

United States Department of Homeland Security
United States Citizenship & Immigration Services
Chicago Asylum Office (Minnesota Circuit Ride)

I. FURTHER EVIDENCE OF TALIBAN PERSECUTION OF AFGHANS LIKE [REDACTED] WHO HAVE, OR ARE PERCIEVED TO HAVE, PRO-DEMOCRACY, PRO-ISLAMIC REPUBLIC OF AFGHANISTAN, AND/OR PRO-U.S. POLITICAL VIEWS

Tab

A	<p>United States Department of State, “2021 Country Reports on Human Rights Practices: Afghanistan” (April 12, 2022) available at https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/afghanistan/</p> <p>The Taliban referred to suicide attacks as “martyrdom operations.” <u>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.</u> 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, <u>credible reports were received of retaliatory acts, including extrajudicial killings and forced disappearances, both before and after this announcement...</u></p> <p>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. <u>Others left their homes to hide from Taliban conducting house-to-house searches for government officials.</u></p> <p>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”</p> <p><u>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,</u> despite assurances from senior Taliban leaders beginning in August that nobody would be harmed and that they did not seek to take revenge. <u>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....</u></p>
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	<p>Violent attacks by insurgents against judges, prosecutors, and prison officials made members of the judicial sector increasingly fearful in carrying out their duties.....</p> <p>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. <u>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....</u></p>
B	<p>Foreign Policy, “Taliban Killings Skyrocket in Forgotten Afghanistan: A New Report Exposes the Regime’s Shocking Brutality” (Aug. 2, 2022) available at https://foreignpolicy.com/2022/08/02/taliban-killings-skyrocket-afghanistan/</p> <p>The Taliban’s killings of former members of the Afghan military and rights groups have spiked in recent months, according to a recent report compiled by Afghan diplomats and civil service staff. <u>The militant group is seeking to crack down on perceived regime opponents while also clashing with resistance groups.</u></p> <p>During bouts of fighting with the so-called National Resistance Front across three Afghan provinces in May as well as after armed uprisings in some of Afghanistan’s eastern and southern provinces, <u>the report concludes the Taliban arbitrarily detained, tortured, and killed dozens of civilians they accused of being linked with the deaths of their fighters.</u></p> <p><u>“Shoot them in the head: male or female, anyone who opposes the Taliban and Islamic Emirate. They are brainwashed by Americans, and the only solution is to shoot them in the head,”</u> Mullah Babak, a known Taliban official from Wardak province, said in a video shared on social media at the time. “I am ready to come and shoot those captured by Taliban by my own gun, right in their head, and kill them like dogs and donkeys.”</p> <p><u>In one instance documented in the report, a son of a former Afghan intelligence official was tortured to death</u> inside the Taliban’s district police center in Badakhshan....</p>
C	<p>Human Rights Watch, “No Forgiveness for People Like You” (April 20, 2022) available at https://www.hrw.org/report/2021/11/30/no-forgiveness-people-you/executions-and-enforced-disappearances-afghanistan</p> <p>.....<u>The Taliban have used these screenings to detain and summarily execute or forcibly disappear individuals within days of their registration,</u> leaving their bodies for their relatives or communities to find...</p>

	<p>“The Taliban, through their intelligence operations and access to employment records that the former government left behind, have identified new targets for arrest...”</p> <p>“In smaller Afghan towns and villages, residents tend to know each other within communities and established neighborhoods. Because of these relationships, <u>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.</u>” These people have been singled out for questioning or further investigation and some have been summarily executed or forcibly disappeared.</p> <p>“The Taliban have also searched for known former security force members, <u>often threatening and abusing family members to reveal the whereabouts of those in hiding.</u> Some of those eventually apprehended <u>have been executed or taken into custody without acknowledgment of their detention or their location,</u> the crime of enforced disappearance.”</p> <p>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 the street. We looked everywhere. We went to the Taliban, who denied involvement. Two days later we found his body.</p> <p>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. 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.</p> <p>Haji Melad Rahmati said: “They took me and my younger brother to the main police station. I was beaten unconscious. That also shot me in the leg...”</p>
D	<p><i>The Economic Times</i>, “Taliban use Traditional Afghan Method of 'Night Letters' to Intimidate” (Aug. 31, 2021) available at https://www.jurist.org/news/2021/10/afghanistan-dispatches-anyone-on-the-talibans-blacklist-is-in-great-danger/https://economictimes.indiatimes.com/news/international/world-news/taliban-use-traditional-afghan-method-of-night-letters-to-intimidate/articleshow/85795913.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst</p>

	<div data-bbox="1208 134 1430 191" data-label="Page-Header"> <div></div> <div>#</div> </div> <p>The Taliban are pinning chilling 'night letters on the doors of those they accuse of "<u>working for the crusaders.</u>"</p> <p>The notes order their victims to attend a Taliban-convened court. Failure to do so will result in the death penalty...</p> <p><u>The letters are a traditional Afghan method of intimidation.</u> They were used by mujahideen fighters during the Soviet occupation and then by the Taliban as both a propaganda tool and a threat...</p> <p>One of those to receive a warning was Naz, a 34-year-old father-of-six whose construction company helped the UK military build roads in Helmand and the runway at Camp Bastion, the report said.</p> <p>He had applied for sanctuary in Britain under ARAP, the Afghan relocation programme, but had been rejected.</p> <p>Naz said: "<u>The letter was official and stamped by the Taliban. It is a clear message that they want to kill me. If I attend the court, I will be punished with my life.</u></p>	
E	<p><i>The Washington Examiner</i>, “Taliban Brutality a Continued Concern for Afghan Allies” (July 18, 2022) available at https://www.washingtonexaminer.com/restoring-america/courage-strength-optimism/taliban-brutality-a-continued-concern-for-afghan-allies</p> <p>As the owner of a construction company that performed major projects at NATO military bases for over a decade, Faridullah is a known supporter of the United States. Though Faridullah has moved multiple times over 11 months to evade capture, the Taliban located and imprisoned him several weeks ago. While in captivity, Faridullah was beaten over the head with a rifle butt until he lost consciousness....</p> <p>Qudratullah spent more than 10 years working for U.S. logistics companies and humanitarian aid organizations. In August 2021, the Taliban left a letter at Qudratullah’s home threatening him with death. To protect his family, he fled his home. Two months later, fighters recognized Qudratullah outside a passport office. Under Taliban torture, his head was beaten with the butt of a rifle so severely that he was hospitalized for a week. Qudratullah said he still feels the effects of that beating today. To protect his wife and 10-year-old son, Qudratullah lives apart from his family. His wife said the Taliban have appeared at her residence five times in search of her husband. <u>Their last visit occurred two weeks ago. On</u></p>	

	<p><u>previous visits, fighters beat Qudratullah’s brother and father to obtain information about his whereabouts.</u></p> <p>The tales of these realities and others rarely escape media-restricted Afghanistan.</p>	
F	<p><i>Jurist</i>, “Afghanistan Dispatches: ‘Anyone on the Taliban’s Blacklist is in Great Danger’” (Oct. 26, 2021) available at https://www.jurist.org/news/2021/10/afghanistan-dispatches-anyone-on-the-talibans-blacklist-is-in-great-danger/</p> <p>The Taliban are using different techniques in targeting people. They have issued warning letters to some former government officials stating that if they do not give themselves to them then their families would be arrested. Several officials of the central bank received warning letters in the last three weeks. They all received written warning letters signed and stamped by the Taliban. One of the warning letters shared with me said “You should have stopped working with a slave government under control of Americans; we shall punish you so others take a lesson.”</p>	
G	<p><i>The Guardian</i>, “Taliban launch raids on homes of Afghan women’s rights activists: Campaigners arrested by armed men days after anti-hijab protest in Kabul, with beatings reported” (January 20, 2022) available at https://www.theguardian.com/global-development/2022/jan/20/taliban-arrest-afghan-womens-rights-activist-witness-says</p> <p><u>“The Taliban have increasingly targeted Afghanistan’s rights groups, and local and international journalists covering demonstrations <u>have often been detained and sometimes beaten.</u>”</u></p> <p><u>“For over a month, we have seen the Taliban stifling dissent and intensifying their attacks on protesters across Afghanistan,” added Akbar. “Earlier we heard reports of protesters in Mazar being detained. <u>There were also allegation of them being tortured, assaulted and harassed while in detention.</u>”</u></p>	
H	<p>Amnesty International, “Afghanistan Archives” (November 1, 2021) available at https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/</p> <p><u>Non-state groups deliberately targeted civilians and civilian objects throughout the year.</u> 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.¹ On 26 August, <u>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.</u> 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.</p>	

	<div data-bbox="1208 134 1430 191" data-label="Page-Header"> <div>██████████</div> <div>██████████</div> <div># ██████████</div> </div> <p>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.</p> <p>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</p> <p>“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 <u>was dispersed by Taliban special forces, reportedly with tear gas and electroshock weapons.</u> Women protesters were beaten. On 7 September, <u>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.</u>”</p>	
I	<p>ABC, “Taliban Fighters Hunting Blacklist of Afghan Officials, US-Trained Forces: Private intel report” (Aug. 20, 2021) available at https://abcnews.go.com/International/taliban-fighters-hunting-blacklist-afghan-officials-us-trained/story?id=79569951.</p> <p>The priority targets, according to the report, have been Afghans who worked for the intelligence service, special operations forces, police and armed forces. But RHIPTO said there are multiple reports that the <u>militants are "extending" their lists to include Afghans with ties to the U.S., NATO and allied forces.</u></p> <p><u>In addition to door-to-door visits in Kabul, they have also sent notices to some Afghans who worked with American and British forces, demanding that they come to Taliban military and intelligence headquarters</u> "and provide information about the nature of your work and relationship with the British and Americans."</p> <p><u>"If you do not report to the Commission, your family members will be arrested instead, and you are responsible for this. You and your family members will be treated based on Sharia law,"</u> warned the notice, obtained by RHIPTO and shared with ABC News.</p>	

II. FURTHER EVIDENCE OF MR. ██████████ WELL-FOUNDED FEAR OF PERSECUTION ON ACCOUNT OF HIS STATUS AS AN IMMEDIATE RELATIVE OF ██████████ WHO WAS A PROSECUTOR OF THE TALIBAN

J	<p><i>Hasht-e-Subh Daily</i>, “26 Prosecutors Murdered Since Taliban Takeover in 2021” (July 12, 2022) available at https://8am.af/eng/26-prosecutors-murdered-since-taliban-takeover-in-2021/</p> <p>Reliable sources in the Attorney General’s Office (AGO) of Afghanistan have confirmed that <u>in the last eleven months, 26 prosecutors of the former government have been killed in different parts of the country.</u></p>
K	<p><i>Gandhara (Radio Free Europe/Radio Liberty)</i>, “Afghanistan's Former Prosecutors Hunted by Criminals They Helped Convict” (Sept. 21, 2021) available at https://gandhara.rferl.org/a/afghan-prosecutors-targeted/31471145.html</p> <p>Many of those freed by the Taliban last month from Afghanistan's prisons were Taliban fighters or members of other militant groups like the Islamic state or Tehrik-e Taliban Pakistan Although the Taliban has declared that its forces will not torment those who worked for the ousted Afghan government, <u>reports of retribution and reprisal killings are common across Afghanistan....</u></p> <p>Jamila, a pseudonym for a woman who'd worked as a prosecutor in Kabul, says she and her colleagues are desperate to leave the country.</p> <p><u>She says their work for the ousted government means they are in danger along with their families.</u></p> <p>“We want the media to convey our message to the world,” she told Radio Azadi. “The international community should help relocate us to a safe place, so we don’t suffer a complete nervous breakdown.”</p>
L	<p>NYC Bar, “Condemning the Murder of Mumtaz Sherzai in Afghanistan and Calling on the International Community to Demand Taliban Compliance with International Law” (Aug. 04, 2022) available at https://www.nycbar.org/media-listing/media/detail/condemning-murder-of-mumtaz-sherzai-in-taliban-afghanistan</p> <p>On July 15, 2022, Mumtaz Sherzai went missing from his home in the Matun district of the city of Khost, in Khost province in southeast Afghanistan. Sherzai was a former National Directorate of Security (“NDS”) prosecutor and a professor at Khost University. The following day, on July 16, Sherzai’s remains were found in the Tani district, near the Khost province airport. <u>His bruised and bloodied body bore obvious signs of beatings and severe torture, which are presumed to be his cause of death</u></p> <p>Sherzai’s Targeting as a Former Prosecutor and as a Professor</p>

	<p><u>Regrettably, Sherzai’s murder is by no means an isolated instance. Both his service as a former prosecutor and his employment as a law professor at the time of his death rendered him highly vulnerable as a target of the Taliban.</u> As a federal prosecutor with the NDS in the Afghan government before the mid-August 2021 Taliban takeover, Sherzai was responsible for investigating and prosecuting cases involving domestic and international terrorism, as well as other national security-related crimes. Like hundreds of other former prosecutors across the country, Sherzai feared Taliban retribution and was seeking to be evacuated to safety.</p> <p><u>Most of the former prosecutors who have not escaped Afghanistan are in hiding. Moreover, even before mid-August 2021, federal prosecutors regularly fell victim to the Taliban and other insurgent forces.</u></p> <p>⁷ <i>See</i> IAPL, <i>supra</i> n.2. <u>A report on social media indicates that members of Sherzai’s family have been abducted and that their fate is unknown. That same social media source indicates the Taliban is now occupying the family’s home...</u></p>
M	<p>United States Dep’t of Homeland Security, U.S. Citizenship and Immigration Services, “Designation of Afghanistan for Temporary Protected Status,” 87 FR 30976 (May 20, 2022) available at https://www.federalregister.gov/documents/2022/05/20/2022-10923/designation-of-afghanistan-for-temporary-protected-status</p> <p>Civilians face continuing risk of harm due to ground engagements between the Taliban and ISIS–K, as well as direct punitive targeting by Taliban fighters reportedly taking retaliatory action against people associated with the Ashraf Ghani administration.</p>
N	<p><i>The New York Times</i>, “The Taliban Promised Them Amnesty. Then They Executed Them” (Apr 12, 2022) available at https://www.nytimes.com/interactive/2022/04/12/opinion/taliban-afghanistan-revenge.html</p> <p>The video, the product of a seven-month investigation by the Opinion Video team of The New York Times, reveals <u>that nearly 500 former government officials and members of the Afghan security forces were killed or forcibly disappeared during the Taliban’s first six months in power.</u></p> <p>The revenge killings were widespread, touching every region of the country, shattering families and communities, and giving a lie to the Taliban’s promises of tolerance and moderation.</p>

	<p>After initially denying that such killings were occurring, the Taliban leadership has come to acknowledge some of them, though has insisted that those acts were the work of rogue commanders and not an authorized campaign.</p> <p><u>But the number of killings, and their ubiquity, might suggest otherwise. So would their ruthlessness, including summary executions.</u></p>
O	<p><i>The Globe & Mail</i>, “Afghans Stranded and Running Out of Money in Pakistan Plead for Ottawa to Speed up their Approvals” (Sept 18, 2022) available at https://www.theglobeandmail.com/politics/article-afghans-stranded-and-running-out-of-money-in-pakistan-plead-for-ottawa</p> <p>Ahmadullah Malikzada, who used to be a government prosecutor in Kabul, and his wife, Liza, a former women’s-rights volunteer for the Independent Human Rights Commission of Afghanistan, arrived in Rawalpindi in early June. Their visas have now expired. Mr. Malikzada knows what awaits him if Pakistani police arrest him and deport him back to Afghanistan. “<u>I can’t take a chance as a former prosecutor. That is certain death for someone like me.</u>”</p>
P	<p>Kingdom of Afghanistan, Law on Attorney General Office Saranwali - 1967 - Official Gazette No. 73, published 1967/03/06 (1345/12/15 A.P.) available at http://www.asianlii.org/af/legis/laws/loagos1967ogn73p1967030613451215a611</p> <p>Article 1:</p> <p>For purpose of implementation of the provisions of this law, the following terms shall have the following meanings:</p> <p>1 – Saranwali,[1] the high administration for public prosecution....</p> <p><i>Saranwali</i> is a Pashto term denoting “office of the public prosecutor,” while the term Saranwal denotes the “public prosecutor.”</p>

III. FURTHER EVIDENCE OF [REDACTED] WELL FOUNDED FEAR OF PERSECUTION ON ACCOUNT HIS STATUS AS AN IMMEDIATE RELATIVE OF [REDACTED] [REDACTED] A FORMER INTERPRETER FOR THE U.S. EMBASSY IN AFGHANISTAN

<p>Q</p>	<p>CNN, “‘If the Taliban Find me, they will Kill Me and My Family,’ says Abandoned Afghan Interpreter” (Aug. 15, 2021) available at https://www.cnn.com/2021/08/15/asia/afghanistan-interpreters-us-visa-taliban-cmd-intl/index.html</p> <p>"If [the Taliban] find me, they will kill me and they will kill my family because I was an interpreter with the US Marines." ...</p> <p>He has been paying for his loyalty to the US ever since. He and his family have been in hiding for five years, scared for their lives -- his fear of retribution compounded with news of every province that falls into Taliban hands.</p>
<p>R</p>	<p>United States Department of State, Foreign Affairs Manual 9 FAM 502-5.12(B)(a)(4)</p> <p><u>The Department has determined that Afghan SIV applicants are inherently under threat (regardless whether their employment has ended or if they have relocated).</u> Thus, holding qualifying service in Afghanistan is enough to satisfy the ongoing serious threat requirement....</p>
<p>S</p>	<p><i>Voice of America</i>, “The Inside Story-Flight of the Translators” (Sept 1, 2022) available at https://www.voanews.com/a/6727159.html</p> <p>[A]s many as 300 interpreters died in Afghanistan during this time while waiting for visas....</p> <p>Haji could be here. Or he could be here. Or here. He moves from city to city for safety from city to city for safety from the Taliban...</p> <p><u>In 2010, the Taliban kidnapped Haji’s 9-year-old son because of his job...</u></p> <p>For 11 years he worked as an interpreter for US Special Forces... braving firefights across Afghanistan -- as he told VOA via Skype...</p> <p>They know I am working with American forces and [they said,] “they are infidel and <u>you are infidel because you are working with them and you are providing all kinds of help to them.</u>”...</p> <p>The Afghan police rescued his son a few weeks later in a gun battle with his kidnappers. <u>He says they killed an older son a few months ago.</u> Now Haji is trying to save his own life after cellphone threats from the Taliban....</p>

