limited educational opportunities for female students, and targeted supporters of the former government.

- The Islamic State Khorasan Province (IS-K) militant group engaged in violent attacks throughout the year. The IS-K claimed responsibility for an August bombing near Kabul Airport that killed over 170 civilians and 13 US military personnel. IS-K activity continued after the Taliban took power; over 135 people were killed in two mosque attacks in October, while at least 19 were killed when the IS-K attacked a military hospital in Kabul in November.

# Political Rights

## A. Electoral Process

**A1** 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	0/4
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The Taliban overthrew the elected government in August 2021, after launching a renewed offensive in May. In September, the Taliban declared the formation of the Islamic Emirate of Afghanistan (IEA) and installed an unelected cabinet. Mohammad Hasan Akhund, the head of the movement's Rehbari Shura (Leadership Council), was named prime minister. Haibatullah Akhundzada, the movement's leader, was named the IEA's supreme leader.

Prior to the Taliban takeover, the president was directly elected for up to two five-year terms and could appoint ministers with parliamentary approval. The last republican president, Ashraf Ghani, was declared by the Independent Election Commission (IEC) to have won reelection in September 2019 presidential contest with 50.6 percent of the vote.

*Score Change: The score declined from 1 to 0 because the elected president was* **TOP**  
*deposed by the Taliban, who appointed an unelected prime minister.*

**A2** 0-4 pts

--	--

**Were the current national legislative representatives elected through free and fair elections?**

**0 / 4**

While Afghans were previously represented by a parliament, no popularly elected body functions under Taliban rule.

Under the 2004 constitution, the National Assembly consisted of the directly elected lower house, the 249-seat Wolesi Jirga (House of the People), and the 102-seat Meshrano Jirga (House of Elders), the upper house. Two-thirds of upper-house members were elected by provincial councils, while the president appointed the remaining third. Ten Wolesi Jirga seats were reserved for the nomadic Kuchi, including at least 3 women, and 65 of the chamber's general seats were reserved for women.

The parliament that was effectively dissolved in 2021 was elected in 2018. Half of all registered voters participated, though the elections were affected by fears of violence, technical issues, and long lines at polling stations.

*Score Change: The score declined from 1 to 0 because the elected legislature ceased functioning after the Taliban deposed the country's elected government.*

**A3** 0-4 pts

**Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?**

**0 / 4**

Under the republic, elections were administered by the IEC and disputes adjudicated by the Electoral Complaints Commission, though candidates questioned their independence and competence. Elections were also affected by fraud. While the Taliban did not immediately rule elections out, it abolished both electoral bodies in December 2021.

**TOP**

In late September 2021, the Taliban announced that they would enforce parts of the 1964 constitution that did not contradict their interpretation of Sharia, rejecting the 2004 constitution used by the republic.

*Score Change: The score declined from 1 to 0 because the unelected Taliban have not committed to holding new elections since taking power.*

## B. Political Pluralism and Participation

**B1** 0-4 pts

**Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?**

**0** / 4

Political parties do not compete for power under Taliban rule. Parties that were active effectively ceased operations after the elected government fell.

Political parties represented a wide range of traditional, Islamist, and liberal views before the republic's collapse. However, they did not consolidate mass support; major parties were defined by relations to prominent figures or factions.

*Score Change: The score declined from 2 to 0 because political parties have effectively ceased electoral activities after the elected government was deposed.*

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**0** / 4

Those who oppose the Taliban do not have the opportunity to gain power peacefully. No opposition or nonaligned individuals were included in the cabinet announced in September 2021.

In principle, the opposition had the potential to gain power during the republic's rule, though the aftermath of the 2019 presidential election left their practical ability to do

so under question. The 2014 swearing-in of Ashraf Ghani as president represented the republic's only peaceful transfer of executive power.

*Score Change: The score declined from 2 to 0 because political opposition is not tolerated under the Taliban.*

**B3** 0-4 pts


<b>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</b>	<b>0</b> / 4
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Some Taliban officials, including at the local and provincial levels, are reportedly open to lobbying and some level of consultation. Afghans who are not Taliban members can sometimes informally petition Taliban using kinship or tribal links. However, no formal method of political participation exists. Political decision-making is opaquely made by Taliban officials.

Under the republic, Afghans' individual political choices were undermined by the Taliban, who sought to undermine elections and intimidate citizens as they waged their insurgency. Individual choices were also influenced by military commanders, who had emerged as local power brokers, as well as civil administrators and moneyed elites.