	<p><u>They tell me they know my place, they know where I am staying, they are coming after me.</u></p>
T	<p>BBC.com, “Afghanistan: UK Embassy Staff Allege Taliban Beatings and Torture” (June 16, 2022) available at https://www.bbc.com/news/uk-61813259</p> <p>One man, who cannot be named to protect his identity, said he was recently beaten by the Taliban because of his previous job as a guard at the embassy. "I was sitting outside when gunmen approached me, one of [them] attacked me," he said...</p> <p><u>"They said you were working for the British embassy. They started beating me and they threw me on the ground. They attacked me again and again."</u>...</p> <p>One Afghan who came to the UK earlier this year under ARAP said <u>many of his former colleagues from the embassy were being threatened on a daily basis. He is not being named to protect his family who remain in Afghanistan.</u></p>
U	<p>Defense One, “4 in 5 Afghans Who Worked for the US Have Faced Taliban Threats, Poll Finds” (August 12, 2022) available at https://www.defenseone.com/policy/2022/08/4-5-afghans-who-worked-us-have-faced-taliban-threats-poll-finds/375782/</p> <p><u>More than a quarter of translators who helped the United States military in Afghanistan say they or their family members have faced direct threats from the Taliban within the past month,</u> according to polling data shared with Defense One.</p> <p>Applicants and their families are also facing regular direct threats from the Taliban. Nearly 10 percent say they have been directly threatened in the past week, and 26.1 percent have faced threats in the past month. Only about 14 percent say they have never been directly threatened by the Taliban.</p> <p>Matthew Zeller, senior advisor at Iraq and Afghanistan Veterans of America, is also hearing reports of violence first-hand. On Sunday, an applicant texted Zeller to let him know that the Taliban had killed an interpreter he served with.</p> <p><u>“This is happening in real time, it’s not an abstract. It’s actual human beings I’m in contact twith who are reporting friends and relatives being killed...or they stop writing back and I find out they themselves have been killed,”</u> Zeller said.</p>

[REDACTED] # [REDACTED]

IV. FURTHER EVIDENCE IMMEDIATE RELATIVES CONSTITUTE AN IMMUTABLE, PARTICULAR, AND SOCIALLY DISTINCT GROUP IN AFGHAN SOCIETY

V	<p>Worldmark Encyclopedia of Cultures and Daily Life, “Pashtun,” (accessed 07/11/2022) available at https://www.encyclopedia.com/humanities/encyclopedias-almanacs-transcripts-and-maps/pashtun</p> <p>The Pashtun family is an extended family. The household normally consists of the patriarch and his wife, his unmarried children, and his married sons and their wives and children. It is a patrilineal system in that descent is through the paternal side, and family loyalty is to the paternal line . . . <u>Married sons live in their father's household rather than establishing homes of their own . . .</u></p> <p>Economically, the Pashtun family is a single unit.</p>
W	<p>Cultural Atlas, “Afghan Culture: Family” (2019) available at https://culturalatlas.sbs.com.au/afghan-culture/afghan-culture-family</p> <p>In 2010, the average size of a household in Afghanistan was reported to be 7-8 people. Traditionally, this is made up of a husband, wife, their unmarried daughters, and their sons and sons’ spouse and children. In extended family households, three or four generations may live together</p>

V. FURTHER EVIDENCE THAT MR. [REDACTED] CANNOT REASONABLY RELOCATE IN AFGHANISTAN, PER 8 C.F.R. § 1208.13(b)(3) (2020), AND, IN THE ALTERNATIVE, WARRANTS A GRANT OF ASYLUM BECAUSE HE SUFFERED PAST PERSECUTION ON ACCOUNT OF PROTECTED GROUND AND FACES A REASONABLE POSSIBILITY OF “OTHER SERIOUS HARM,” PER *MATTER OF L-S-*, 25 I&N Dec. 705 (BIA 2012).

X	<p>8 C.F.R. § 1208.13(b)(3) (2020)</p> <p>Reasonableness of internal relocation. For purposes of determinations under paragraphs (b)(1)(i), (b)(1)(ii), and (b)(2) of this section, adjudicators should consider, but are not limited to considering, whether the applicant would face other serious harm in the place of suggested relocation; any ongoing civil strife within the country; administrative, economic, or judicial infrastructure; geographical limitations...</p> <p><i>See Pangea Legal Serv’s v. U.S. Dep’t of Homeland Security</i>, 512 F.Supp.3d 96 (N.D. Cal 2021) (enjoining DHS from applying changes to 8 C.F.R. 208 including</p>
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	the current annualized version).
Y	<p>Human Rights Watch, “Afghanistan: Economic Crisis Underlies Mass Hunger” (Aug. 4, 2022) available at https://www.hrw.org/news/2022/08/04/afghanistan-economic-crisis-underlies-mass-hunger</p> <p>Almost 20 million people – half the population – are suffering either level-3 “crisis” or level-4 “emergency” levels of food insecurity under the assessment system of the World Food Programme (WFP). Over one million children under 5 – especially at risk of dying when deprived of food – are suffering from prolonged acute malnutrition, meaning that even if they survive, they face significant health problems, including stunting. Recently, the WFP reported that tens of thousands of people in one province, Ghor, had slipped into “catastrophic” level-5 acute malnutrition, a precursor to famine.</p> <p>Overall, more than 90 percent of Afghans have been suffering from some form of food insecurity since last August, skipping meals or whole days of eating and engaging in extreme coping mechanisms to pay for food, including sending children to work. Afghanistan’s economic collapse was caused in part by a collapse in most families’ incomes following the Taliban takeover and foreign donors’ decisions to suspend outside budgetary support for numerous government, humanitarian, and development sectors, including education and health.</p>

VI. FURTHER DOCUMENTS RELATING TO ASLYUM’S ONE YEAR FILING DEADLINE & ASYLUM ELIGIBILITY

Z	<p>USCIS, “Afghan Operation Allies Welcome (OAW) Parolee Asylum-Related Frequently Asked Questions” (June 30, 2022) available at https://www.uscis.gov/humanitarian/information-for-afghan-nationals/afghan-operation-allies-welcome-oaw-parolee-asylum-related-frequently-asked-questions</p> <p>Generally, maintaining valid status or parole until a reasonable period before the filing of the asylum application <u>will</u> be considered an extraordinary circumstance. If you were granted valid status or parole within one year of the date of your last arrival in the United States and you applied for asylum within a reasonable period of time of the expiration of your valid status or parole, <u>generally this exception would apply to you.</u> (Emphasis added)</p>
AA	<p>USCIS RAIO, “Asylum Officer’s Basic Training Course: One Year Filing Deadline” (May 6, 2013) [excerpted]</p> <p>Given the rationale for the inclusion of legal status as an extraordinary circumstance, the Asylum Division has determined that the “maintaining lawful status” extraordinary circumstance <u>will generally relate to the failure to timely file</u>, even where the applicant does not reference having status as a reason for the delay in</p>

	<p>filing.</p> <p>When it is determined that an application was untimely filed and that during the one-year period the applicant had . . . parole . . . the inquiry is whether the applicant filed for asylum within a reasonable period of time <u>after the . . . parole . . . ended</u> (Emphasis added).</p>
BB	<p>USCIS, “Temporary Protected Status Designated Country: Afghanistan” (05/20/2022) available at https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-afghanistan</p> <p>Note on Seeking Asylum: Being granted and maintaining TPS until a reasonable period before the filing of the asylum application is considered an extraordinary circumstance for the purposes of the one-year filing deadline. In other words, having TPS status “stops the clock” on the requirement to file for asylum within one year of arriving in the United States, if the one-year clock has not already expired. See 8 CFR 208.4(a)(5)(iv).</p> <p><u>Attorney’s Note: Parole and TPS are treated equally under 8 CFR 208.4(a)(5)(iv).</u></p>

VII. FUTHER SUPPORTING DOCUMENTS

CC.	<p>Human Rights Watch, “New Evidence that Biometric Data Systems Imperil Afghans: Taliban Now Control Systems with Sensitive Personal Information” (March 30, 2022) available at https://www.hrw.org/news/2022/03/30/new-evidence-biometric-data-systems-imperil-afghans</p> <p>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.</p> <p>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.</p>
DD.	<p>MIT Technology Review, “This is the Real Story of the Afghan Biometric Databases Abandoned to the Taliban” (Aug. 30, 2022), available at https://www.technologyreview.com/2021/08/30/1033941/afghanistan-biometric-databases-us-military-40-data-points/</p>

A presentation on the police recruitment process from NATO's Combined Security Training Command-Afghanistan shows that just one of the application forms alone collected 36 data points. Our sources say that each profile in APPS holds at least 40 data fields.

These include obvious personal information such as name, date, and place of birth, as well as a unique ID number that connects each profile to a biometric profile kept by the Afghan Ministry of Interior....

The information is also of deep military value—whether for the Americans who helped construct it or for the Taliban, both of which are “looking for networks” of their opponent’s supporters, says Annie Jacobsen, a journalist and author of *First Platoon: A Story of Modern War in the Age of Identity Dominance*....

Tab A

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 Fayez 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.

Tab B

REPORT

Taliban Killings Skyrocket in Forgotten Afghanistan

A new report exposes the regime's shocking brutality.

By Jack Detsch, a Pentagon and national security reporter at *Foreign Policy*.

AUGUST 2, 2022, 3:54 PM

The Taliban's killings of former members of the Afghan military and rights groups have spiked in recent months, according to a recent report compiled by Afghan diplomats and civil service staff. The militant group is seeking to crack down on perceived regime opponents while also clashing with resistance groups.

During bouts of fighting with the so-called National Resistance Front across three Afghan provinces in May as well as after armed uprisings in some of Afghanistan's eastern and southern provinces, the report concludes the Taliban arbitrarily detained, tortured, and killed dozens of civilians they accused of being linked with the deaths of their fighters.

"Shoot them in the head: male or female, anyone who opposes the Taliban and Islamic Emirate. They are brainwashed by Americans, and the only solution is to shoot them in the head," Mullah Babak, a known Taliban official from Wardak province, said in a video shared on social media at the time. "I am ready to come and shoot those captured by Taliban by my own gun, right in their head, and kill them like dogs and donkeys."

In one instance documented in the report, a son of a former Afghan intelligence official was tortured to death inside the Taliban's district police center in Badakhshan; other former Afghan National Army officers have been forcibly disappeared without a trace. In another case, Taliban military arrested a former army officer outside of his home and shot him to death while his family pleaded to spare his life. The Taliban even began shooting at the crowd during a funeral service for an Afghan police officer, forcing the family to bury the man in private.

The uptick in killings comes as former Afghan officials have accused the Taliban of gross mismanagement of public funds. According to the former Afghan officials and diplomats who compiled the report, the Taliban have not paid the salaries of civil service employees in months. Instead, the group has shared money allocated for salaries among regime loyalists, and an unprecedented number of beggars have flooded the streets of the capital.

This is not the first warning that Taliban killings are on the rise. In January, the United Nations reported that more than 100 former Afghan officials had likely been killed since the Taliban seized Kabul in August 2021, most of those killings conducted by the militant group. But former Afghan officials believe that the numbers are continuing to rise as Afghanistan has receded from the spotlight with Russia's full-scale invasion of Ukraine and few consequences from U.S. officials.

"The extrajudicial killings going after former military and other perceived people of threat have been going on from the very beginning," said Aref Dostyar, Afghanistan's former consul general in Los Angeles until earlier this year and now a senior advisor on Afghanistan at the Kroc Institute for International Peace Studies at the University of Notre Dame. "But then, a spike started really right around the time when Ukraine happened because both the world and the media got distracted from Afghanistan, and the Taliban wanted to use that opportunity. So they went after people more than before."

With no boots on the ground, the United States and countries from the now-dissolved NATO coalition that fought in Afghanistan have had trouble verifying just how significant the spike has been. But Ali Nazary, the foreign relations chief of Afghanistan's National Resistance Front, told *Foreign Policy* in a text message that hundreds of people had disappeared from areas where the Taliban had faced the most significant resistance to their rule, such as the Panjshir Valley, Andarab, Takhar, and Khost.

"Every time they are defeated in battle they increase their atrocities on civilians, especially those related to the fighters," Nazary wrote. "It has in reality strengthened the resistance. Attacking civilians in Afghanistan doesn't demoralize them, but provokes them to join us."

Although the Taliban have been chided by the Biden administration for curbing women's access to education and harboring al Qaeda leader Ayman al-

Zawahiri in Kabul—who was killed in a U.S. drone strike in Afghanistan’s capital over the weekend—the United States has repeatedly allowed travel waivers for the militant group’s leadership to travel abroad for diplomatic salvos despite a long-standing United Nations travel ban. The Taliban have also tried to negotiate to get ahold of Afghanistan’s frozen currency reserves, which are held by the Federal Reserve Bank of New York. (U.S. officials have looked to designate a third-party trust fund to provide that money directly to the Afghan people, going around the militant group.)

To centralize cash flows in the Taliban’s hands and meet economic shortfalls after international donor group and U.S. aid dollars have been cut, the regime has also banned the cultivation of poppy and opium, Afghanistan’s two major illicit cash crops. Other vestiges of Taliban rule have reemerged since the militant group took power, with Taliban supreme leader and chief Haibatullah Akhundzada ordering women to wear burqas that cover their entire bodies in public.

With Afghanistan’s economic climate getting worse and killings on the rise, former Afghan officials worry about a return to the Taliban’s last era of rule, when executions in soccer stadiums were the norm.

“I think we should be concerned that we may be going toward the 1990s,” said Dostyar, the former Afghan diplomat.

Jack Detsch is a Pentagon and national security reporter at *Foreign Policy*. Twitter: [@JackDetsch](https://twitter.com/JackDetsch)

TAG: AFGHANISTAN

Tab C



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

Map.....	i
Glossary.....	ii
Summary.....	1
Methodology.....	6
I. Patterns of Killings and Enforced Disappearances	7
The People Targeted	8
II. Killings and Enforced Disappearances	12
Kandahar	12
Killing of Dadullah	14
Enforced Disappearance of Ahmadullah	14
Kunduz	15
Killing of Nazim	15
Killing of Ziaul	15
Killing of Abdul Qadir.....	15
Killing of Watan	16
Helmand.....	16
Enforced Disappearance of Abdul Raziq.....	17
Enforced Disappearance of Zaman Gul	17
Enforced Disappearance of Baz Muhammad	17
Enforced Disappearance of Ghafoor	18
Enforced Disappearance of Maween	18
Ghazni	18
III. Taliban Response to Abuse Allegations	20
Recommendations	23
To the Taliban	23
To the United Nations	23

To Afghanistan’s Donors	24
Acknowledgments.....	25
Appendix: Letters.....	26
Human Rights Watch Letter to the Taliban, November 7, 2021.....	26
Official Response from the Taliban to Human Rights Watch, November 21, 2021.....	28
Human Rights Watch Translation of Supplemental Response from the Ranks Clearance Commission (Tasfiya Commission), November 21, 2021	29
Original Supplemental Response from the Ranks Clearance Commission (Tasfiya Commission) to Human Rights Watch, November 21, 2021.....	31

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,¹ 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

¹ 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-2020.² 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.³ 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.⁴

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

² 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, (accessed November 2, 2021).

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

⁴ 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.⁵

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.⁶

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.⁷ 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”:

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

⁶ @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. 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, (accessed November 17, 2021).

⁷ 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.⁸

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.”⁹ 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.¹⁰ “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.”¹¹

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.”¹²

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.”¹³ A Taliban commander in Ghazni said that some ALP and other militia members “cannot be forgiven

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

⁹ 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.

¹⁰ 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>.

¹¹ Ibid.

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

¹³ Human Rights Watch interview with a resident, Ghazni province, October 21, 2021.

because they have committed a lot of atrocities.”¹⁴ 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.¹⁵

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.¹⁶

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.¹⁷

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*

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

¹⁵ 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).

¹⁶ “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).

¹⁷ 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.¹⁸

¹⁸ 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, (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.¹⁹

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.”²⁰ 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.

¹⁹ Human Rights Watch interview with a friend of Hikmat, September 28, 2021.

²⁰ 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.²¹

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.²² 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.²³

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

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

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

²³ 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.²⁴

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."²⁵

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.²⁶ 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.²⁷ 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

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

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

²⁶ Human Rights Watch interviews with residents, Arghandab, October 21, 2021.

²⁷ 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."²⁸

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.'"²⁹ 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.³⁰

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

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

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

³⁰ 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.”³¹

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

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.³³

Helmand

After the Taliban took control of Lashkargah, the capital of Helmand province, on August 13, they declared a general amnesty for the population.³⁴ 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.

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

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

³³ Human Rights Watch interview with a witness, Kunduz, October 16, 2021.

³⁴ 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.”³⁵

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.”³⁶ 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.”³⁷ 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

³⁵ Human Rights Watch interview with a villager, Helmand province, September 6, 2021.

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

³⁷ Ibid.

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

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.³⁹

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.⁴⁰

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."⁴¹ 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

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

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

⁴⁰ 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.

⁴¹ Interview with a humanitarian aid worker, Ghazni province, October 29, 2021.

court ordered their deaths.”⁴² 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.⁴³ 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.⁴⁴

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.”⁴⁵ 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.⁴⁶

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

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

⁴⁴ Human Rights Watch interview with a journalist, Ghazni province, October 9, 2021.

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

⁴⁶ 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.”⁴⁷ 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.⁴⁸

⁴⁷ @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, (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, (accessed November 17, 2021).

⁴⁸ 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.”⁴⁹
- 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.⁵⁰
- On August 15, Mujahid tweeted the non-harassment directive for embassies, diplomatic centers, and residences inhabited by foreigners as those not to be searched.⁵¹
- 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.”⁵² 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.⁵³

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

⁵⁰ @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 (accessed November 17, 2021).

⁵¹ @Zabehulah_M33, “په همه سفارت خانه ها، مراکز دیپلوماتیک، مؤسسات و اماکن بود و باش اتباع خارجی در کابل اطمینا میدهم که هیچ گونه خطر مواجه آنها” نخواهد بود.

⁵² @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, (accessed November 17, 2021).

⁵³ @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. هیڅاته 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 جدي تعقیب لاندې دي,” *Twitter*, August 16, 2021, 7:54 a.m., https://twitter.com/Zabehulah_M33/status/1427237251352776705?s=20, (accessed November 17, 2021).

⁵³ 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.⁵⁴
- On September 13, Mujahid, in a tweet, said the Taliban “flatly reject” Human Rights Watch allegations that Taliban forces had committed war crimes.⁵⁵

⁵⁴ @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, (accessed November 17, 2021).

⁵⁵ @Zabehulah_M33, “واکنش#:

ما آن راپور 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, (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

Tab D

Taliban use traditional Afghan method of 'night letters' to intimidate

ET economictimes.indiatimes.com/news/international/world-news/taliban-use-traditional-afghan-method-of-night-letters-to-intimidate/articleshow/85795913.cms



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Taliban use traditional Afghan method of 'night letters' to intimidate

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Synopsis

The letters are a traditional Afghan method of intimidation. They were used by mujahideen fighters during the Soviet occupation and then by the Taliban as both a propaganda tool and a threat.



AP

The Taliban are pinning chilling 'night letters on the doors of those they accuse of "working for the crusaders".

The notes order their victims to attend a Taliban-convened court. Failure to do so will result in the death penalty, the Daily Mail reported.

The letters are a traditional Afghan method of intimidation. They were used by mujahideen fighters during the Soviet occupation and then by the Taliban as both a propaganda tool and a threat.

Often used in rural communities, they are now being widely circulated in cities.

One of those to receive a warning was Naz, a 34-year-old father-of-six whose construction company helped the UK military build roads in Helmand and the runway at Camp Bastion, the report said.

He had applied for sanctuary in Britain under ARAP, the Afghan relocation programme, but had been rejected.

Naz said: "The letter was official and stamped by the Taliban. It is a clear message that they want to kill me. If I attend the court, I will be punished with my life."

"If I don't, they will kill me ☹ that is why I am in hiding, trying to find a way to escape. But I need help."

Those received by former British translators are designed to both spread fear and compliance with Taliban directives with threats of violence or death if "demands are not met", the Daily Mail report said

As in Naz's case, that usually involves an interpreter surrendering to a Taliban court.

Shir, 47, worked on the front lines in Helmand and qualified for relocation. But he was unable to force his way through the airport to board an evacuation flight.

"My daughter found the letter on our door with a nail in it. It instructed me to surrender myself for the judgment of the court of the Islamic Emirate (Taliban) or they would act like hunters to find me. They would then kill me."

He immediately moved home and is now in hiding.


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Tab E

Taliban brutality a continued concern for Afghan allies

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Beth Bailey

July 18, 2022



In this Nov. 3, 2015 file photo, Afghan Taliban fighters listen to Mullah Mohammed Rasool, the newly-elected leader of a breakaway faction of the Taliban, in Farah province, Afghanistan.

As the Taliban seek to bolster their international legitimacy, they continue to impose starvation, oppression, and violence on Afghans.

To shed light on the group's campaign of brutality, three Special Immigrant Visa applicants spoke with me about the beatings, torture, and threats they face. Each spoke on condition of anonymity to protect themselves against further retribution.

As the owner of a construction company that performed major projects at NATO military bases for over a decade, Faridullah is a known supporter of the United States. Though Faridullah has moved multiple times over 11 months to evade capture, the Taliban located and imprisoned him several weeks ago. While in captivity, Faridullah was beaten over the head with a rifle butt until he lost consciousness. Believing him close to death, Taliban members brought Faridullah to a local hospital. After several days, he managed to escape. Faridullah is once again on the run with his wife and 1-year-old. Unfortunately, departure

flights are occurring very slowly for U.S. allies further along in the SIV process than Faridullah. He still has not cleared the program's first hurdle of achieving chief of mission approval.

Qudratullah spent more than 10 years working for U.S. logistics companies and humanitarian aid organizations. In August 2021, the Taliban left a letter at Qudratullah's home threatening him with death. To protect his family, he fled his home. Two months later, fighters recognized Qudratullah outside a passport office. Under Taliban torture, his head was beaten with the butt of a rifle so severely that he was hospitalized for a week. Qudratullah said he still feels the effects of that beating today. To protect his wife and 10-year-old son, Qudratullah lives apart from his family. His wife said the Taliban have appeared at her residence five times in search of her husband. Their last visit occurred two weeks ago. On previous visits, fighters beat Qudratullah's brother and father to obtain information about his whereabouts.

Although he has been referred to the Priority 2 program within the U.S. Refugee Admissions Program, Qudratullah cannot afford to support his family in Pakistan during the requisite 12-18 months of processing. To pay for groceries and rent, he has taken out multiple loans. Qudratullah's main concern is that the Taliban will fulfill recent threats to skin him alive as he awaits chief of mission approval.

Shabana also fears Taliban retribution. Prior to the Taliban's takeover of her homeland, she promoted women's rights through nongovernmental organizations associated with the U.S. Agency for International Development. Incensed by Shabana's attempts to empower their wives through government programs, distant relatives turned her in to the Taliban. Shabana has moved her mother and siblings around the country to hide from the Taliban. In December 2021, Shabana left her apartment to purchase medicine for her older brother. Because she was not escorted by a male relative, Taliban fighters beat Shabana severely, leaving large bruises across her back and arm. She has since moved in with relatives to protect herself and her siblings.

Shabana applied for an SIV on Aug. 20, 2021. But she has not received a case number or chief of mission approval. She also fears for her siblings if she is able to receive an SIV. Shabana's older brother lives with serious neurological trauma after being kidnapped and severely tortured by the Taliban in 2018. She worries her younger brother could be abducted by the Taliban to be used for "bacha bazi," a practice in which young boys are forced to dance for and sexually gratify older men. Multiple sources in the evacuation community told me the Taliban engage in the practice. One volunteer shared multiple photographs of Taliban members behaving affectionately with their bacha bazi and of Taliban dancing boys adorned with long wigs and makeup.

The tales of these realities and others rarely escape media-restricted Afghanistan. The Taliban's horrifying ban on girls' secondary schools and unacceptable misogynistic oppression are often cited as the main impediments to recognizing Afghanistan's new power-

holders. Though it occurs in secret, the Taliban's persecution of Afghans should likewise preclude their international acceptance. This should also propel efforts to remove U.S. allies from the country with greater speed.

Beth Bailey (@BWBailey85) is a freelance writer from the Detroit area.

Tab F

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Afghanistan dispatches: 'Anyone on the Taliban's blacklist is in great danger.'

JURIST Staff

OCTOBER 26, 2021 11:05:55 AM

JURIST EXCLUSIVE – Law students and lawyers in Afghanistan are filing reports with JURIST on the situation there after the Taliban takeover. Here, a Staff Correspondent for JURIST in Kabul offers observations on the Taliban's targeting of perceived or potential opponents in Afghanistan who publicly object to their policies, who were associated with the previous government, or who worked with foreign forces prior to the Taliban takeover. For privacy and security reasons we are withholding his name and institutional affiliation. The text has been only lightly edited to respect the author's voice.

The Taliban announced that there would be no revenge and no one would be targeted – even those who worked with foreign forces in Afghanistan – but reality

reports otherwise. There is a gap between what they said and what they are actually doing.

Many individuals have reported that they have been threatened by the Taliban since they seized power in August in Afghanistan. But the Taliban themselves have not commented on any incident reported by the media. Many others fear to report any warnings from the Taliban to the media.

It's mostly social activists, former military and government officials, CSOs, and traders who have been targeted, warned, and even affected by the Taliban. In particular, former government officials in Panjshir, Mazar, and Samangan provinces have been targeted, leading to the death of one in Samangan province. A few weeks ago the Taliban even went farther and stated some specific individuals – especially those who worked with the foreign forces – should give themselves up to be prosecuted or they will prosecute their family members if they find them. Anyone on the Taliban's blacklist is in great danger.

The Taliban are using different techniques in targeting people. They have issued warning letters to some former government officials stating that if they do not give themselves to them then their families would be arrested. Several officials of the the central bank received warning letters in the last three weeks. They all received written warning letters signed and stamped by the Taliban. One of the warning letters shared with me said "You should have stopped working with a slave government under control of Americans; we shall punish you so others take a lesson." Fortunately, the target of this letter is already out of the country. In another incident from the central bank, the Taliban went to check the former Chief of Staff of the central bank who was said to have worked with the ex-governor of the bank too closely. However, they could not find him.

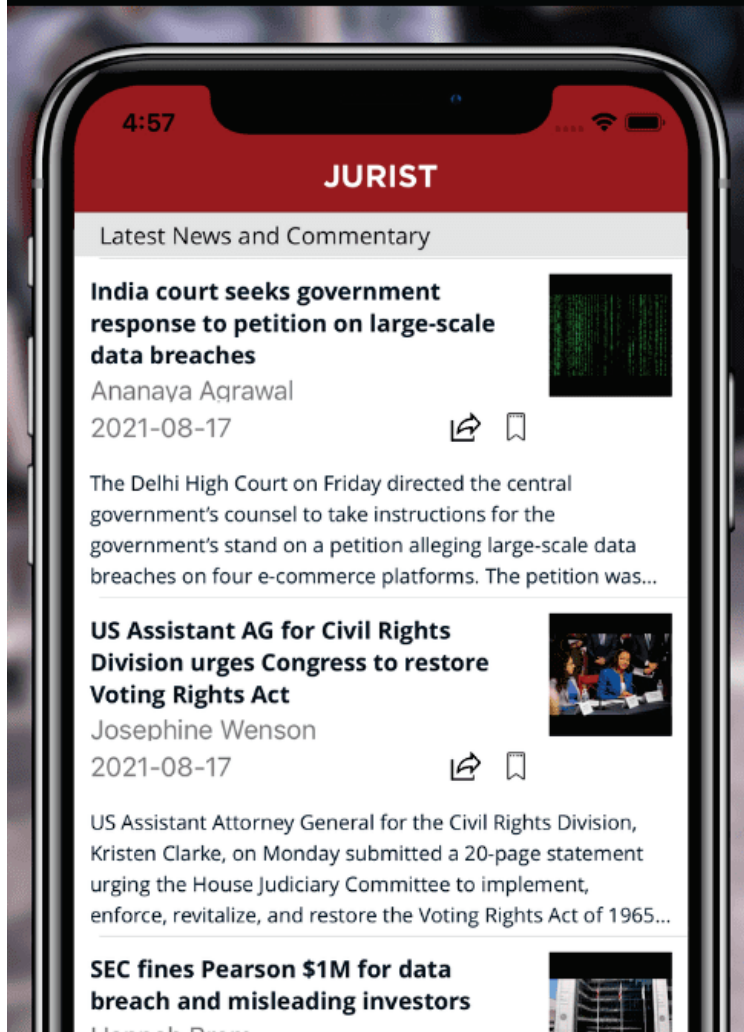
The Taliban appear to have monitored government officials closely before they seized power in August. Most of the people who got killed by them were government officials. I myself lost three friends in a car bombing several months ago.

Furthermore, the Taliban have beaten up journalists, CSOs who demonstrated in different areas and are controlling the media as well. Now, it seems that anyone stands up against them in any way will be under great risk.

The Taliban have many complexities within their group as well. They are not one group. Haqqani network, Al-Qaeda, and many other militants assisted the Taliban throughout the last two decades. Each and every one of these groups follows their own agenda and policy at the moment.

Haqqani network are the most dangerous and extremist group within the Taliban. They have said that anyone who stood against them during the past 20 years should be prosecuted by the Taliban. Therefore, when it comes to targets and threats every one of the groups listed above has their own agenda – they look at people as their own enemies. They do not hold the same opinions. They do not follow one single policy.

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Tab G



Women's rights and gender equality

🕒 This article is more than **7 months** old

Taliban launch raids on homes of Afghan women's rights activists

Campaigners arrested by armed men days after anti-hijab protest in Kabul, with beatings reported

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About this content

Ruchi Kumar and Hikmat Noori

Thu 20 Jan 2022 16.24 EST

Taliban gunmen have raided the homes of women's rights activists in Kabul, beating and arresting female campaigners in a string of actions apparently triggered by recent demonstrations.

Tamana Zaryabi Paryani and Parawana Ibrahimkhel, who participated in a series of protests held in Kabul over the last few months, were seized on Wednesday night by

armed men claiming to be from the Taliban intelligence department.

Shortly before Paryani and her sisters were detained, footage was posted on social media showing her screaming for help, saying the Taliban were banging on her door.

“Help, please, the Taliban have come to our home ... Only my sisters are home,” she says in the clip.

Associated Press footage from the scene on Thursday showed the apartment’s dented metal front door sitting slightly ajar. A witness said the armed men went up to Paryani’s third-floor apartment and began banging on the front door ordering her to open it.

The spokesman for the Taliban-appointed police in Kabul, Gen Mobin Khan, tweeted that Paryani’s social video post was a manufactured drama. A spokesman for the Taliban intelligence, Khalid Hamraz, would neither confirm nor deny the arrest.

He tweeted that “insulting the religious and national values of the Afghan people is not tolerated any more”, a reference to Sunday’s rally during which the protesters appeared to burn a white burqa, the head-to-toe garment that only leaves a mesh opening for the eyes.

Hamraz accused rights activists of maligning Afghanistan’s new Taliban rulers and their security forces to gain asylum in the west.

Similar raids were reported across homes of female protesters in Kabul. In another case, an Afghan protester whose name has been concealed to protect her, said she was physically assaulted and injured. She told the Guardian that the Taliban visited her house and “attacked” and “severely beat” her. Her whereabouts are now unknown.

“The Taliban had been patrolling near our homes since [Wednesday] afternoon. I talked to Tamana in the evening and then around 9pm I saw the video of her asking for help. We tried calling her from our burner phones, but her phone was switched off,” said Wahida Amiri, 33-year-old librarian and a fellow demonstrator, who is also on the run. “When we realised that they were raiding our homes one by one, the rest of us decided to go into hiding,” she added.

Since sweeping to power in mid-August, the Taliban have imposed widespread restrictions, many of them against women. They have been banned from many jobs outside the health and education field, their access to education has been restricted

beyond sixth grade and they have been ordered to wear the hijab. The Taliban have, however, stopped short of imposing the burqa, which was compulsory when they ruled Afghanistan in the 1990s.

At Sunday's demonstration, women carried placards demanding equal rights and shouted: "Justice!" They said they could be forced to wear the hijab. Organisers of the demonstration said Paryani attended the protest, which was dispersed after the **Taliban fired pepper spray at the crowd.**

Paryani belongs to a rights group called Seekers of Justice, which has organised several demonstrations in Kabul, including Sunday's. Members have not spoken publicly of Paryani's arrest but have been sharing the video of her.

The New York-based Human Rights Watch said that since taking over, the Taliban "have rolled back the rights of women and girls, including blocking access to education and employment for many".

"Women's rights activists have staged a series of protests; the Taliban have responded by banning unauthorized protests," HRW said in a statement after Sunday's protest.

The Taliban have increasingly targeted Afghanistan's rights groups, and local and international journalists covering demonstrations have often been detained and sometimes beaten.

"It is obvious the Taliban are intensifying their attacks on the civic space, and more specifically on women who are pioneers of the civic space," said Shaharзад Akbar, chairperson of the Afghanistan Independent Human Rights Commission.

"For over a month, we have seen the Taliban stifling dissent and intensifying their attacks on protesters across Afghanistan," added Akbar. "Earlier we heard reports of protesters in Mazar being detained. There were also allegation of them being tortured, assaulted and harassed while in detention."

Heather Barr, associate director of the women's division at Human Rights Watch, said the Taliban's reaction was a sign of fear. "It might seem hard to understand why the Taliban would have such a violent reaction to 25 women standing on the sidewalk, protesting peacefully. But their fears make sense when you see how powerful and brave these women are, to be stepping out again and again even in the face of escalating violence by the Taliban," she said.

She urged the international community to step up in support of Afghan women. “The Taliban seem to be struggling on how to respond to this, and seem to have decided now that increased brutality is the answer, and that is a very frightening moment. The international community has to stand by these women.”

Associated Press contributed reporting

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Tab H

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

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.¹ 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.² 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

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 Bagh-e 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

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

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

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.³ 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.⁴

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

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.⁵

Sexual and gender-based violence

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

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

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

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

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.⁶ 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.⁷ 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

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.⁸

Tab I

Taliban fighters hunting blacklist of Afghan officials, US-trained forces: Private intel report

abcnews.go.com/International/taliban-fighters-hunting-blacklist-afghan-officials-us-trained/story

Conor Finnegan, Angus Hines

The U.S. has received the report from the U.N., but cannot confirm its findings.

August 20, 2021, 9:33 PM



2:01

A Taliban elite unit patrols the streets of Kabul, Afghanistan on Aug. 20, 2021.

Jim Huylebroek/The New York Times via Redux

Taliban fighters are "intensifying" their "hunt-down" of Afghan officials, security forces and police and punishing their families when they can't find them, according to a new private intelligence report obtained by ABC News.