*Score Change: The score declined from 1 to 0 because individuals who are not Taliban members have no opportunity to engage in meaningful political participation.*

**B4** 0-4 pts

<b>Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?</b>	 <b>TOP</b>
--	---

Women are unable to seek political rights or electoral opportunities under the Taliban. The Taliban included no women in its cabinet in September 2021.

Most Taliban members are ethnic Pashtuns, who are believed to represent 42 percent of the Afghan population. However, members of other ethnic groups also support it. Ethnic Pashtuns dominated the government announced in September 2021, though a deputy prime minister, Abdul Salam Hanafi, is an ethnic Uzbek. Some Taliban members who are not part of the Pashtun ethnic group reportedly hold civil and military posts.

LGBT+ interests are not considered by the Taliban, who declared they would not respect LGBT+ rights in an October 2021 statement.

The republican constitution recognized multiple ethnic and linguistic minorities and provided more guarantees of equal status to minorities than historically available in Afghanistan. Women and traditionally marginalized Shiite Muslims, including most ethnic Hazaras, enjoyed increased levels of political representation and participation. Presidential tickets had included vice-presidential candidates from minority ethnic groups to broaden their appeal. Through this tradition of coalition building, Tajiks, Hazaras, and Uzbeks all had a stake in electoral contests.

*Score Change: The score declined from 2 to 0 because political rights for women, ethnic minority groups, and LGBT+ people have been largely suspended under the Taliban.*

## C. Functioning of Government

**C1** 0-4 pts

<b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b>	<b>0/4</b>
--	------------

The Taliban appointed an unelected government in September 2021. The executive and legislative branches of the republic ceased functioning after its collapse. <sup>TOP</sup> August

The republic's president was charged with setting government policy, assisted by a cabinet and subject to parliamentary oversight. However, the republic's ability to govern was affected by its economic and military reliance on the United States and its allies. During US-Taliban talks, US-led diplomats applied intense pressure on the Ghani administration to accept their favored negotiated compromise. The elected government had no role in those negotiations, which concluded in 2020 with a US commitment to withdraw troops from Afghanistan, despite the agreement's implications for its future.

*Score Change: The score declined from 1 to 0 because the country's elected national representatives were deposed by the unelected Taliban.*

**C2** 0-4 pts

<b>Are safeguards against official corruption strong and effective?</b>	<b>1 / 4</b>
---	--------------

Corruption was endemic under the republic, despite the 2016 creation of the Anti-Corruption Justice Centre. Law enforcement agencies and the judiciary were compromised by graft and political pressure.

In November 2021, the Taliban created a commission under the Defense Ministry responsible for removing members "of bad character." In late December, a Taliban spokesman reported that the commission had removed nearly 1,900 Taliban supporters over their conduct, including provincial officials.

**C3** 0-4 pts

<b>Does the government operate with openness and transparency?</b>	<b>0 / 4</b>
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The Taliban are not transparent in their decision-making. Official spokesmen selectively release information about government proceedings. The Taliban have initially retained the procurement structure established in 2014 but have not indicated what transparency standards they intend to apply.

**TOP**

*Score Change: The score declined from 1 to 0 because the Taliban do not offer transparency in their decision-making processes.*

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

Are there free and independent media?	1 / 4
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While Afghanistan had a vibrant media sector during the republic, media freedoms are severely restricted under the Taliban.

Journalists were subjected to violence while the republic was in power in 2021. In March, three Enikass Radio and TV employees were killed by unidentified gunmen. In June, Ariana News anchor Mina Khairi died in a car bomb explosion along with her mother and two other passengers in Kabul. The Taliban have also used force against journalists since taking control of Afghanistan, with journalists being detained and attacked by Taliban for covering demonstrations. The Taliban detained at least 32 journalists since deposing the elected government.

The Taliban instituted restrictions on artistic and media activity since taking power. In October 2021, the MVV reportedly banned live music in some public places. In November, it banned broadcasts of programs featuring female actors, while ordering female news presenters to wear “Islamic hijab,” a term they did not specifically define. The MVV also imposed other guidelines, including a ban on broadcasts showing **TOP** images of the prophet Muhammad.

The media sector has severely contracted since the collapse of the republic. In late December 2021, Reporters Without Borders (RSF) and the Afghan Independent

Journalists Association reported that 231 media outlets closed since the Taliban took power, while 84 percent of female journalists have lost their jobs. Nearly all independent outlets operating outside Kabul have shuttered. Tolo News, an independent outlet, has continued to function and employs female presenters, however.