The report was provided to the United Nations, which shared it with member countries, including the U.S., according to American officials.

It offers chilling new evidence of the militant group's efforts to violently crack down on the Afghan people and consolidate power by eliminating its enemies -- moving with systematic speed less than one week after seizing the country's capital, Kabul.

Several former officials, along with Afghans who worked for the U.S. mission in Afghanistan, have told ABC News they fear for their lives amid a mass rush on Kabul airport and Afghanistan's borders. While security forces appear to be their prime target, the report warns Taliban fighters have threatened action against Afghans who worked with the U.S. and United Kingdom as well.

MORE: Afghanistan updates: Biden vows to evacuate Americans and Afghan allies, says there may be 'loss'

→

The report was compiled by the Norwegian research firm RHIPTO, which provides analysis to the U.N. and INTERPOL, the international police agency.

The U.N. has not independently confirmed its findings, according to a source familiar with the report.



In this March 15, 2010, file photo, U.S. and Afghan Army soldiers maneuver on patrol with air support at Howz-e-Madad in Kandahar province, Afghanistan.

John Moore/Getty Images, FILE

The U.S. government received the report from the U.N., State Department spokesperson Ned Price confirmed to ABC News.

"We're going to take a very close look at it, but I'm not in a position to offer any conclusions yet," he said Friday.

Taliban fighters have conducted "door-to-door visits" of targets on their blacklists, "conducting advance mapping of individuals prior to the take-over of all major cities" and gathering intelligence on targets through credit dealers, mosques and local informants "eager to collaborate" with the new regime, the report said.

MORE: Fact-checking President Biden's claims on current Afghanistan crisis

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"What we fear is because the Taliban is so much more well-organized now than they were 20 years ago, they are completely different. We fear that they will more act like a state actor in terms of firstly securing high-value targets and then systematically go down the chain and take out more low-level individuals as systematically," said Christian Nellemann, executive reporter of RHIPTO, also known as the Norwegian Center for Global Analyses.

That systematic approach is evident in the group's execution, added Nellemann, acting almost as soon as they enter major cities in recent weeks to set up security checkpoints to screen for individuals or contacting local mosques or hawala dealers -- an informal credit system common in the Islamic world.



A Taliban elite unit patrols the streets of Kabul, Afghanistan on Aug. 20, 2021.
Jim Huylebroek/The New York Times via Redux

That includes checkpoints around Kabul's Hamid Karzai International Airport, where the U.S. has a massive evacuation effort underway to airlift U.S. citizens and Afghans who worked with Americans or are deemed "at risk."

U.S. officials have repeatedly said the Taliban will not interfere in that operation, but for days now, Taliban fighters have blocked countless Afghans from even accessing the airport. Some Afghan officials are afraid to even travel to the area, knowing that Taliban fighters could identify and kill them, they've told ABC News.

MORE: Victory after Marine's tireless battle to rescue translator from Kabul

→

The priority targets, according to the report, have been Afghans who worked for the intelligence service, special operations forces, police and armed forces. But RHIPTO said there are multiple reports that the militants are "extending" their lists to include Afghans with ties to the U.S., NATO and allied forces.

In addition to door-to-door visits in Kabul, they have also sent notices to some Afghans who worked with American and British forces, demanding that they come to Taliban military and intelligence headquarters "and provide information about the nature of your work and relationship with the British and Americans."



Taliban special forces pose with U.S.-made weapons in Zabul province, Afghanistan on Aug. 20, 2021. Salampix/Abaca via ZUMA Press

"If you do not report to the Commission, your family members will be arrested instead, and you are responsible for this. You and your family members will be treated based on Sharia law," warned the notice, obtained by RHIPTO and shared with ABC News.

Asked about these ongoing reprisal killings and targeted assassinations, Price said, "If we determine that the Taliban have continued to commit atrocities ... we will work with our allies and partners to hold the perpetrators accountable."

Related Topics

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Tab J



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26 Prosecutors Murdered Since Taliban Takeover in 2021



By 8am

Last updated Jul 18, 2022

Reliable sources in the Attorney General's Office (AGO) of Afghanistan have confirmed that in the last eleven months, 26 prosecutors of the former government have been killed in different parts of the country.

Sources in the AGO told Hasht-e Subh Monday that these prosecutors have been killed since August last year.

According to the sources, most of the prosecutors of the former government have either fled the country or are living underground.

In the latest case, a prosecutor of the National Security Directorate (NDS) of the former government was killed by unknown armed men in Khost province on Saturday, July 17, 2022.

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Tab K



SECURITY

Afghanistan's Former Prosecutors Hunted By Criminals They Helped Convict

September 21, 2021 By [RFE/RL's Radio Azadi](#) [Abubakar Siddique](#) [Ron Synovitz](#)



Taliban fighters chat with former prisoners after their release at the Pul-e Charkhi Prison in Kabul on September 13.

KABUL -- Afghanistan's former prosecutors once worked to rid their country of its most dangerous criminals by building court cases to put them behind bars.

Now, former prosecutors are hiding themselves from those same criminals -- the murderers and drug dealers who were freed by the Taliban when the militant group took over the country and released almost all convicted criminals from Afghanistan's prisons.

For years before last month's collapse of the Afghan central government, Humayun was tasked with investigating serious crimes in the southern province of Helmand. Working in a region where most of the world's opium is grown and processed into heroin, his job often focused on those in Afghanistan's illegal narcotics trade.

But now, Humayun says he is receiving threats from the criminals he helped to convict. He says they are demanding that he reimburse them for fines they'd paid and property that was confiscated from them as part of their sentencing.

SEE ALSO:

Public Executions, Floggings 'Inevitable' Under Taliban Court Rulings, Says Scholar

Humayun, who like many Afghans goes by one name, cites the example of a former convict who called him recently from Helmand's Nad-e Ali district.

"He told me I'm responsible for the confiscation of his car and that I should return it now," Humayun told RFE/RL's Radio Azadi.

Humayun says he is not alone in facing such demands.

"Many former inmates are now threatening me and my colleagues to demand that we return their money," he said. "A responsible court [working under a legitimate government and constitution] imposed penalties or ordered their properties confiscated. Yet they are insisting that we are personally responsible for what happened to them."

Jails Emptied Out

Former prosecutors from across Afghanistan tell similar stories about the threats they are receiving.

Many of those freed by the Taliban last month from Afghanistan's prisons were Taliban fighters or members of other militant groups like the Islamic state or Tehrik-e Taliban Pakistan.

SEE ALSO:

Afghan Women Stage Protest In Kabul To Demand Right To Work, Study

But the jails emptied out by the Taliban also included prisoners convicted for crimes that would have received severe punishments, even the death penalty, under the Taliban's own interpretation of Islamic law.

Afghan lawyers tell RFE/RL that those former inmates already have targeted at least three former prosecutors in revenge killings.

Hayatullah Khan, a pseudonym for a former government attorney who requested anonymity because of security fears, says he knew those targeted.

"They included Ahmadi Shah, who was assassinated in Nangarhar Province on August 26," he said. "The next day, another prosecutor was killed in [the western province of] Farah. On September 12, another former prosecutor Nusrat Ullah was killed. Every [former] prosecutor here now faces grave dangers."

SEE ALSO:

Aid Groups In Afghanistan Face New Challenges Under The Taliban

Although the Taliban has declared that its forces will not torment those who worked for the ousted Afghan government, reports of retribution and reprisal killings are common across Afghanistan.

The Taliban has said nothing about former government workers who are being targeted in revenge killings. The militant group also has said little about the structure of the future court system under their rule, or whether they will allow former Afghan justice officials to return to work.

'No Need For Prosecution'

Haroun Rahimi, a self-exiled assistant law professor from the Kabul-based American University of Afghanistan, says he does not expect the Taliban to continue to employ any former prosecutors.

"The prosecution is basically an element of due process," Rahimi told RFE/RL. "You need a government person to actually make a case that a person who is being accused of a crime is guilty."

"But when I talked to prosecutors in Herat who have met with the Taliban's top judge in the province, they said the Taliban feel they have no need for prosecution," he said.

"They said the Taliban has not appointed anybody as a caretaker for the prosecution in Herat," Rahimi noted. "They said the Taliban basically implied that they have no need for prosecutors -- that the forces who will actually be arresting people and punishing people would just do the job of the prosecution themselves."

"The element of the rule of law in legal terms -- not the police investigators, but the due process of law -- felt very strange to the Taliban," Rahimi said.

"This suggests that the Taliban is going to continue to run the judiciary the way it has done so far as an insurgency with its shadow courts," Rahimi said. "Often there is just one judge for a whole province, and that judge is the sole decision maker."

Videos of the Taliban publicly punishing alleged criminals suggest the hard-line movement may formalize its shadow courts that had dispensed quick rulings under Taliban commanders or clerics.

"There's no indication that the Taliban are thinking about incorporating the institutional setup of the previous government's judicial and legal system," Rahimi said. "They view that system with disdain. They'd like to continue what they perceive as a more Islamic -- authentically Islamic -- simple version of the adjudication that they were doing with their shadow courts."

Female prosecutors see no prospect for returning to their work. Some say they receive threats every day and worry about their safety.

Jamila, a pseudonym for a woman who'd worked as a prosecutor in Kabul, says she and her colleagues are desperate to leave the country.

She says their work for the ousted government means they are in danger along with their families.

"We want the media to convey our message to the world," she told Radio Azadi. "The international community should help relocate us to a safe place, so we don't suffer a complete nervous breakdown."

Britain has already evacuated some prosecutors and judges of a Kabul-based special crimes tribunal to Manchester and other cities. That court dealt with serious criminal cases in Afghanistan.

With reporting by Radio Azadi correspondents on the ground in Afghanistan whose names are being withheld for their protection.

RFE/RL's Radio Azadi

RFE/RL's Radio Azadi is one of the most popular and trusted media outlets in Afghanistan. Nearly half of the country's adult audience accesses Azadi's reporting on a weekly basis.

Tab L



FOR IMMEDIATE RELEASE – August 4, 2022

Contact: Eric Friedman
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**STATEMENT CONDEMNING THE MURDER OF MUMTAZ SHERZAI
IN AFGHANISTAN AND CALLING ON THE INTERNATIONAL COMMUNITY
TO DEMAND TALIBAN COMPLIANCE WITH INTERNATIONAL LAW**

The New York City Bar Association (“City Bar”) condemns in the strongest possible terms the recent brutal murder of Afghan professor and former prosecutor Mumtaz Sherzai.¹

I. Mumtaz Sherzai’s Murder

On July 15, 2022, Mumtaz Sherzai went missing from his home in the Matun district of the city of Khost, in Khost province in southeast Afghanistan.² Sherzai was a former National

¹ More than 150 years old, the New York City Bar is an organization of over 23,000 members in New York City and elsewhere throughout the United States, and in more than 50 countries around the globe. Its members include judges, prosecutors, defense counsel, government lawyers, and public interest/non-governmental organization practitioners, as well as legal academics and attorneys representing nearly every major law firm and corporation in the United States. The City Bar has a long and distinguished history of promoting the rule of law and human rights, including the rights of legal professionals to fulfill their professional obligations. The City Bar’s Task Force on the Independence of Lawyers and Judges assisted with this Statement.

The City Bar’s most recent statements concerning events in Afghanistan, including the assassination of judges, prosecutors and court staff (April 2020); the Taliban takeover of the Afghanistan Independent Bar Association (May 2022); a jointly-issued statement to the United Nations concerning the worsening human rights crisis and the need to protect Afghan judges and lawyers (June 2022); and the need for safe passage of at-risk Afghan nationals (August 2021) can be found [here](#), [here](#), [here](#) and [here](#). (All websites cited in this letter were last visited on August 4, 2022.)

² See Afghanistan: Taliban torture and kill former prosecutor/law professor, abduct children (IAPL Monitoring Committee on Attacks on Lawyers, July 20, 2022) (“IAPL”), <https://defendlawyers.wordpress.com/2022/07/21/afghanistan-taliban-torture-and-kill-former-prosecutor-law-professor-abduct-children/>; Tweet by Punk31 (July 17, 2022) (available at IAPL, *supra* n.2) (“Punk31”); Detail of Terrorism Update – Afghanistan: Taliban killed a for[mer] NDS prosecutor in Khost Province (South Asia Terrorism Portal, July 18, 2022) (“Terrorism Update”), <https://www.satp.org/terrorism-update/taliban-killed-a-for-nds-prosecutor-in-khost-province#>; Tweet by Khalil Minawi (July 16, 2022) (“Minawi”) (available at IAPL, *supra* n.2); Tweet by Kabir Haqmal (July 16, 2022) (“Haqmal”), [pic.twitter.com/PKhhvSrt6uQ](https://twitter.com/PKhhvSrt6uQ); University Lecturer Allegedly Tortured to Death in Southeastern Afghanistan (Middle East North Africa Financial Network (“MENAFN”)/Khaama Press, July 17, 2022) (“MENAFN”), <https://menafn.com/1104543576/University-Lecturer-Allegedly-Tortured-To-Death-In-Southeastern-Afghanistan>. (All websites cited in this statement were last visited July 29, 2022.)

Directorate of Security (“NDS”) prosecutor and a professor at Khost University.³ The following day, on July 16, Sherzai’s remains were found in the Tani district, near the Khost province airport.⁴ His bruised and bloodied body bore obvious signs of beatings and severe torture, which are presumed to be his cause of death.⁵ Sherzai is survived by his wife and their three-year-old daughter.⁶ He was the sole breadwinner for his extended family.⁷

II. Sherzai’s Targeting as a Former Prosecutor and as a Professor

Regrettably, Sherzai’s murder is by no means an isolated instance. Both his service as a former prosecutor and his employment as a law professor at the time of his death rendered him highly vulnerable as a target of the Taliban. As a federal prosecutor with the NDS in the Afghan government before the mid-August 2021 Taliban takeover, Sherzai was responsible for investigating and prosecuting cases involving domestic and international terrorism, as well as other national security-related crimes.⁸ Like hundreds of other former prosecutors across the country,

³ See, e.g., Terrorism Update, *supra* n.2; Punk31, *supra* n.2; MENAFN, *supra* n.2; Tweet by Fazalrabi fazli (July 16, 2022) (“Fazalrabi”), pic.twitter.com/4Obsjm5S2i; Minawi, *supra* n.2.

⁴ See Minawi, *supra* n.2; Terrorism Update, *supra* n.2; Tweet by Fletcher Afghan Evacuation & Resettlement Group (July 18, 2022) (“Fletcher”), pic.twitter.com/fRAdBardfh; Haqmal, *supra* n.2; IAPL, *supra* n.2; University Lecturer Allegedly Tortured to Death in Southeastern Afghanistan (Khaama Press, July 17, 2022) (“Khaama”), <https://www.khaama.com/university-lecturer-allegedly-tortured-to-death-in-southeastern-afghanistan-473983/>; Afghanistan: Taliban torture and kill former prosecutor/law professor (Practice Source, July 2022) (“Practice Source”), <https://practicesource.com/afghanistan-taliban-torture-and-kill-former-prosecutor-law-professor/>; MENAFN, *supra* n.2; Fazalrabi, *supra* n.3.

⁵ See IAPL, *supra* n.2; Khaama, *supra* n.4; Terrorism Update, *supra* n.2; Practice Source, *supra* n.4; Punk31, *supra* n.2; Fazalrabi, *supra* n.3; MENAFN, *supra* n.2.

⁶ See IAPL, *supra* n.2; Khaama, *supra* n.4; Practice Source, *supra* n.4.

⁷ See IAPL, *supra* n.2. A report on social media indicates that members of Sherzai’s family have been abducted and that their fate is unknown. That same social media source indicates the Taliban is now occupying the family’s home. See, e.g., IAPL (at tweet by Zubaida Akbar), *supra* n.2.

⁸ See, e.g., IAPL, *supra* n.2; Fletcher, *supra* n.4; Terrorism Update, *supra* n.2; Punk31, *supra* n.2.

Sherzai feared Taliban retribution⁹ and was seeking to be evacuated to safety.¹⁰ Most of the former prosecutors who have not escaped Afghanistan are in hiding.¹¹ Moreover, even before mid-August 2021, federal prosecutors regularly fell victim to the Taliban and other insurgent forces.¹²

Sherzai's post-August 2021 work as a law professor also made him a target. For example, in one of the most recent high-profile cases involving the persecution of an Afghan legal professional, the Taliban arrested Faizullah Jalal, a prominent professor of law and political science at Kabul University. When Jalal was snatched from his Kabul home on January 8, 2022, the international community was seized with fear for the professor's life. His release by the Taliban, unharmed, mere days later has been attributed to the swift and vocal worldwide

⁹ See generally, e.g., Afghan Prosecutors Are Concerned, Saying That They Live in Hiding (Hasht-e Subh Daily, Oct. 5, 2021) (also referring, *inter alia*, to the assassination of prosecutor Mehrabuddin Raha in early Fall 2021, and quoting prosecutor stating that he knows five prosecutors who have been assassinated between mid-August 2021 and early October 2021) ("Hasht-e Subh"), <https://8am.af/eng/afghan-prosecutors-are-concerned-about-their-safety-saying-that-they-live-in-hideouts/>; Afghanistan's Former Prosecutors Hunted By Criminals They Helped Convict (RadioFreeEurope/RadioLiberty (Gandhara), Sept. 21, 2021) (referring, *inter alia*, to the revenge killings of three prosecutors – Ahmadi Shah, assassinated in Nangarhar province on August 26, 2021; another prosecutor assassinated in Farah province on August 27, 2021; and a former prosecutor, Nusrat Ullah, who was assassinated on September 12, 2021) ("RFE/RL Gandhara"), <https://gandhara.rferl.org/a/afghan-prosecutors-targeted/31471145.html>; Female Afghan prosecutors detained in self-prison (Khaama Press, Sept. 22, 2021) ("Khaama Press"), <https://www.khaama.com/female-afghan-judges-detained-in-self-prison-9676676/>; My nightmares came true: ex-prosecutor of Afghan women's abusers (The Guardian, Jan. 17, 2022) ("The Guardian"), <https://www.theguardian.com/world/2022/jan/17/my-nightmares-came-true-ex-prosecutor-of-afghan-womens-abusers>; Afghanistan: Former female prosecutors in hiding to escape retaliation (Times of India, Sept. 22, 2021) ("Times of India"), <https://timesofindia.indiatimes.com/world/south-asia/afghanistan-former-female-prosecutors-in-hiding-to-escape-retaliation/articleshow/86422897.cms>; Afghanistan's female lawyers are on the run from men they prosecuted (BBC News, Oct. 6, 2021) ("BBC News"), <https://www.bbc.com/news/world-asia-58742581>; Taliban Used Children to Plant Bombs. Now it's Hunting Female Prosecutor Who Investigated (Newsweek, Sept. 16, 2021), <https://www.newsweek.com/taliban-puts-bounty-female-prosecutor-who-fought-children-forced-plant-bombs-1629318>; His relatives are being 'hunted' in Afghanistan. He's trying to bring them to California (San Francisco Chronicle, Oct. 19, 2021), <https://www.sfchronicle.com/california/article/His-relatives-are-being-hunted-in-16542987.php>; Prosecutor who put Taliban behind bars fears for his life as UK 'turns its back' on Afghans (The Independent, May 7, 2022), <https://www.independent.co.uk/asia/south-asia/taliban-afghanistan-uk-resettlement-scheme-b2071241.html>.

¹⁰ See Fletcher, *supra* n.4; see also, e.g., New York City Bar Association Statement: At-Risk Afghan Nationals Must Be Given Safe Passage (New York City Bar, Aug. 18, 2021) (urging support for expedited evacuation and streamlined resettlement of at-risk Afghans, including prosecutors, and emphasizing, *inter alia*, that women legal professionals are in greatest peril), <https://www.nycbar.org/media-listing/media/detail/statement-for-afghan-refugee-visa-expedition>.

¹¹ See, e.g., Hasht-e Subh, *supra* n.9; RFE/RL Gandhara, *supra* n.9; Khaama Press, *supra* n.9; The Guardian, *supra* n.9; Times of India, *supra* n.9; BBC News, *supra* n.9.

¹² See, e.g., Statement of New York City Bar Association Condemning Continuing Assassinations of Prosecutors, Judges, and Court Staff in Afghanistan (New York City Bar, April 7, 2020), <https://www.nycbar.org/media-listing/media/detail/city-bar-condemns-assassinations-of-prosecutors-judges-and-court-staff-in-afghanistan>; Hasht-e Subh, *supra* n.9 (observing that "the assassination of prosecutors is nothing new" and that "[d]ozens of prosecutors have been assassinated in recent years").

condemnation of the Taliban's action. But for that global outcry, the professor likely may have met a very different fate.¹³

III. Protections for Sherzai Under International Law

Sherzai's murder highlights the Taliban's grave violations of basic principles and precepts of international law in Afghanistan. These principles and precepts are designed to protect all members of the legal profession.¹⁴

Specifically, international law recognizes the unique role that lawyers play in any society. Because lawyers serve as the guardians of justice for all, international law accords lawyers special protections.¹⁵ For example, the U.N. Basic Principles on the Role of Lawyers ("U.N. Principles on Lawyers") provide that clients' positions and causes are not to be attributed to their counsel.¹⁶ In other words, a lawyer is obligated to make the best case possible for a client. But no matter who the client is and no matter what the client's position or cause may be, that position or cause is not attributable to the lawyer personally. In short, lawyers – and prosecutors in particular – are not to be persecuted because of the role they play in the justice system.

The U.N. Guidelines on the Role of Prosecutors ("U.N. Guidelines on Prosecutors") recognize that prosecutors in particular "play a crucial role in the administration of justice"¹⁷ as "representatives of the public interest."¹⁸ In other words, "the people" are a prosecutor's "client."

¹³ See generally Statement of the New York City Bar Association re: the Taliban Takeover of the Afghanistan Independent Bar Association at n.13 (New York City Bar, May 6, 2022), <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/taliban-takeover-of-afghanistan-independent-bar-association>.

¹⁴ The discussion which follows highlights the international protections applicable to Sherzai as a prosecutor and a lawyer. However, even more fundamentally, like all human beings, Sherzai was entitled to "the right to life, liberty and the security of person." See Universal Declaration of Human Rights, Art. 3 (1948), <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>. He was likewise entitled to be free from torture. *Id.*, Art. 5. Similarly, the Universal Declaration establishes that "[e]veryone has the right to work," including "free choice of employment." *Id.*, Art. 23(1). The Universal Declaration further provides that "[n]o one shall be arbitrarily deprived of his property." *Id.*, Art. 7(2); see also *id.*, Art. 12 (providing that "[n]o one shall be subjected to arbitrary interference with his . . . family, [or] home"). Lastly, the Universal Declaration specifically states that "[e]veryone has the right to an effective remedy" for violations of human rights. *Id.*, Art. 8.

¹⁵ See generally United Nations Basic Principles on the Role of Lawyers (Sept. 7, 1990) ("U.N. Principles on Lawyers"), <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>; United Nations Guidelines on the Role of Prosecutors (1990) ("U.N. Guidelines on Prosecutors"), <https://www.ohchr.org/en/instruments-mechanisms/instruments/guidelines-role-prosecutors>; see also United Nations Basic Principles on the Independence of the Judiciary (Sept. 6, 1985), Principles 2, 4, & 11, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary>.

¹⁶ See U.N. Basic Principles on the Role of Lawyers, Principle 18 (stating that "[l]awyers shall not be identified with their clients or their clients' causes as a result of their functions").

¹⁷ See U.N. Guidelines on the Role of Prosecutors, Preamble.

¹⁸ See U.N. Guidelines on the Role of Prosecutors, Para. 11.

As such, on behalf of the people, prosecutors are obligated to “[play] an active role in criminal proceedings,” including “the investigation of crime” as well as the “institution of prosecution.”¹⁹ Prosecutors’ positions and interests in service to their clients – “the people” – are separate and distinct from the prosecutors’ own personal positions and interests. The two are not to be confused or conflated.²⁰

The U.N. Principles on Lawyers further provide that governments are to “ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference.”²¹ Similarly, as to prosecutors in particular, the U.N. Guidelines on Prosecutors specify that governments shall “ensure that prosecutors are able to perform their functions without intimidation, hindrance, harassment, [or] improper interference.”²² Further, “[w]here the security of lawyers is threatened as a result of discharging their functions,” the U.N. Principles on Lawyers state that the lawyers “shall be adequately safeguarded by the authorities.”²³ To the same end, the U.N. Guidelines on Prosecutors stipulate that “[p]rosecutors and their families shall be physically protected by the authorities . . . [whenever] their personal safety is threatened as a result of the discharge of prosecutorial functions.”²⁴

As both a lawyer and a prosecutor, Sherzai was entitled to all of these protections. Here, however, the Taliban failed to protect Sherzai from intimidation, hindrance, harassment, and interference and to safeguard his physical security.

III. Resolution and Call to Action

The New York City Bar Association mourns and condemns the beating, torture, and murder of Sherzai – violence undertaken for no apparent reason other than that Sherzai fulfilled his professional duties as a prosecutor and a lawyer. The City Bar calls on the Taliban to make prompt and full restitution to Sherzai’s family and, in the future, to honor all applicable international obligations, including the U.N. Guidelines on the Role of Prosecutors and the U.N. Basic Principles on the Role of Lawyers. Acceptance in the global community of nations requires no less. The eyes of the world are upon Afghanistan, and the Taliban are squarely under the microscope.

The City Bar also issues a call to action to the international community. Specifically, the City Bar calls on the U.S. government, the European Union, and all governments worldwide, together with the United Nations, to exert their considerable leverage to bring maximum pressure

¹⁹ See U.N. Guidelines on the Role of Prosecutors, Para. 11.

²⁰ See U.N. Basic Principles on the Role of Lawyers, Principle 18.

²¹ See U.N. Basic Principles on the Role of Lawyers, Principle 16.

²² See U.N. Guidelines on the Role of Prosecutors, Para. 4.

²³ See U.N. Basic Principles on the Role of Lawyers, Principle 17.

²⁴ See U.N. Guidelines on the Role of Prosecutors, Para. 5.

to bear on the Taliban and to demand Taliban compliance with international law. Further, the City Bar calls on all governments and the United Nations to recognize the vital role that judges, prosecutors, and lawyers play in any society, as well as the grave danger that the Taliban pose for those prosecutors and other legal professionals who remain in Afghanistan. Governments and the United Nations must take all measures necessary to protect their safety and that of their families. Lives literally hang in the balance.

The New York City Bar stands steadfast in its solidarity with our brave and beleaguered colleagues, the Afghan judges, prosecutors, and lawyers. You will not be forgotten. You are a shining beacon of inspiration to us all.

Tab M

Can a noncitizen who has been granted TPS apply for reinstatement of F–1 nonimmigrant student status after the noncitizen's F–1 nonimmigrant student status has lapsed?

Yes. Regulations permit certain students who fall out of F–1 nonimmigrant student status to apply for reinstatement. *See* 8 CFR 214.2(f)(16). This provision might apply to students who worked on a TPS-related EAD or dropped their course load before publication of this notice, and, therefore, fell out of student status. The students must satisfy the criteria set forth in the F–1 nonimmigrant student status reinstatement regulations.

How long will this notice remain in effect?

This notice grants temporary relief until November 20, 2023,²⁸ to eligible F–1 nonimmigrant students. DHS will continue to monitor the current situation in Afghanistan. Should the special provisions authorized by this notice need modification or extension, DHS will announce such changes in the *Federal Register*.

Paperwork Reduction Act (PRA)

An F–1 nonimmigrant student seeking off-campus employment authorization due to severe economic hardship resulting from the current situation in Afghanistan must demonstrate to the DSO that this employment is necessary to avoid severe economic hardship. A DSO who agrees that a nonimmigrant student should receive such employment authorization must recommend an application approval to USCIS by entering information in the remarks field of the student's SEVIS record. The authority to collect this information is in the SEVIS collection of information currently approved by the Office of Management and Budget (OMB) under OMB Control Number 1653–0038.

²⁸ Because the suspension of requirements under this notice applies throughout an academic term during which the suspension is in effect, DHS considers an F–1 nonimmigrant student who engages in a reduced course load or employment (or both) after this notice is effective to be engaging in a “full course of study,” *see* 8 CFR 214.2(f)(6), and eligible for employment authorization, through the end of any academic term for which such student is matriculated as of November 20, 2023, provided the student satisfies the minimum course load requirement in this notice. DHS also considers students who engage in online coursework pursuant to ICE coronavirus disease 2019 (COVID–19) guidance for nonimmigrant students to be in compliance with regulations while such guidance remains in effect. *See* ICE Guidance and Frequently Asked Questions on COVID–19, Nonimmigrant Students & SEVP-Certified Schools: Frequently Asked Questions, <https://www.ice.gov/coronavirus> (last visited May 2, 2022).

This notice also allows an eligible F–1 nonimmigrant student to request employment authorization, work an increased number of hours while the academic institution is in session, and reduce their course load while continuing to maintain F–1 nonimmigrant student status.

To apply for employment authorization, certain F–1 nonimmigrant students must complete and submit a currently approved Form I–765 according to the instructions on the form. OMB has previously approved the collection of information contained on the current Form I–765, consistent with the PRA (OMB Control No. 1615–0040). Although there will be a slight increase in the number of Form I–765 filings because of this notice, the number of filings currently contained in the OMB annual inventory for Form I–765 is sufficient to cover the additional filings. Accordingly, there is no further action required under the PRA.

Alejandro Mayorkas,

Secretary, U.S. Department of Homeland Security.

[FR Doc. 2022–10886 Filed 5–19–22; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. 2709–21; DHS Docket No. USCIS–2022–0004]

RIN 1615–ZB94

Designation of Afghanistan for Temporary Protected Status

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Notice of Temporary Protected Status (TPS) designation.

SUMMARY: Through this notice, the Department of Homeland Security (DHS) announces that the Secretary of Homeland Security (Secretary) is designating Afghanistan for Temporary Protected Status (TPS) for 18 months, effective May 20, 2022, through November 20, 2023. This designation allows eligible Afghan nationals (and individuals having no nationality who last habitually resided in Afghanistan) who have continuously resided in the United States since March 15, 2022, and who have been continuously physically present in the United States since May 20, 2022 to apply for TPS.

DATES:

Designation of Afghanistan for TPS:

The 18-month designation of Afghanistan for TPS is effective on May 20, 2022 and will remain in effect for 18 months, through November 20, 2023.

Registration: The registration period for eligible individuals to submit TPS applications begins May 20, 2022 and will remain in effect through November 20, 2023.

ADDRESSES: For further information on TPS, including guidance on the registration process and additional information on eligibility, please visit the USCIS TPS web page at uscis.gov/tps. You can find specific information about Afghanistan's TPS designation by selecting “Afghanistan” from the menu on the left side of the TPS web page.

If you have additional questions about TPS, please visit uscis.gov/tools. Our online virtual assistant, Emma, can answer many of your questions and point you to additional information on our website. If you are unable to find your answers there, you may also call our USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

Applicants seeking information about the status of their individual cases may check Case Status Online, available on the USCIS website at uscis.gov, or visit the USCIS Contact Center at uscis.gov/contactcenter.

Further information will also be available at local USCIS offices upon publication of this notice.

FOR FURTHER INFORMATION CONTACT: You may contact Rená Cutlip-Mason, Chief, Humanitarian Affairs Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by mail at 5900 Capital Gateway Drive, Camp Springs, MD 20746, or by phone at 800–375–5283.

SUPPLEMENTARY INFORMATION:

Table of Abbreviations

BIA—Board of Immigration Appeals
CFR—Code of Federal Regulations
DHS—U.S. Department of Homeland Security
DOS—U.S. Department of State
EAD—Employment Authorization Document
FNC—Final Nonconfirmation
Form I–765—Application for Employment Authorization
Form I–797—Notice of Action (Approval Notice)
Form I–821—Application for Temporary Protected Status
Form I–9—Employment Eligibility Verification
Form I–912—Request for Fee Waiver
Form I–94—Arrival/Departure Record
FR—Federal Register
Government—U.S. Government
IER—U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section

IJ—Immigration Judge
 INA—Immigration and Nationality Act
 SAVE—USCIS Systematic Alien Verification
 for Entitlements Program
 Secretary—Secretary of Homeland Security
 TNC—Tentative Nonconfirmation
 TPS—Temporary Protected Status
 TTY—Text Telephone
 USCIS—U.S. Citizenship and Immigration
 Services
 U.S.C.—United States Code

Purpose of This Action (TPS)

Through this notice, DHS sets forth procedures necessary for eligible nationals of Afghanistan (or individuals having no nationality who last habitually resided in Afghanistan) to submit an initial registration application under the designation of Afghanistan for TPS and apply for an employment authorization document (EAD). Under the designation, individuals must submit an initial Afghanistan TPS application (Form I–821) and they may also submit an Application for Employment Authorization (Form I–765), during the 18-month initial registration period that runs from May 20, 2022, through November 20, 2023.¹ In addition to demonstrating continuous residence in the United States since March 15, 2022,² and meeting other eligibility criteria, initial applicants for TPS under this designation must demonstrate that they have been continuously physically present in the

¹ In general, individuals must be given an initial registration period of no less than 180 days to register for TPS, but the Secretary has discretion to provide for a longer registration period. See 8 U.S.C. 1254a(c)(1)(A)(iv). In keeping with the humanitarian purpose of TPS and advancing the goal of ensuring “the Federal Government eliminates . . . barriers that prevent immigrants from accessing government services available to them” under Executive Order 14012, Restoring Faith in Our Legal Immigration Systems and Strengthening Integration and Inclusion Efforts for New Americans, 86 FR 8277 (Feb. 5, 2021), the Secretary has recently exercised his discretion to provide for TPS initial registration periods that coincide with the full period of a TPS country’s initial designation or redesignation. See, e.g., 87 FR 23211 (Apr. 19, 2022) (providing 18-mos. registration period under the new TPS designation of Ukraine); 87 FR 23202 (Apr. 19, 2022) (providing 18-mos. registration period under the new TPS designation of Sudan); 86 FR 38744 (July 22, 2021) (providing 18-mos. registration period under the TPS redesignation of Somalia). For the same reasons, the Secretary is similarly exercising his discretion to provide applicants under this TPS designation of Afghanistan with an 18-month initial registration period.

² The “continuous physical presence date” (CPP) is the effective date of the most recent TPS designation of the country, which is either the publication date of the designation announcement in the *Federal Register* or such later date as the Secretary may establish. The “continuous residence date” (CR) is any date established by the Secretary when a country is designated (or sometimes redesignated) for TPS. See INA section 244(b)(2)(A) (effective date of designation); 244(c)(1)(A)(i–ii) (discussing CR and CPP date requirements).

United States since May 20, 2022, the effective date of this designation of Afghanistan, before USCIS may grant them TPS. DHS estimates that approximately 72,500 individuals are eligible to file applications for TPS under the designation of Afghanistan.

What is Temporary Protected Status (TPS)?

- TPS is a temporary immigration status granted to eligible nationals of a foreign state designated for TPS under the INA, or to eligible individuals without nationality who last habitually resided in the designated foreign state, regardless of their country of birth.
- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to work so long as they continue to meet the requirements of TPS. They may apply for and receive EADs as evidence of employment authorization.
- TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion.
- To qualify for TPS, beneficiaries must meet the eligibility standards at INA section 244(c)(1)–(2), 8 U.S.C. 1254a(c)(1)–(2).
- When the Secretary terminates a foreign state’s TPS designation, beneficiaries return to one of the following:
 - The same immigration status or category that they maintained before TPS, if any (unless that status or category has since expired or terminated); or
 - Any other lawfully obtained immigration status or category they received while registered for TPS, as long as it is still valid beyond the date TPS terminates.