*Score Change: The score declined from 2 to 1 because journalists face reporting restrictions, harassment, and physical violence under the Taliban, and media outlets have closed since the group assumed power.*

**D2** 0-4 pts

<b>Are individuals free to practice and express their religious faith or nonbelief in public and private?</b>	<b>1 / 4</b>
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Religious freedom, which was hampered by violence and discrimination under the republic, has been heavily curtailed by the Taliban. In September 2021, the Taliban reconstituted the MVV, which had previously been used to enforce their interpretation of Sharia. The current ministry is reportedly less strict in its enforcement than under the regime that was deposed in 2001, however.

Members of religious minority groups have faced restrictions and violence from the Taliban and armed groups. Salafists have accused the Taliban of closing houses of worship and detaining and killing members. Afghan Christians sought to leave the country after the Taliban's takeover, with Taliban reportedly killing Afghans believed to adhere to Christianity.

Hazaras, most of whom practice Shia Islam, have been targeted by the IS-K. The IS-K claimed responsibility for attacking a mosque in Kunduz in October 2021, killing at least 72 people. It also assumed responsibility for an attack on a Kandahar mosque that month, killing at least 63 people. Hazaras have also been targeted by the Taliban; in late August, Taliban fighters reportedly killed 13 Hazaras, many of them former government soldiers, in Daykundi Province. In September, reports surfaced of Taliban forcibly evicting Hazara families from their homes.

**D3** 0-4 pts

**Is there academic freedom, and is the educational system free from extensive political indoctrination?**

**1** / 4

Education in Afghanistan was disrupted by the republic's collapse. Public universities remained shuttered at year's end, while some university faculty and students fled the country. Some private universities reopened in mid-September 2021.

The Taliban have focused on segregating the Afghan educational system since taking power. In September 2021, for example, the regime announced the reopening of primary and secondary schools for male students, but not for female students. Girls have been able to attend schools operated by a nongovernmental organization (NGO).

**D4** 0-4 pts

**Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?**

**1** / 4

Afghans cannot freely engage in private discussion without risking offline and online surveillance. Criticism of the new regime or its moral code are grounds for arrest, as are sympathetic statements towards the National Resistance Front (NRF), an armed group that has resisted Taliban rule in the Panjshir Valley. The Taliban also rely on individuals to inform them of neighbors' activities. Taliban search mobile phones for social media comments criticizing the regime.

*Score Change: The score declined from 2 to 1 because political discussion is more dangerous for Afghans under the Taliban.*

## **E. Associational and Organizational Rights**

**TOP**

**E1** 0-4 pts

Is there freedom of assembly?	1 / 4
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The Taliban suppress demonstrations and use violence to disperse them when they do occur. Unapproved protests are banned. Female protesters have resorted to live-streaming small-scale indoor demonstrations since the Taliban assumed power.

In a September 2021 briefing, the Office of the UN High Commissioner for Human Rights reported that the Taliban used whips, batons, and live ammunition to disperse protesters. On September 7, two protesters were killed by Taliban in Herat, while Taliban physically attacked female protesters holding an event in Kabul that same day.

*Score Change: The score declined from 2 to 1 because the Taliban have violently dispersed protests since taking power.*

**E2** 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	1 / 4
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Many NGOs suspended operations, closed offices, and sought to evacuate staff when the elected government collapsed. However, NGOs and agencies have since continued to operate in Afghanistan, especially those providing economic and humanitarian support.

While Taliban have attacked and killed NGO workers in the past, they have broadly tolerated a continued NGO presence since taking power, instructing groups to continue the established practice of registering with the Economy Ministry. However, there are no effective protections for NGO staff, who face harassment and arbitrary arrest by Taliban who typically seek to interfere in the distribution of aid.

**TOP****E3** 0-4 pts

Is there freedom for trade unions and similar professional or labor	
---	--

organizations?

1/4

Under the 2004 constitution, Afghan workers had broad constitutional protections. However, labor rights were poorly defined and no effective enforcement or dispute-resolution mechanisms were in place. Unions were largely absent from the large informal and agricultural sectors. The rise of the Taliban had no immediate effect on labor rights.

## F. Rule of Law

**F1** 0-4 pts

Is there an independent judiciary?

0/4

The Taliban installed a judiciary in the areas they controlled during their insurgency. After deposing the elected government in August 2021, the Taliban took complete control of the country's judicial system, appointing judges to civil and military courts. Judges who served under the republic, especially female judges, are unemployed; a significant number went into hiding.