Why was Afghanistan designated for TPS?

DHS has reviewed conditions in Afghanistan. Based on this review, and after consulting with the Department of State (DOS), the Secretary has determined that an 18-month designation is warranted because of ongoing armed conflict and the extraordinary and temporary conditions described below.

Overview

In August 2021, the Taliban took over Kabul after waging a 20-year insurgency against the government of Afghanistan and U.S. and NATO forces. Armed conflict and insurgency continue throughout the country of Afghanistan.³

³ Afghanistan’s Collapsing Economy Heightens ‘Risk of Extremism,’ UN Envoy Warns, Radio Free

The Taliban is seen as both ill-equipped and unwilling to meet the country’s numerous challenges including the current security situation, economic collapse, a crumbling healthcare system, severe food insecurity, and respect for human rights.⁴ Afghanistan is undergoing a humanitarian disaster. The United Nations has called the current situation “unparalleled, with more than 24.4 million people requiring humanitarian assistance to survive.”⁵ “Half the population [is] facing acute hunger, including 9 million people in emergency food insecurity—the highest number globally [with] [m]alnutrition on the rise, and livelihoods [that] have been destroyed.”⁶

Armed Conflict and Security Situation

The Taliban controlled most of Afghanistan from 1996 to 2001, invoking Sharia law to remove women from public life, enforce strict moral codes, and exact draconian punishments for transgressions including dismemberment and public executions.⁷ In response to the Taliban harboring al-Qaida and Osama bin Laden after the attacks of September 11, 2001,⁸ U.S. forces began airstrikes and a ground invasion that, by mid-November 2001, in concert with actions by remaining Mujahideen fighters under the Northern Alliance, drove the Taliban from most of Afghanistan. Following a transition of security responsibility from the NATO-led International Security Assistance Force (ISAF) to the Afghan National Defense and Security Forces (ANDSF),⁹ the Taliban expanded its presence across larger parts of the country¹⁰ and by

Europe/Radio Liberty, Nov. 18, 2021, available at: <https://gandhara.rferl.org/a/afghanistan-un-lyons-assets-humanitarian-crisis-hunger/31567075.html> (last visited Apr. 8, 2022).

⁴ Nilofar Sakhi, The humanitarian and human security crises in Afghanistan, Middle East Institute (MEI), Oct. 12, 2021, available at: <https://www.mei.edu/publications/humanitarian-and-human-security-crises-afghanistan> (last visited Apr. 8, 2022).

⁵ Afghanistan Conference 2022, UN Web TV, Mar. 31, 2022, available at: <https://media.un.org/en/asset/k1p/k1puubpv5u> (last visited Apr. 15, 2022).

⁶ Afghanistan Conference 2022, UN Web TV, Mar. 31, 2022, available at: <https://media.un.org/en/asset/k1p/k1puubpv5u> (last visited Apr. 15, 2022).

⁷ Carter Malkasian, *The American War in Afghanistan*, pp. 43 (Oxford University Press, 2021).

⁸ Carter Malkasian, *The American War in Afghanistan*, pp. 53–67 (Oxford University Press, 2021).

⁹ Inteqal: Transition to Afghan lead, NATO, updated Nov. 17, 2020, available at: https://www.nato.int/cps/en/natohq/topics_87183.htm (last visited Apr. 8, 2022).

¹⁰ Afghanistan: Growing Challenges, International Crisis Group, Apr. 30, 2017, available at: <https://www.crisisgroup.org/asia/south-asia/afghanistan/>

Continued

2017, the Islamic State in Iraq and the Levant-Khorasan Province (ISIS-K) emerged, adding “a new, dangerous dimension” to the situation.¹¹

Beginning in 2019, the United States engaged with the Taliban to establish an agreement to withdraw troops, with various efforts over the next two years seeking assurances that the Taliban would meet counter-terrorism pledges and participate in intra-Afghan peace talks.¹² In April 2021, President Biden announced a complete U.S. military withdrawal by September 11, 2021, and in early July 2021, U.S. troops began withdrawal operations, including from their largest base at Bagram.¹³ The Taliban began rapidly taking territory including regional urban centers, and beginning August 6, provincial capitals.¹⁴ The Taliban took over Kabul on August 15, and on August 30, 2021, the last U.S. forces departed Afghanistan.¹⁵

Before the withdrawal of U.S. and NATO troops, armed conflict had taken a high toll on Afghan civilians. The U.N. Assistance Mission in Afghanistan (UNAMA) recorded 116,076 civilian deaths and injuries due to armed conflict from 2009 until June 2021 with record numbers of girls and women killed and injured, as well as record numbers of overall child casualties.¹⁶

afghanistan-growing-challenges (last visited Apr. 8, 2022).

¹¹ Special report on the strategic review of the United Nations Assistance Mission in Afghanistan, Report of the Secretary-General, A/72/312-S/2017/696, UN Security Council, p. 3, Aug. 10, 2017, available at: https://unama.unmissions.org/sites/default/files/special_report_on_the_strategic_review_of_the_united_nations_assistance_mission_in_afghanistan.pdf (last visited Apr. 8, 2022).

¹² The U.S. War in Afghanistan: 1999–2021, Council on Foreign Relations, 2021, available at: <https://www.cfr.org/timeline/us-war-afghanistan> (last visited Apr. 12, 2022).

¹³ Thomas Gibbons-Neff, U.S. Leaves Its Last Afghan Base, Effectively Ending Operations, N.Y. Times, Jul. 4, 2021, available at: <https://www.nytimes.com/2021/07/02/world/asia/afghanistan-bagram-us-withdrawal.html> (last visited Apr. 8, 2022).

¹⁴ The U.S. War in Afghanistan: 1999–2021, Council on Foreign Relations, 2021, available at: <https://www.cfr.org/timeline/us-war-afghanistan> (last visited on Apr. 12, 2022).

¹⁵ The U.S. War in Afghanistan: 1999–2021, Council on Foreign Relations, 2021, available at: <https://www.cfr.org/timeline/us-war-afghanistan> (last visited Apr. 12, 2022).

¹⁶ Afghanistan: Protection of Civilians in Armed Conflict—Annual Report 2020, U.N. Assistance Mission in Afghanistan, Feb. 2021, available at: https://unama.unmissions.org/sites/default/files/afghanistan_protection_of_civilians_report_2020_revs3.pdf (last visited Apr. 8, 2022); Afghanistan: Protection of Civilians in Armed Conflict—Midyear Update: 1 January to 30 June 2021, U.N. Assistance Mission in Afghanistan, Jul. 2021, available at: https://unama.unmissions.org/sites/default/files/unama_poc_midyear_report_2021_26_july.pdf (last visited Apr. 8, 2022).

Civilians face continuing risk of harm due to ground engagements between the Taliban and ISIS-K, as well as direct punitive targeting by Taliban fighters reportedly taking retaliatory action against people associated with the Ashraf Ghani administration¹⁷ and sectarian attacks on the Shiite minority by ISIS-K.¹⁸ It is reported that “attacks on civilians made up 36 percent of all disorder events, indicating that civilians will continue to remain at heightened risk of violence under” the Taliban.¹⁹

i. Taliban

Following the withdrawal of U.S. and NATO troops and collapse of the Afghan military, armed conflict continues in Afghanistan as the Taliban attempts to impose their rule across the country.²⁰ Taliban forces have clashed with remaining resistance fighters in Panjshir Province²¹ and unknown and little-known groups, including “Anonymous Fighters” and “Turkistan Freedom Tigers,” have targeted Taliban forces, notably in Jowzjan and Takhar provinces.²²

¹⁷ “No Forgiveness for People Like You” Executions and Enforced Disappearances in Afghanistan under the Taliban, Human Rights Watch, Nov. 30, 2021, available at: <https://www.hrw.org/report/2021/11/30/no-forgiveness-people-you/executions-and-enforced-disappearances-afghanistan> (last visited Apr. 15, 2022).

¹⁸ See Afghanistan Security situation update, Country of Origin Information Report, European Asylum Support Office (EASO), Sept. 9, 2021, available at: https://coi.easo.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Afghanistan_Security_situation_update.pdf (last visited Apr. 8, 2022).

¹⁹ 10 Conflicts to Worry About in 2022, High risk of violence targeting civilians under Taliban rule, The Armed Conflict Location & Event Data Project (ACLED), Jan. 2022, available at: <https://acleddata.com/10-conflicts-to-worry-about-in-2022/afghanistan/> (last visited Apr. 8, 2022).

²⁰ See Afghanistan Security situation update, Country of Origin Information Report, European Asylum Support Office (EASO), Sept. 9, 2021, available at: https://coi.easo.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Afghanistan_Security_situation_update.pdf (last visited Apr. 8, 2022).

²¹ Regional Overview: South Asia and Afghanistan 5–11 March 2022, ACLED, Mar. 2022, available at: <https://acleddata.com/2022/03/16/regional-overview-south-asia-and-afghanistan-5-11-march-2022> (last visited Apr. 8, 2022); Regional Overview: South Asia and Afghanistan 19–25 February, ACLED, Feb. 2022, available at: <https://acleddata.com/2022/03/03/regional-overview-south-asia-and-afghanistan-19-25-february-2022/> (last visited Apr. 8, 2022).

²² Regional Overview: South Asia and Afghanistan 26 February to 4 March 2022, ACLED, Mar. 2022, available at: <https://acleddata.com/2022/03/10/regional-overview-south-asia-and-afghanistan-26-february-4-march-2022/> (last visited Apr. 8, 2022); Regional Overview: South Asia and Afghanistan 5–11 February 2022, ACLED, Feb. 2022, available at: <https://acleddata.com/2022/02/17/regional-overview-south-asia-and-afghanistan-5-11-february-2022/> (last visited Apr. 8, 2022).

Despite their pledge not to do so, reports indicate that the Taliban are targeting old adversaries including former Afghan police and military personnel, increasing the potential for escalating armed conflict.²³ General instability in the country, including instability caused by an economic crisis, increases the difficulty of establishing security and thwarting the rise of further extremism.²⁴

The Taliban appear committed to maintaining its methods of warfare that have taken a heavy toll on civilians, including retaining a contingent of trained suicide bombers, as central to its combat and political strategy.²⁵ Though the Taliban pledged to not allow al-Qaida to “threaten the security of the United States and its allies” from Afghan soil, veteran Taliban leaders with deep relationships with al-Qaida organizers have returned to positions of power, raising concern that the Taliban will once again create a safe space for global jihadists.²⁶ The Taliban have announced the appointment to positions of power members of the Haqqani family, known for operating a brutal terrorist network during the Taliban insurgency,²⁷ and veteran Taliban leaders with ties to al-Qaida.²⁸

ii. Islamic State-Khorasan

The threat of ISIS-K is growing, with increasing risk to civilians. The Department of State designated ISIS-K as a “foreign terrorist organization” in

²³ Radio Azadi, Michael Scollon, Taliban Takes Revenge On Former Afghan Security Forces, Radio Free Europe/Radio Liberty, Oct. 12, 2021, available at: <https://gandhara.rferl.org/a/taliban-revenge-afghan-security-forces/31505696.html> (last visited Apr. 8, 2022).

²⁴ Afghanistan’s Collapsing Economy Heightens ‘Risk of Extremism,’ UN Envoy Warns, Radio Free Europe/Radio Liberty, Nov. 18, 2021, available at: <https://gandhara.rferl.org/a/afghanistan-un-lyons-assets-humanitarian-crisis-hunger/31567075.html> (last visited Apr. 8, 2022).

²⁵ Abubakar Siddique, As Taliban Attempts to Transform from Insurgency to Government, Suicide Bombers Remain Key to Its Strategy, Radio Free Europe/Radio Liberty, November 4, 2021, available at: <https://gandhara.rferl.org/a/taliban-suicide-bombings-afghanistan/31546216.html> (last visited Apr. 8, 2022).

²⁶ Abubakar Siddique & Abdul Hai Kakar, Al-Qaeda Could Flourish With New Strategy Under Taliban Rule, Radio Free Europe/Radio Liberty, Sept. 30, 2021, available at: <https://gandhara.rferl.org/a/afghanistan-al-qaeda-taliban/31486256.html> (last visited Apr. 8, 2022); Driss El-Bay, Afghanistan: The pledge binding al-Qaeda to the Taliban, BBC News, Sept. 7, 2021, available at: <https://www.bbc.com/news/world-asia-58473574> (last visited Apr. 8, 2022).

²⁷ Hardliners get key posts in new Taliban government, BBC News, Sept. 7, 2021, available at: <https://www.bbc.com/news/world-asia-58479750> (last visited Apr. 8, 2022).

²⁸ Hardliners get key posts in new Taliban government, BBC News, Sept. 7, 2021, available at: <https://www.bbc.com/news/world-asia-58479750> (last visited Apr. 8, 2022).

January 2016, and U.S. forces engaged in significant operations to reduce its numbers and to reclaim the small swaths of territory that it held.²⁹ The Taliban have long engaged in efforts to eradicate the organization, and they continue to fight a renewed ISIS–K insurgency, frequently resulting in civilian casualties.³⁰ ISIS–K claimed responsibility for the August 26, 2021, suicide attack outside Kabul airport, and has been behind some of the deadliest operations against Afghan civilians.³¹ A feature of ISIS–K’s attacks is large-scale IED and suicide bombings of Hazara Shia mosques and gatherings, which are dramatically increasing sectarian violence in Afghanistan.³²

United Nations Special Representative for Afghanistan, Deborah Lyons, indicated that the Taliban have been unable to stem the expansion of ISIS–K, and that it now appears to be present in nearly all provinces.³³ As of November 17, 2021, she stated that the number of attacks attributed to ISIS–K has increased significantly from 60 last year to 334 this year.³⁴ The Armed Conflict Location & Event Data Project (ACLED), a non-profit data collection, analysis, and crisis mapping project, reports multiple recent attacks by ISIS–K during the months of October and November 2021, including engagements with the Taliban and targeting of civilians.³⁵

²⁹ Golnaz Esfandiari, *Explainer: Who Are Islamic State-Khorasan and What Are They After?*, Radio Free Europe/Radio Liberty, Aug. 27, 2021, available at: <https://gandhara.rferl.org/a/islamic-state-khorasan-expainer/31431763.html> (last visited Apr. 8, 2022).

³⁰ Golnaz Esfandiari, *Explainer: Who Are Islamic State-Khorasan and What Are They After?*, Radio Free Europe/Radio Liberty, Aug. 27, 2021, available at: <https://gandhara.rferl.org/a/islamic-state-khorasan-expainer/31431763.html> (last visited Apr. 8, 2022).

³¹ Golnaz Esfandiari, *Explainer: Who Are Islamic State-Khorasan and What Are They After?*, Radio Free Europe/Radio Liberty, Aug. 27, 2021, available at: <https://gandhara.rferl.org/a/islamic-state-khorasan-expainer/31431763.html> (last visited Apr. 8, 2022).

³² Golnaz Esfandiari, *Explainer: Who Are Islamic State-Khorasan and What Are They After?*, Radio Free Europe/Radio Liberty, Aug. 27, 2021, available at: <https://gandhara.rferl.org/a/islamic-state-khorasan-expainer/31431763.html> (last visited Apr. 8, 2022).

³³ Afghanistan’s Collapsing Economy Heightens ‘Risk Of Extremism,’ UN Envoy Warns, Radio Free Europe/Radio Liberty, Nov. 18, 2021, available at: <https://gandhara.rferl.org/a/afghanistan-un-lyons-assets-humanitarian-crisis-hunger/31567075.html> (last visited Apr. 8, 2022).

³⁴ Afghanistan’s Collapsing Economy Heightens ‘Risk Of Extremism,’ UN Envoy Warns, Radio Free Europe/Radio Liberty, Nov. 18, 2021, available at: <https://gandhara.rferl.org/a/afghanistan-un-lyons-assets-humanitarian-crisis-hunger/31567075.html> (last visited Apr. 8, 2022).

³⁵ Regional Overview: South Asia and Afghanistan 30 October to 5 November 2021, ACLED, Nov. 2021, available at: <https://acleddata.com/2021/11/11/regional-overview-south-asia-and-afghanistan-30-october-5-november-2021/> (last visited Apr. 8, 2022).

iii. Destruction of Infrastructure

Afghanistan faces significant challenges due to the destruction of vital infrastructure during armed conflict. There are numerous reports that the Taliban targeted power stations and distribution equipment, dug up roads and destroyed bridges, destroyed cell towers and communications infrastructure, and damaged schools, medical facilities, and government buildings during their insurgency.³⁶ The education system is also at risk of complete collapse due to the economic crisis.³⁷

During the Taliban insurgency in the first half of 2021, the “39 electricity pylons that bring imported power into Afghanistan [were] damaged.”³⁸ Power supply subsequently became “extremely erratic even in the capital Kabul,” with notable disruptions to Kunduz, Baghlan, Kabul, Nangarhar and Parwan provinces.³⁹ “Millions of Afghans have become intimately familiar with regular power cuts and being forced to navigate daily tasks and chores with just a few hours of electricity supply.”⁴⁰

com/2021/11/11/regional-overview-south-asia-and-afghanistan-30-october-5-november-2021/ (last visited Apr. 8, 2022).

³⁶ Statement on Continuation of Assassinations, Kidnappings, and Destruction of Vital Infrastructure, US Embassy in Afghanistan, Jan. 31, 2021, available at: <https://af.usembassy.gov/statement-on-continuation-of-assassinations-kidnappings-and-destruction-of-vital-infrastructure/> (last visited May 3, 2022); Secretary-General’s press encounter on Afghanistan, U.N. Secretary-General, Aug. 13, 2021, available at: <https://www.un.org/sg/en/content/secretary-general/E22%80%99s-press-encounter-afghanistan> (last visited Apr. 8, 2022); Sayed Salahuddin, 10 killed in twin Kabul blasts, power supply disrupted across Afghanistan, Arab News, Jun. 2, 2021, available at: <https://www.arabnews.com/node/1869436/world> (last visited May 3, 2022); Anisa Shaheed, Taliban Destroyed, Damaged Infrastructure in 116 Districts: IARCS, TOLONews, Jul. 15, 2021, available at: <https://tolonews.com/afghanistan-173540> (last visited May 3, 2022); Country of Origin Information Report: Afghanistan Security Situation Update, European Asylum Support Office (EASO), Sep. 2021, available at: https://coi.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Afghanistan_Security_situation_update.pdf (last visited May 3, 2022).

³⁷ Four Ways to Support Girls’ Access to Education in Afghanistan, Human Rights Watch, Mar. 20, 2022, available at: <https://www.hrw.org/news/2022/03/20/four-ways-support-girls-access-education-afghanistan> (last visited Apr. 8, 2022).

³⁸ Ruchi Kumar, Taliban targeting Afghanistan’s crucial power, IT infrastructure, Al Jazeera, Jul. 15, 2021, available at: <https://www.aljazeera.com/news/2021/7/15/taliban-afghanistan-it-electricity-power> (last visited Apr. 8, 2022).

³⁹ Ruchi Kumar, Taliban targeting Afghanistan’s crucial power, IT infrastructure, Al Jazeera, Jul. 15, 2021, available at: <https://www.aljazeera.com/news/2021/7/15/taliban-afghanistan-it-electricity-power> (last visited Apr. 8, 2022).

⁴⁰ Ruchi Kumar, Taliban targeting Afghanistan’s crucial power, IT infrastructure, Al Jazeera, Jul. 15, 2021, available at: <https://www.aljazeera.com/news/2021/7/15/taliban-afghanistan-it-electricity-power> (last visited Apr. 8, 2022).

In July 2021, the Taliban reportedly frequently attacked power and communications infrastructure in their advance, blowing up fiber optics systems and destroying telecommunications antennas across the country, seriously affecting digital and mobile communication.⁴¹ The Taliban reportedly either torched or destroyed 260 government buildings and assets in 116 districts,⁴² leaving more than 13 million people without access to public services and halting “hundreds of development projects such as the reconstruction of water supply networks, roads, retaining walls, the construction of schools, bridges, hospitals, stadiums, cold storage facilities, [and] drilling wells.”⁴³ The armed conflict left the Afghan countryside “littered with abandoned and decaying power plants, prisons, schools, factories, office buildings and military bases.”⁴⁴

iv. Danger From Explosive Remnants of War Including Landmines

Explosive remnants of war (ERW) which failed to detonate, including landmines, pose a significant risk to civilians in Afghanistan, killing or injuring tens of thousands during the past three decades.⁴⁵ These munitions “from more recent armed clashes caused over 98 percent of the [ERW] casualties recorded in 2021,” of which more than 79 percent were children.⁴⁶ And “[d]ue to evolving conflict dynamics, Afghanistan’s humanitarian mine action needs are now as great as they have ever

2021/7/15/taliban-afghanistan-it-electricity-power (last visited Apr. 8, 2022); Blasts cut power to millions in Afghanistan before Eid holiday, Al Jazeera, Apr. 30, 2022, available at: <https://www.aljazeera.com/news/2022/4/30/blasts-cut-power-to-millions-in-afghanistan-ahead-of-eid> (last visited May 4, 2022).

⁴¹ Ruchi Kumar, Taliban targeting Afghanistan’s crucial power, IT infrastructure, Al Jazeera, Jul. 15, 2021, available at: <https://www.aljazeera.com/news/2021/7/15/taliban-afghanistan-it-electricity-power> (last visited Apr. 8, 2022).

⁴² Anisa Shaheed, Taliban Destroyed, Damaged Infrastructure in 116 Districts: IARCS, TOLONews, Jul. 15, 2021, available at: <https://tolonews.com/afghanistan-173540> (last visited Apr. 8, 2022).

⁴³ Anisa Shaheed, Taliban Destroyed, Damaged Infrastructure in 116 Districts: IARCS, TOLONews, Jul. 15, 2021, available at: <https://tolonews.com/afghanistan-173540> (last visited Apr. 8, 2022).

⁴⁴ Daniel Nasaw, U.S. Left Afghanistan Littered With Decaying Factories, Schools, Offices, Wall Street Journal, Sept. 6, 2021, available at: <https://www.wsj.com/articles/u-s-left-afghanistan-littered-with-decaying-factories-schools-offices-1163093200> (last visited Apr. 8, 2022).

⁴⁵ Afghanistan, The United Nations Mine Action Service (UNMAS), Mar. 2022, available at: <https://www.unmas.org/en/programmes/afghanistan> (last visited May 4, 2022).

⁴⁶ Afghanistan, The United Nations Mine Action Service (UNMAS), Mar. 2022, available at: <https://www.unmas.org/en/programmes/afghanistan> (last visited May 4, 2022).

been.”⁴⁷ The Taliban have reportedly agreed to permit the HALO Trust (Hazardous Area Life-Support Organization), a British-American charity in Afghanistan that has been clearing land mines for decades, to continue its work,⁴⁸ yet in June 2021 ISIS-K militants attacked HALO staff members, killing 10, suggesting that they continue to face substantial risk.⁴⁹ In addition, the organization reports that new mines and explosive devices were laid and left behind in the battles leading up to the Taliban’s takeover of Kabul.⁵⁰

v. Rising Internal Displacement

Rising internal displacement emanates from the ongoing armed conflict and the unstable security situation in Afghanistan. Land pressures and related disputes have also been a challenge in Afghanistan, fueling displacements, and complicating the security and relocation options for internally displaced persons (IDPs).⁵¹ As of March 15, 2022, UNHCR reported there were approximately 3.4 million conflict-induced IDPs in Afghanistan—with 736,889 of those added in 2021.⁵² The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) noted that these IDPs are from 33 out of the 34 provinces in Afghanistan, and 79 percent of those added in 2021 are women and children.⁵³ UNOCHA further stated,

“[i]nadequate shelter, food insecurity, insufficient access to sanitation and health facilities, as well as a lack of protection, often result in precarious living conditions that jeopardizes the well-being and dignity of affected families.”⁵⁴ Reports reflect that the Taliban exacerbated the IDP problem by forcing thousands of people from their homes, including Hazaras as well as former government officials, and redistributing their property to Taliban supporters.⁵⁵

Economic Collapse and Health Concerns

i. Economic Impacts of Taliban Takeover

Economic ramifications of the Taliban takeover in August 2021 include “millions of dollars in lost income, spiking prices, a liquidity crisis, and shortages of cash.”⁵⁶ The cessation of purchasing power of the Afghan population as a result of the termination of international assistance once used to pay salaries has caused an “enormous number of Afghan households [to] immediately los[e] their primary sources of income. According to a World Food Program survey released in February 2022, four out of five households reported no income or significantly reduced incomes in January 2022.”⁵⁷ In October 2021, the World Bank noted that “the sudden loss of public sector activity will have impacts throughout the economy, especially in the service and construction sectors (which account for 58 percent of GDP).”⁵⁸

Affairs (UNOCHA), Nov. 21, 2021, available at: <https://www.humanitarianresponse.info/en/operations/afghanistan/idps> (last visited Apr. 8, 2022).

⁵⁴ Afghanistan: Conflict Induced Displacements, U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), Nov. 21, 2021, available at: <https://www.humanitarianresponse.info/en/operations/afghanistan/idps> (last visited Apr. 8, 2022).

⁵⁵ Emma Graham-Harrison, Taliban ‘forcibly evicting’ Hazaras and opponents in Afghanistan, *The Guardian*, Oct. 23, 2021, available at: <https://www.theguardian.com/world/2021/oct/23/taliban-forcibly-evicting-hazaras-and-opponents-in-afghanistan> (last visited Apr. 8, 2022).

⁵⁶ Afghanistan Facing Famine, UN, World Bank, US Should Adjust Sanctions, Economic Policies, Human Rights Watch, Nov. 11, 2021, available at: <https://www.hrw.org/news/2021/11/11/afghanistan-facing-famine> (last visited Apr. 8, 2022).

⁵⁷ Afghanistan: Economic Roots of the Humanitarian Crisis, Questions and Answers on Human Costs of Sanctions, Banking Restrictions, Human Rights Watch, Mar. 1, 2022, available at: https://www.hrw.org/news/2022/03/01/afghanistan-economic-roots-humanitarian-crisis?gclid=Cj0KCQjw5-WRBhCKARIsAAId9Fnp15weaKQuaERnky8ToRy0t9FSOsR2mWYnGA5NmEA3iRz1L8BjF4aAkmGEALw_wcB#_Why_did_the (last visited Apr. 8, 2022).

⁵⁸ The World Bank in Afghanistan Overview, The World Bank, Oct. 8, 2021, available at: <https://>

In November 2021, the Taliban banned the use of foreign currency, which may “further disrupt an economy on the brink of collapse.”⁵⁹ Banking officials note that “most Afghan banks cannot cover withdrawals by private actors and aid organizations” and “[e]ven when funds are transmitted electronically into banks, the lack of cash means that money is not physically available and therefore cannot flow into the country’s economy.”⁶⁰ When compared to the Taliban’s previous peak in the 1990s, “poverty this time can only be predicted to be worse and more keenly felt.”⁶¹ As of February 2022, the UN Development Programme (UNDP) could not access its funds in the Afghanistan International Bank (AIB) for program implementation because the Taliban-run AIB cannot convert it to Afghani currency.⁶² Of the \$4 billion worth of afghanis, in the economy, only \$500 million worth was in circulation, “hindering humanitarian operations in Afghanistan, where more than half the country’s 39 million people suffer extreme hunger and the economy, education and social services face collapse.”⁶³

ii. Access to Food, Potable Water, and Healthcare

Rising prices, increasing unemployment, and a drop in the value of the local currency exacerbate food insecurity trends.⁶⁴ The Executive Director of the World Food Programme

www.worldbank.org/en/country/afghanistan/overview#1 (last visited Apr. 8, 2022).

⁵⁹ Taliban bans foreign currencies in Afghanistan, BBC News, Nov. 3, 2021, available at: <https://www.bbc.com/news/business-59129470> (last visited Apr. 8, 2022).

⁶⁰ Afghanistan Facing Famine, UN, World Bank, US Should Adjust Sanctions, Economic Policies, Human Rights Watch, Nov. 11, 2021, available at: <https://www.hrw.org/news/2021/11/11/afghanistan-facing-famine> (last visited Apr. 8, 2022).

⁶¹ Kate Clark, Killing the Goose that Laid the Golden Egg: Afghanistan’s economic distress post-15 August, Afghanistan Analysts Network, Nov. 11, 2021, available at: <https://www.afghanistan-analysts.org/en/reports/economy-development-environment/killing-the-goose-that-laid-the-golden-egg-afghanistans-economic-distress-post-15-august/> (last visited Apr. 8, 2022).

⁶² Michelle Nichols, U.N. has millions in Afghanistan bank, but cannot use it, Reuters, Feb. 3, 2022, available at: <https://www.reuters.com/world/asia-pacific/un-has-millions-afghanistan-bank-cannot-use-it-2022-02-03/> (last visited May 4, 2022).

⁶³ Michelle Nichols, U.N. has millions in Afghanistan bank, but cannot use it, Reuters, Feb. 3, 2022, available at: <https://www.reuters.com/world/asia-pacific/un-has-millions-afghanistan-bank-cannot-use-it-2022-02-03/> (last visited May 4, 2022).

⁶⁴ In the grip of hunger: Only 5 percent of Afghan families have enough to eat, World Food Programme, Sept. 23, 2021, available at: <https://www.wfp.org/stories/grip-hunger-only-5-percent-afghan-families-have-enough-eat> (last visited Apr. 8, 2022).

⁴⁷ Afghanistan, The United Nations Mine Action Service (UNMAS), Mar. 2022, available at: <https://www.unmas.org/en/programmes/afghanistan> (last visited May 4, 2022).

⁴⁸ Clearing Afghanistan’s Landmines One Careful Step at a Time, Voice of America (VOA) News, Nov. 21, 2021, available at: <https://www.voanews.com/a/clearing-afghanistan-s-landmines-one-careful-step-a-time/6318080.html> (last visited Apr. 28, 2022).

⁴⁹ Najim Rahim & Mike Ives, Attack in Afghanistan Kills 10 From Charity That Clears Land Mines, N.Y. Times, Jun. 9, 2021, available at: <https://www.nytimes.com/2021/06/09/world/asia/afghanistan-land-mines-halo-trust.html> (last visited Apr. 8, 2022).

⁵⁰ Clearing Afghanistan’s Landmines One Careful Step at a Time, Voice of America (VOA) News, Nov. 21, 2021, available at: <https://www.voanews.com/a/clearing-afghanistan-s-landmines-one-careful-step-a-time/6318080.html> (last visited Apr. 28, 2022).

⁵¹ See Land, People, and the State in Afghanistan: 2002–2012, Afghanistan Research and Evaluation Unit (AREU), Feb. 2013, available at: <http://www.refworld.org/docid/5136bc72.html> (last visited Apr. 8, 2022); Gulamaiz Sharifi, Abubakar Siddique, Afghan Hazaras Fear The Worst After Forced Taliban Evictions, Radio Free Europe/Radio Liberty, Oct. 6, 2021, available at: <https://gandhara.rferl.org/a/afghanistan-hazaras-taliban/31496224.html> (last visited Apr. 8, 2022).

⁵² Flash External Update: Afghanistan Situation #15, U.N. High Commissioner for Refugees (UNHCR), Mar. 15, 2022, available at: <https://data2.unhcr.org/en/documents/details/91524> (last visited Apr. 8, 2022).

⁵³ Afghanistan: Conflict Induced Displacements, U.N. Office for the Coordination of Humanitarian

(WFP) described the likelihood of widespread famine in Afghanistan as “the worst humanitarian crisis on Earth.”⁶⁵ One in three Afghan nationals are acutely food insecure.⁶⁶ For the first time, urban and rural areas now experience similar rates of food insecurity.⁶⁷ According to recent WFP surveys, “only five percent of households in Afghanistan have enough to eat every day” and “half reported they had run out of food altogether at least once, in the past two weeks.”⁶⁸ As a result of current circumstances, some families are selling their children, especially girls, to obtain food.⁶⁹

The Afghan government officially declared a drought on June 22, 2021.⁷⁰ Considered “one of the worst droughts of the last two decades,” the resulting conditions “are particularly severe in the south, western, and northwestern parts of the country.”⁷¹ Severe drought has impacted 7.3 million people across 25 out of 34 provinces.⁷² The U.S. Special Inspector General for Afghanistan Reconstruction (SIGAR) reports that “drought conditions are likely to persist and even worsen into 2022, further deteriorating food security

among Afghans.”⁷³ The current drought also “inhibits hydroelectric production in Afghanistan,” exacerbating the country’s reliance on electricity imports that it can no longer afford.⁷⁴ In 2021, “reduced winter snowfall” and “below average spring rainfall in the west” contributed to “low river flows and insufficient water in existing reservoirs and dams.”⁷⁵ Some drinking water wells in Kabul went dry due to decreasing groundwater levels, and “...the groundwater table (meaning the level of the water naturally stored underground) in Kabul city has dropped by 12 meters in 2021 alone.”⁷⁶

An insufficiently staffed healthcare system predated the Taliban takeover of Kabul.⁷⁷ In 2018, Afghanistan “had a nationwide average of only 4.6 medical doctors, nurses, and midwives per 10,000 people, far below the WHO threshold of 23 per 10,000 people,” indicating a critical shortage that was more pronounced in rural areas.⁷⁸ By September 2021, the World Health Organization (WHO) asserted that the healthcare system was on the brink of collapse.⁷⁹ The World Bank and other organizations froze approximately \$600 million in health care aid, leaving at risk the effective deployment of a variety of treatments, surgeries, immunizations,

and procedures.⁸⁰ While there have been recent dispersals of international aid, “including \$308 million in relief authorized by the United States, they have not been enough to cover 1,200 health facilities and 11,000 health workers.”⁸¹

Declining staffing levels is a factor during the recent conflict as doctors, nurses, and midwives have “stopped working or fled the country”⁸² and there have been reported incidents of insurgent groups targeting healthcare workers with threats, intimidation, abduction, and killings.⁸³ Additionally, Taliban restrictions requiring that women be escorted to health appointments by male family members and bans on male healthcare professionals treating women are further compromising women’s access to health care.⁸⁴ The International Rescue Committee has predicted that 90 percent of health clinics in Afghanistan will likely close in the near future as a result of the Taliban takeover and the freezing of international funding.⁸⁵

Human Rights Abuses and Repression

The Taliban exclude women, as well as non-Pashtuns with only a few exceptions,⁸⁶ and have been described

⁶⁵ John Simpson, Afghans facing ‘hell on earth’ as winter looms, BBC News, Nov. 8, 2021, available at: <https://www.bbc.com/news/world-asia-59202880> (last visited Apr. 8, 2022).

⁶⁶ Federica Marsi, Medics overwhelmed as Afghanistan healthcare crumbles, Al Jazeera, Sept. 28, 2021, available at: <https://www.aljazeera.com/features/2021/9/28/medics-in-afghanistan-face-tough-choices-as-healthcare-crumbles> (last visited Apr. 8, 2022).

⁶⁷ Afghanistan’s healthcare system on brink of collapse, as hunger hits 95 per cent of families, UN News, Sept. 22, 2021, available at: <https://news.un.org/en/story/2021/09/1100652> (last visited Apr. 8, 2022).

⁶⁸ Afghanistan’s healthcare system on brink of collapse, as hunger hits 95 per cent of families, UN News, Sept. 22, 2021, available at: <https://news.un.org/en/story/2021/09/1100652> (last visited Apr. 8, 2022).