Under the republic, informal justice systems, employing variants of both customary law and Sharia, were widely used to arbitrate disputes, especially in rural areas. This remains the case, though the Taliban have sought to control some local dispute-resolution practices since taking power.

*Score Change: The score declined from 1 to 0 because the Taliban have begun installing judges with no transparency over appointment or accountability.*

**F2** 0-4 pts

**TOP**

Does due process prevail in civil and criminal matters?

0/4

The Taliban judiciary does not recognize international due process norms. Their judges are supposed to operate under Hanafi jurisprudence. Due process in prosecutions has been further weakened by the abolition of the republic's police force and its criminal investigation organs, which have been replaced by Taliban fighters. Judges and prosecutors rely on confessions and uncorroborated witness testimony.

**F3** 0-4 pts

**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?**

**0/4**

The Afghan population was acutely vulnerable to armed conflict and violence during 2021, before and after the Taliban takeover.

US forces and the Taliban largely refrained from direct conflict after concluding an agreement in 2020, under which the United States committed to a conditional withdrawal timetable. The Taliban continued to fight the republic's forces, however. In April 2021, US president Biden announced that US troops would be withdrawn by September 11 (in July, Biden accelerated the timetable, with the US military presence being fully removed by the end of August). The Taliban launched a renewed offensive against the government in May, engaging in fierce fighting for control of some district centers. Provincial capitals fell to the Taliban in rapid succession in August. On August 15, Taliban fighters entered Kabul and took control of the city. The UN Assistance Mission in Afghanistan (UNAMA) reported 1,659 civilian deaths and 3,524 injuries during the first half of 2021. The Afghan army's former chief of staff, meanwhile, estimated that 1,000 military personnel were killed and another 1,000 went missing in the final weeks of fighting, with 92,000 service personnel killed throughout the war.

The Taliban engaged in retaliatory violence after their campaign. Some 47 members of the deposed government's security forces were either executed or disappeared between the middle of August and the end of October 2021 according to Human Rights Watch (HRW). In December, the United Nations claimed that over 100 people had been extrajudicially killed by the Taliban for their ties to the former government.

**TOP**

Afghans face the death penalty under the Taliban. In September 2021, Nooruddin Turabi, a founding member, said that the Taliban would carry out executions as well as amputations.

Other armed groups were active during the year. The IS-K engaged in violent activity throughout 2021; UNAMA reported that the IS-K claimed responsibility or was believed responsible for 77 attacks in the first four months of the year. The IS-K also claimed responsibility for a bombing near Kabul Airport in August, which killed over 170 civilians and 13 US military personnel. IS-K activities continued after the elected government collapsed; in November, the IS-K attacked a military hospital in Kabul, killing at least 19 people.

In August 2021, the Taliban fought the NRF in the Panjshir Valley. The Taliban claimed victory in September, though the NRF vowed to continue its operations.

**F4** 0-4 pts

<b>Do laws, policies, and practices guarantee equal treatment of various segments of the population?</b>	<b>0 / 4</b>
--	--------------

The Taliban removed previous legal and institutional guarantees of equal treatment after deposing the elected government. Women who had worked in government, education, and the media were dismissed. The MVV has restricted women's ability to travel on public transport or without a chaperone.

While the Taliban offered amnesty for those who worked for the deposed government in August 2021, former military personnel, civilian employees, and perceived supporters were subjected to harassment and discrimination. Perceived opponents were excluded from state employment and humanitarian assistance. The Taliban have also engaged in discrimination against members of ethnic minority groups, particularly Tajiks, Hazaras, and Uzbeks.

**TOP**

There is no legal protection for LGBT+ people, who face societal disapproval and discrimination from the Taliban. In a July 2021 interview, a Taliban judge advocated for the execution of men who engage in same-sex activity.

*Score Change: The score declined from 1 to 0 because Taliban policies reject protections for ethnic and religious minority groups and women.*

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

**Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?**

**0** / 4

The Taliban impose few direct restrictions on freedom of movement within the country. However, intrusive checkpoints, designed to ensnare suspected opponents and enforce Taliban codes, can make movement hazardous.

Freedom of movement for women is restricted, with the MVV restricting how far they can travel unaccompanied. Women who do not wear clothing that abides by the ministry's guidance can be prohibited from entering vehicles.

The civil conflict restricted movement and compelled Afghans and citizens of other countries to flee their homes or the country altogether during the year. The Office of the UN High Commissioner for Refugees reported that 700,000 people were newly displaced within Afghanistan during 2021; by the end of the year, 3.4 million were internally displaced by civil conflict. Several countries evacuated residents as the conflict between the republic and Taliban concluded. The United States alone evacuated 122,000 people between late July and the end of August, including US citizens.

Outside of the framework of the organized evacuation program, opportunities for Afghans to seek refuge abroad were curtailed in recent years, as the European Union (EU) attempted to reinforce its external border and member states increased deportations of failed asylum seekers, Iran and Pakistan compelled hundreds of thousands of refugees to return home, and the United States decreased the number

of refugees permitted annually. Despite these preexisting barriers, people continued to flee the country after the elected government fell; over 300,000 people entered Iran between September and the end of November 2021 according to the Norwegian Refugee Council. Over 80,000 Afghans applied for asylum within the EU in the first 11 months of the year, many of them doing so after being evacuated from Afghanistan.

**G2** 0-4 pts

<b>Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?</b>	<b>1</b> / 4
--	--------------

The Taliban have historically promised to respect existing property rights and provide enough security to allow for investment. However, the Taliban have forcibly expropriated weapons and armored vehicles since deposing the elected government, showing little regard for whether they were privately owned. There were also multiple reported incidents of burglaries conducted by armed men styling themselves as Taliban during 2021. In November, the Taliban announced that they would investigate property titles issued under the republic.

**G3** 0-4 pts

<b>Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?</b>	<b>0</b> / 4
--	--------------

The Taliban ended the limited formal protections from domestic violence offered by the republic. Shelters for survivors of gender-based violence (GBV) were closed by the Taliban, with some residents reportedly being sent to prisons. Individuals who were convicted of GBV were among those released by the Taliban during their takeover.

**TOP**

The Taliban have explicitly sought to restrict women's freedoms, including control over appearance.

Under the republic, women's choices regarding marriage and divorce were restricted by custom and discriminatory laws, a situation which has been aggravated by the effective loss of protection mechanisms. The forced marriage of young girls to older men or widows to their husbands' male relations was a problem, and many girls were married before the legal age of 16. The courts and the detention system were used to enforce social control of women.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**1/4**

The economic crisis associated with the Taliban takeover has left Afghans vulnerable to dire economic circumstances and exploitation. Reports of Afghan families selling children into marriage to avoid starvation surfaced after the republic's collapse.

Under the republic, debt bondage was a problem, as was child labor. Most human trafficking victims in Afghanistan are children trafficked internally to work in various industries, become domestic servants, settle debts, or be subjected to sexual exploitation.



### On Afghanistan

See all data, scores & information on this country or territory.

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**TOP**

### *Country Facts*

Global Freedom Score

**10/100**    **Not Free**

*Other Years*

2021

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TOP

# Taliban Killed 100 Ex-Afghan Govt Officials, Others: UN Report

A United Nations report seen Sunday says the Taliban and its allies allegedly killed more than 100 former Afghan government members, security personnel, and people who worked with international forces.

The report, an advance copy of which was seen by *AFP*, describes severe curtailing of human rights by Afghanistan's new fundamentalist rulers. In addition to the political killings, women's rights and the right to protest have also been curbed.

"Despite announcements of general amnesties for former members of the Government, security forces and those who worked with international military forces, UNAMA continued to receive credible allegations of killings, enforced disappearances, and other violations towards these individuals," UN Secretary-General **Antonio Guterres**' report said.

Since the [Taliban seized Kabul on August 15](#), the UN mission in Afghanistan has received more than 100 reports of such killings that it deems credible, the report said.

More than two-thirds of those killings were "extra-judicial killings committed by the de facto authorities or their affiliates."

Additionally, "human rights defenders and media workers continue to come under attack, intimidation, harassment, arbitrary arrest, ill-treatment, and killings," it said.

The report also detailed a government clampdown on peaceful protests, as well as a lack of access for women and girls to work and education.

"An entire complex social and economic system is shutting down," Guterres said in the report.

Afghanistan is in the grip of a humanitarian disaster, worsened by the Taliban takeover that prompted Western countries to freeze international aid and access to billions of dollars' worth of assets held abroad.



*Taliban spokesman Zabihullah Mujahid addresses a media conference at the airport in Kabul on August 31, 2021. Photo: Wakil Kohsar/AFP/Getty Images*

The country was almost entirely dependent on foreign aid under the previous US-backed government, but jobs have dried up and most civil servants haven't been paid for months.

No country has yet recognized the Taliban government, with most watching to see how the hardline Islamists — notorious for human rights abuses during their first stint in power — restrict freedoms.

With poverty deepening and a drought devastating farming in many areas, the United Nations has warned that half the 38 million population faces food shortages.

The UN Security Council last month unanimously adopted a US resolution to allow some aid to reach desperate Afghans without violating international sanctions.

But there are growing calls from rights groups and aid organizations for the West to release more funds — particularly in the middle of a harsh winter.



NORTH AFRICA, WEST ASIA: FEATURE

## Beaten, begging and in hiding: Life for the Afghans the UK left behind

In August, thousands of people who worked for the UK in Afghanistan were left to the Taliban's mercy. openDemocracy spoke to four still stuck in Kabul

[Tom Mutch](#)

20 December 2021, 7.21am



"I want the UK to keep its promises to us" - Baseer | All rights reserved

**O**n 31 August, the nearly 20-year NATO combat mission in Afghanistan ended in failure. Two weeks earlier, the Taliban had marched unopposed into Afghan capital Kabul, leaving the US and its allies, including the UK, scrambling to evacuate both their citizens and the Afghan nationals who had assisted them during the war.

Last week, a whistle-blower from the UK Foreign, Commonwealth and Development Office (FCDO) who worked on the evacuation desk made a series of claims that painted

the UK's efforts on behalf of its Afghan allies as incompetent. Giving evidence to the Commons foreign affairs select committee, Raphael Marshall, a former desk officer at the FCDO, said that not only was the Afghanistan desk short-staffed and senior staff unwilling to work overtime but that orders from ministers were slow to arrive and showed little understanding of the dynamic situation on the ground. He claimed that Boris Johnson had even ordered dogs being rescued by a UK charity be given priority for evacuation, diverting resources that could have been used to protect vulnerable Afghan allies.

While the exact numbers of those left behind may never be known, Marshall claimed that between 75,000 to 150,000 people had applied to be evacuated from Afghanistan based on their or their families' service to the UK. Only around 5% received the necessary assistance from the UK. Now, those left behind live in fear that their ties to the UK could leave them open to retribution by the Taliban, who now have full control of the country.

The following are the stories of four of those who worked for and with the British embassy in Afghanistan, who are now at the mercy of the Taliban. They are told in their own words but edited for clarity. Identifying details have been withheld in most cases to prevent identification.

# Elhan

I wasn't surprised but I was humiliated to find the British government provided help to stray dogs over us. I am very unhappy they left us in danger in Kabul. I worked in security for a variety of locations throughout Kabul. These included the US embassy, the Australian embassy and my last job was with the National Crime Agency's division at the British embassy.



"It was us who put our lives at risk to protect them, but now we want them to protect us"  
- Elhan | All rights reserved

When the Taliban first took control of Kabul, I lost my job and then I hid for a month. I saw them walking and driving their vehicles around my city and felt it wasn't real, that I was in a bad dream instead. But eventually, I felt that I needed to start

my life again, so I decided to become a photographer. I wanted to document what was happening in my country under the new government. I am lucky that I have found the Taliban love cameras and having their photos taken.

The UK even paid us the last three months of our salaries, four months late! All our emails to them have gone unanswered. We found this disrespectful because without us in Afghanistan it would have been impossible for them to take a single step in the streets of Kabul. It was us who put our lives at risk to protect them, but now we want them to protect us.

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Some of the Taliban can be very nice, other people can be very crazy! The Taliban have treated me pleasantly for the most part, except for the times they beat me up on the street when I tried to photograph some protests! It is just life here now, but despite everything, I am still a happy person.

# Baseer

We feel the British government lied to us. I worked for the British for 13 years, including at the UK embassy in Kabul. I was a security guard and a cook for the staff there. But it feels like my service did not matter at all to them. They have evacuated around 20 of my colleagues to the UK but there are many more that they didn't contact or reply to, and many of us are owed back pay for the months before the British fled Afghanistan.

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My life now is bad and difficult. I am jobless and I am stuck at home, as is my wife. We are all scared of the Taliban now. Everyone in the area where I live knows that I worked for the British embassy, and we are terrified that if the Taliban find out that they will take revenge on me. I want the UK to keep its promises to us and take us to the UK like my colleagues. Now there is no difference between me and a beggar, to be honest. I have so little money that I need to go to grocery shops and ask the shopkeepers if they will take pity on me and give me food for my family and I promise to pay them back whenever I have money. But the job at the embassy was my only income, so I have no idea when that will be.

## Munir

I fought alongside US and UK forces as a soldier in the Afghan National Army for ten years, from right after the fall of the Taliban in 2011. Then, for the ten years after that, I was a guard in the British embassy in Kabul, responsible for the security of high-profile individuals such as visiting government officials and diplomats. I've saved lives in the past. They

trusted us with their lives, and in return, we put our lives at risk to keep them safe. We knew when we were working that the Taliban could kill us if they found us, but we worked for them anyway. We thought we would be kept safe, but instead, they just ran away and left us here.

“

**I want the UK government to keep its promises and relocate me to save my family from the Taliban. They know who we all are now and they are looking for us**

**Munir**

I have a family of nine to support. My mother and my sister's family also depend on me to provide for them. But now I find it difficult to feed them because of the situation in Afghanistan. Life is getting much harder for all of us now. I want the UK government to keep its promises and relocate me to save my family from the Taliban. They know who we all are now and they are looking for us. The Taliban came to my street and asked my neighbours if they knew who I was and if it was true that a military officer was living here. We don't know what they

will do if they find us, but many of us live at home now and are scared to leave.

## Toryalay

Britain can go to hell! I was a contractor responsible for supplying fuel to most of the British military and diplomatic centres in Kabul. I was doing this for 18 years! Like many other people I was not offered a chance to leave and they never paid my last, very large invoice.

Every month I would provide around 50,000 litres of fuel to be split between three organisations – the UK embassy in Kabul, the Camp Gibson military base, and the base of the British Department for International Development. But when the Afghan government fell, the Taliban captured my trucks and then they found me. One of the first things the Taliban did when they took over was check banks to see where people's money was coming from. They kept me in prison for several days while they questioned me as to why the UK had been paying me money. They beat me three times in two days. I think I was targeted especially because one of my relatives was a member of Parliament in the last Afghan government. Then, they accused me of supporting ISIS, of being a terrorist.

“

**One of the first things the Taliban did when they took over was check banks to see where people's money was coming from**

**Toryalay**

I pleaded with them that I was just a contractor and they took me to the bank and went through five years of my bank statements in detail. Eventually, they were satisfied that I was who I said I was, but they still keep a close eye on me and I am under suspicion. For example, they did not let me leave Kabul to go to another province for a funeral.

Because I made enough money in recent years as a businessman, I was able to negotiate to pay for my release and I am lucky that I have enough money to live on for the time being. I still own petrol stations in Kabul, so I am getting by. The Taliban need fuel for their vehicles, so they tolerate people who can help them out and keep them functioning. I have elderly parents to care for and my family to look after so I don't even want to think about the UK any more.

openDemocracy contacted the UK's National Crime Agency (NCA), which was responsible for employing, paying and

managing many of the government's overseas employees in Afghanistan.

An NCA spokesperson said: "For security reasons we cannot comment on individual cases, but we are in contact with government colleagues regarding those who may be eligible for relocation through their association with the NCA. We have already resettled a number of individuals and their families."

Update: Several weeks after the publication of this article, Elhan was informed that his application for residency in the UK had been approved.

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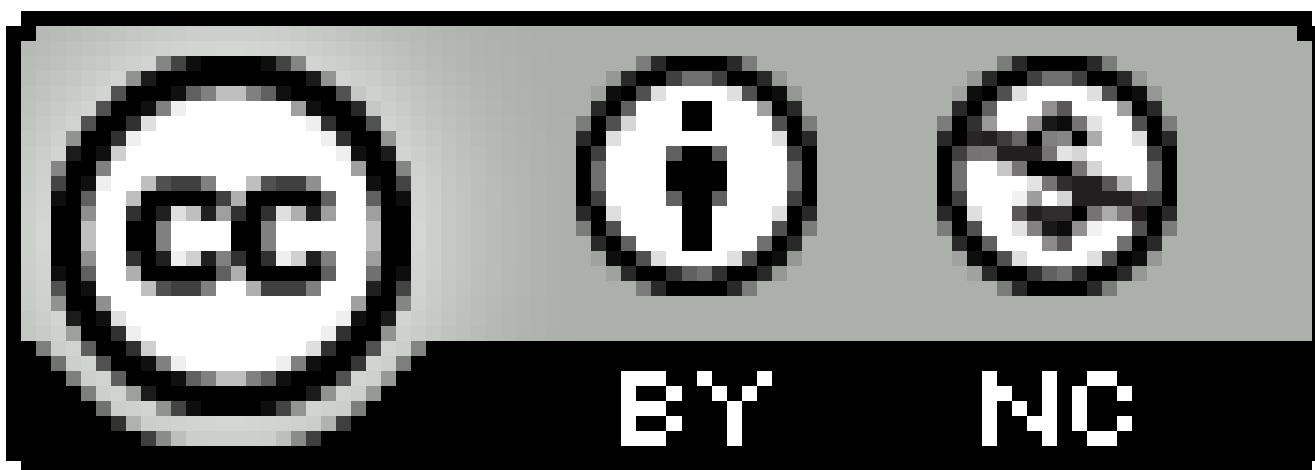
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# Taliban 'intensifying' search for Afghans who worked for US – UN report

en euronews.com/2021/08/19/taliban-checkpoints-ring-kabul-airport-as-imf-suspends-funds-to-afghanistan

19 August 2021

## Afghanistan

By **Euronews** with **AP, AFP** • Updated: 20/08/2021



Taliban fighters stand along a road in Kabul on August 18, 2021, after the Taliban's military takeover of Afghanistan. Wakil KOHSAR / AFP - Copyright Wakil KOHSAR / AFP

The Taliban is intensifying a search for people who worked with US and NATO forces, a confidential United Nations document says, despite the militants vowing no revenge against opponents.

The report by the UN's threat-assessment consultants says the group has "priority lists" of individuals it wants to arrest.

It corroborates testimonies from dozens of Afghans inside the country, including a former employee of EUPOL, a European Union agency training Afghan police, and a former staffer at the Dutch embassy, both of whom told Euronews Taliban fighters were going door to door in Kabul to identify people who had worked for the international community.

Taliban fighters and checkpoints ringed Kabul airport on Thursday, adding to fears for Afghan nationals who previously worked for the West. This evening German broadcaster Deutsche Welle said the Taliban had shot and killed one of its reporters' family members.

The militant group has promised safe passage to Kabul Airport to foreigners. But Afghan nationals eligible for evacuation have reported difficulties and violence.

Planeloads of EU citizens and Afghan refugees have been landing in Europe throughout Thursday. But chaos at the airport continues, while the Taliban opened fire on an Independence Day protest in Kabul and a fledgling resistance movement continues to assert its presence in the northeast.

# Exhibit J

## PSG Statement

[REDACTED]

UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES  
CHICAGO ASYLUM OFFICE (MINNESOTA CIRCUIT RIDE)

**STATEMENT WITH RESPECT TO [REDACTED] AND WELL-FOUNDED  
FEAR OF PERSECUTION ON ACCOUNT OF HIS MEMBERSHIP IN PARTICULAR  
SOCIAL GROUPS**

1. [REDACTED], through undersigned counsel, represents the following:
2. In addition to suffering past persecution and having a well-founded fear of future persecution on account of his held political opinions (and those imputed to him) in support of a free, democratic Afghanistan (such as his support for the United States and the prior Islamic Republic of Afghanistan government), [REDACTED] suffered past persecution (and faces a reasonable possibility of future persecution) on account of his membership in particular social groups including, *inter alia*: (1) Afghans formerly employed at the [REDACTED]; (2) Afghans who formerly worked with the U.S. military; (3) Afghans who formerly worked with international troops; (4) Immediate relatives of [REDACTED]; (5) Immediate relatives of [REDACTED]; (6) Afghans evacuated to the United States during OAR/OAW.
3. When considering a refugee's explicitly articulated particular social groups in the course of an adjudication, "immigration adjudicators have an affirmative duty to assist and work with applicants to ensure that asylum . . . is granted to those who qualify for such protection based on their individual circumstances." *Quintero v. Garland*, 998 F.3d 612, 626 (4th Cir. 2021).
4. The nexus to persecution, and cognizability,<sup>1</sup> of each of the above particular social groups is demonstrated by [REDACTED] testimony, record evidence, and legal precedent.

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<sup>1</sup> See, e.g., *Matter of L-E-A-*, 27 I&N Dec. 40 (BIA 2017) (Recognizing an applicant's immediate relatives comprised a cognizable social group); see also *Cece v. Holder*, 733 F.3d 662, 669 (7th Cir. 2013) (*en banc*) (Adopting the *Acosta* test that a cognizable PSG is a group of persons united by a shared, immutable characteristic someone cannot or should not have to change); *id.* at 670 ("Sometimes the characteristic is immutable because a shared past experience or status has imparted some knowledge or labeling that cannot be undone").

[REDACTED]  
[REDACTED]

[REDACTED]

7/11/2022

Applicant's Attorney  
The Advocates for Human Rights

Date