⁶⁹ Afghanistan Facing Famine, UN, World Bank, US Should Adjust Sanctions, Economic Policies, Human Rights Watch, Nov. 11, 2021, available at: <https://www.hrw.org/news/2021/11/11/afghanistan-facing-famine> (last visited Apr. 8, 2022).

⁷⁰ Quarterly Report to the United States Congress, SIGAR—Special Inspector General for Afghanistan Reconstruction, Oct. 30, 2021, available at: <https://www.ecoi.net/en/file/local/2063773/2021-10-30qr.pdf> (last visited Apr. 8, 2022).

⁷¹ Global Warming and Afghanistan: Drought, hunger, and thirst expected to worsen, Afghanistan Analysts Network, Nov. 6, 2021, available at: <https://www.afghanistan-analysts.org/en/reports/economy-development-environment/global-warming-and-afghanistan-drought-hunger-and-thirst-expected-to-worsen/> (last visited Apr. 8, 2022).

⁷² Shah Meer Baloch, ‘The challenge for us now is drought, not war’: Livelihoods of millions of Afghans at risk, The Guardian, Sept. 21, 2021, available at: <https://www.theguardian.com/global-development/2021/sep/21/drought-war-livelihoods-afghan-farmers-risk-taliban-security-forces-kandahar> (last visited Apr. 8, 2022).

⁷³ Quarterly Report to the United States Congress, SIGAR—Special Inspector General for Afghanistan Reconstruction, Oct. 30, 2021, available at: <https://www.ecoi.net/en/file/local/2063773/2021-10-30qr.pdf> (last visited Apr. 8, 2022).

⁷⁴ Quarterly Report to the United States Congress, SIGAR—Special Inspector General for Afghanistan Reconstruction, Oct. 30, 2021, available at: <https://www.ecoi.net/en/file/local/2063773/2021-10-30qr.pdf> (last visited Apr. 8, 2022).

⁷⁵ Global Warming and Afghanistan: Drought, hunger, and thirst expected to worsen, Afghanistan Analysts Network, Nov. 6, 2021, available at: <https://www.afghanistan-analysts.org/en/reports/economy-development-environment/global-warming-and-afghanistan-drought-hunger-and-thirst-expected-to-worsen/> (last visited Apr. 8, 2022).

⁷⁶ Global Warming and Afghanistan: Drought, hunger, and thirst expected to worsen, Afghanistan Analysts Network, Nov. 6, 2021, available at: <https://www.afghanistan-analysts.org/en/reports/economy-development-environment/global-warming-and-afghanistan-drought-hunger-and-thirst-expected-to-worsen/> (last visited Apr. 8, 2022).

⁷⁷ Quarterly Report to the United States Congress, SIGAR—Special Inspector General for Afghanistan Reconstruction, p. 139, Oct. 30, 2021, available at: <https://www.ecoi.net/en/file/local/2063773/2021-10-30qr.pdf> (last visited Apr. 8, 2022).

⁷⁸ Quarterly Report to the United States Congress, SIGAR—Special Inspector General for Afghanistan Reconstruction, p. 139, Oct. 30, 2021, available at: <https://www.ecoi.net/en/file/local/2063773/2021-10-30qr.pdf> (last visited Apr. 8, 2022).

⁷⁹ Afghanistan’s healthcare system on brink of collapse, as hunger hits 95 per cent of families, UN News, Sept. 22, 2021, available at: <https://news.un.org/en/story/2021/09/1100652> (last visited Apr. 8, 2022).

⁸⁰ Apoorva Mandavilli, Health Care in Afghanistan Is Crumbling, Aid Groups Warn, N.Y. Times, Sept. 12, 2021, available at: <https://www.nytimes.com/2021/09/12/health/afghanistan-health-taliban.html> (last visited Apr. 8, 2022).

⁸¹ Afghanistan’s Health Care System Is Collapsing Under Stress, N.Y. Times, Feb. 06, 2022, available at: <https://www.nytimes.com/2022/02/06/world/asia/afghanistans-health-care-system.html> (last visited May 3, 2022).

⁸² Country Policy and Information Note Afghanistan: Medical treatment and healthcare, UK Home Office, p. 10, Oct. 2021, available at: https://www.ecoi.net/en/file/local/2062549/AFG_CPIN_Medical_and_healthcare.pdf (last visited Apr. 8, 2022) (citing Giving birth under the Taliban, BBC News, Sept. 20, 2021, available at: <https://www.bbc.com/news/world-asia-58585323>).

⁸³ Country Guidance: Afghanistan, Common analysis and guidance note, European Asylum Support Office (EASO), p. 65, Nov. 2021, available at: https://www.easo.europa.eu/sites/default/files/Country_Guidance_Afghanistan_2021.pdf (last visited Apr. 8, 2022).

⁸⁴ Afghanistan: Economic Roots of the Humanitarian Crisis, Questions and Answers on Human Costs of Sanctions, Banking Restrictions, Human Rights Watch, Mar. 1, 2022, available at: https://www.hrw.org/news/2022/03/01/afghanistan-economic-roots-humanitarian-crisis?gclid=Cj0KCQjw5-WRBhCKARIsAAId9FnpI5weaKquaERnky8T0Ry0t9FSOsR2mWY_nGA5NmEA3iRz1L8BjF4aAkmGEALw_wcB#_Why_did_the (last visited Apr. 8, 2022).

⁸⁵ Crisis in Afghanistan: Unprecedented hunger after the conflict, International Rescue Committee, Jan. 7, 2022, available at: <https://www.rescue.org/article/crisis-afghanistan-unprecedented-hunger-after-conflict> (last visited Apr. 8, 2022).

⁸⁶ Alissa J. Rubin, Taliban Complete Interim Government, Still Without Women, N.Y. Times, Sept. 21, 2021, available at: <https://>

as highly totalitarian.⁸⁷ The Taliban's takeover presents significant concerns about the stability of human rights and safety for segments of the population.

i. Women and Girls

Despite substantial improvements in the social, political, and economic conditions for women and girls since 2001, violence targeting women and girls remained pervasive in Afghanistan before the Taliban takeover.⁸⁸ Even before the Taliban takeover of Kabul, "discrimination, harassment, and violence against women" were "endemic in government-controlled areas and in government ministries."⁸⁹ Studies cited by the former Ministry of Women's Affairs showed that greater than half of Afghan women reported physical abuse, and 17 percent reported sexual violence, with rampant underreporting.⁹⁰ Since August 2021, the status of women and girls has become "increasingly precarious," with reports of new restrictions placed on women.⁹¹ In September 2021, the Taliban announced the revival of the so-called Ministry for the Propagation of Virtue and Prevention of Vice,⁹² which

when it previously existed, "became a notorious symbol of abuse, particularly against women and girls."⁹³ These developments exist within a broader context of "traditional, restrictive views of gender roles and rights, including some views consistent with the Taliban's former practices . . . especially in rural areas and among younger men."⁹⁴

Since August 2021, specialized courts and prosecution units, "responsible for enforcing the 2009 Law on the Elimination of Violence Against Women, have been discontinued."⁹⁵ Many legal professionals involved with women's protections from sexual, domestic, and other violence went into hiding or fled the country, and most domestic violence shelters have closed.⁹⁶ As shelters closed some survivors were reportedly sent to detention centers while individuals convicted of gender-based violence were released by the Taliban.⁹⁷

Afghan women are becoming "socially invisible" in public life.⁹⁸ The By-Law of the Commission for Preaching and Guidance, Recruitment and Propagation of Virtue and the Prevention of Vice, a manual used by the Taliban in a number of provinces since August 2021, and now across the country, place "tough restrictions on the conduct of women and girls."⁹⁹ These

authorities provide instruction on which family members qualify to be a *mahram*, or chaperone, for women and older girls, and commands women to wear a veil when in the presence of non-*mahrams*.¹⁰⁰ In some parts of the country, women have been barred from leaving their home without a *mahram*¹⁰¹ and have been attacked or blocked from receiving social services such as healthcare when leaving their home without a *mahram*.¹⁰² The manual also requires women to wear a hijab and veil in public.¹⁰³ As punishments for non-conformity, the Taliban has carried out lashings and executions.¹⁰⁴

Reports indicate that women were forced to marry Taliban fighters prior to the takeover of Kabul in 2021.¹⁰⁵ Although the Taliban has denied the occurrence of forced marriage, local activists report the practice occurs, stating that women are being married as "sexual slaves."¹⁰⁶ A statement shared

www.nytimes.com/2021/09/21/world/asia/taliban-women-government.html (last visited Apr. 8, 2022).

⁸⁷ Nilofar Sakhi, The Humanitarian and Human Security Crises in Afghanistan, Middle East Institute (MEI), Oct. 12, 2021, available at: <https://www.mei.edu/publications/humanitarian-and-human-security-crises-afghanistan> (last visited Apr. 8, 2022).

⁸⁸ Country Guidance: Afghanistan—Common analysis and guidance note, European Asylum Support Office (EASO), p. 78, Nov. 2021, available at: https://www.easo.europa.eu/sites/default/files/Country_Guidance_Afghanistan_2021.pdf (last visited Apr. 8, 2022).

⁸⁹ Afghan Women and Girls: Status and Congressional Action, Congressional Research Service, p. 1, updated Aug. 18, 2021, available at: <https://crsreports.congress.gov/product/pdf/IF/IF11646> (last visited Apr. 8, 2022).

⁹⁰ Alissa J. Rubin, Threats and Fear Cause Afghan Women's Protections to Vanish Overnight, N.Y. Times, Sept. 4, 2021, updated October 7, 2021, available at: <https://www.nytimes.com/2021/09/04/world/middleeast/afghanistan-women-shelter-taliban.html> (last visited Apr. 8, 2022).

⁹¹ Afghan Women and Girls: Status and Congressional Action, Congressional Research Service, p. 1, updated Aug. 18, 2021, available at: <https://crsreports.congress.gov/product/pdf/IF/IF11646> (last visited Apr. 8, 2022).

⁹² Afghanistan: Taliban 'Vice' Handbook Abusive, Discriminatory Rules, Ignored Protections, Human Rights Watch, Oct. 29, 2021, available at: <https://www.hrw.org/news/2021/10/29/afghanistan-taliban-vice-handbook-abusive> (last visited Apr. 8, 2022); Haq Nawaz Khan, Ellen Francis, and Adam Taylor, The Taliban is bringing back its feared ministry of 'vice' and 'virtue', The Washington Post, Sept. 8, 2021, available at: <https://www.washingtonpost.com/world/2021/09/08/afghan-vice-virtue-ministry/> (last visited Apr. 15, 2022); Kathy Gannon, Taliban replace ministry for women with 'virtue' authorities, AP News, Sept. 18, 2021, available at: <https://www.washingtonpost.com/world/2021/09/08/afghan-vice-virtue-ministry/> (last visited Apr. 15, 2022).

⁹³ Afghanistan: Taliban 'Vice' Handbook Abusive, Discriminatory Rules, Ignored Protections, Human Rights Watch, Oct. 29, 2021, available at: <https://www.hrw.org/news/2021/10/29/afghanistan-taliban-vice-handbook-abusive> (last visited Apr. 8, 2022).

⁹⁴ Afghan Women and Girls: Status and Congressional Action, Congressional Research Service, p. 1, updated Aug. 18, 2021, available at: <https://crsreports.congress.gov/product/pdf/IF/IF11646> (last visited Apr. 8, 2022).

⁹⁵ Experts decry measures to 'steadily erase' Afghan women and girls from public life, United Nations News, Jan. 17, 2022, available at: <https://news.un.org/en/story/2022/01/1109902> (last visited Apr. 8, 2022).

⁹⁶ Fereshta Abbasi, Afghan Women Fleeing Violence Lose Vital Protection, For Survivors of Abuse, Shelters Offered Lifeline, Human Rights Watch, Sept. 24, 2021, available at: <https://www.hrw.org/news/2021/09/24/afghan-women-fleeing-violence-lose-vital-protection> (last visited Apr. 8, 2022).

⁹⁷ Freedom of the World 2022, Afghanistan, Freedom House, Feb. 28, 2022, available at: <https://freedomhouse.org/country/afghanistan/freedom-world/2022> (last visited Apr. 8, 2022).

⁹⁸ Marie McAuliffe, Struggling to Survive: Gender, Displacement, and Migration in Taliban-Controlled Afghanistan, Center for Strategic & International Studies, Feb. 23, 2022, <https://www.csis.org/analysis/struggling-survive-gender-displacement-and-migration-taliban-controlled-afghanistan> (last visited Apr. 8, 2022).

⁹⁹ Afghanistan: Taliban 'Vice' Handbook Abusive, Discriminatory Rules, Ignored Protections, Human Rights Watch, Oct. 29, 2021, available at: <https://www.hrw.org/news/2021/10/29/afghanistan-taliban-vice-handbook-abusive> (last visited Apr. 8, 2022).

¹⁰⁰ Afghanistan: Taliban 'Vice' Handbook Abusive, Discriminatory Rules, Ignored Protections, Human Rights Watch, Oct. 29, 2021, available at: <https://www.hrw.org/news/2021/10/29/afghanistan-taliban-vice-handbook-abusive> (last visited Apr. 8, 2022).

¹⁰¹ Country of Origin Information (COI) Brief Report, Afghanistan: Recent developments in the security situation, impact on civilians and targeted individuals, Ministry of Immigration and Integration, The Danish Immigration Service, p. 1, Sept. 2021, available at: https://www.ecoi.net/en/file/local/2060188/Afghanistan_Targetedindiv_FINAL.pdf (last visited Apr. 8, 2022).

¹⁰² Heather Barr, Afghan Women Watching the Walls Close In, Taliban Crushes Women's Freedom of Movement and Other Rights, Human Rights Watch, Mar. 2, 2022, available at: <https://www.hrw.org/news/2022/03/02/afghan-women-watching-walls-close> (last visited Apr. 8, 2022).

¹⁰³ Afghanistan: Taliban 'Vice' Handbook Abusive, Discriminatory Rules, Ignored Protections, Human Rights Watch, Oct. 29, 2021, available at: <https://www.hrw.org/news/2021/10/29/afghanistan-taliban-vice-handbook-abusive> (last visited Apr. 8, 2022).

¹⁰⁴ Country Guidance: Afghanistan, Common analysis and guidance note, European Asylum Support Office (EASO), p. 78, Nov. 2021, available at: https://www.easo.europa.eu/sites/default/files/Country_Guidance_Afghanistan_2021.pdf (last visited Apr. 8, 2022).

¹⁰⁵ Country of Origin Information (COI) Brief Report, Afghanistan: Recent developments in the security situation, impact on civilians and targeted individuals, Ministry of Immigration and Integration, The Danish Immigration Service, p. 1, Sept. 2021, available at: https://www.ecoi.net/en/file/local/2060188/Afghanistan_Targetedindiv_FINAL.pdf (last visited Apr. 8, 2022) (citing Lynne O'Donnell, As Taliban Expand Control, Concerns About Forced Marriage and Sex Slavery Rise, Foreign Policy, Jul. 23, 2021, available at: <https://foreignpolicy.com/2021/07/23/afghanistan-taliban-women-gender/>; and Frud Bezhan & Mustafa Sarwar, Return To The 'Dark Days': Taliban Reimposes Repressive Laws On Women In Newly Captured Areas in Afghanistan, Radio Free Europe/Radio Liberty, Jul. 14, 2021, available at: <https://gandhara.rferl.org/a/taliban-repression-afghan-women/31358597.html>).

¹⁰⁶ Country Policy and Information Note Afghanistan: Fear of the Taliban [Version 1.0], UK

on social media featuring Taliban insignia instructed religious leaders in Takhar and Badakhshan “to refer girls older than 15 and widows younger than 45” to the “Mujahideen Cultural Commission” for marriage to Taliban fighters.¹⁰⁷

The Taliban have banned girls from attending secondary school past the sixth grade,¹⁰⁸ although the Taliban permitted women to attend universities in February 2022.¹⁰⁹ Rules segregating teachers and classes according to gender “exacerbated a severe teacher shortage and threaten to eliminate higher education opportunities for girls.”¹¹⁰

Afghan women are unable to hold positions of authority in almost all spheres of public life.¹¹¹ They have been “barred from paid employment, except as teachers for girls and health-care workers.”¹¹² Women aid employees are allowed to work

unconditionally in just three out of 34 provinces.¹¹³ In the remaining provinces, “women aid workers face severe restrictions, such as requirements for a male family member to escort them while they do their jobs, making it difficult or impossible for them to do their job effectively.”¹¹⁴ In the legal field, female lawyers and judges “have left the courts under Taliban pressure” and “live in a state of perpetual fear that they or their loved ones could be tracked down and killed.”¹¹⁵ Although Taliban representatives claim that female lawyers and judges are protected by a general amnesty for all former government workers, these women fear retribution for their work.¹¹⁶

Women activists and former members of public life have been targeted with severe violence since the Taliban takeover of Kabul. Protests by women “outraged by the . . . hard-line” nature of the Taliban’s so-called “caretaker government” have been met by violence from the Taliban fighters.¹¹⁷ According to ACLED, during the week of October 30 to November 5, 2021, “the bodies of four women civil society activists were recovered in Balkh province, including a well-known women’s rights defender . . . [allegedly] killed by an organized network targeting civil society activists, who introduced themselves as representatives of a human rights organization.”¹¹⁸

ii. Targeted Killings and Evictions of Hazaras

Hazaras have been “historic victims of prejudice on religious and ethnic grounds.”¹¹⁹ Though they made progress in achieving parity with other ethnic groups over the last two decades, Hazaras were particular targets of harm by the Taliban during the Taliban’s period of rule from 1996–2001. Recently, Taliban fighters massacred nine ethnic Hazara men after taking control of Ghazni province in July 2021.¹²⁰ Hazaras, an ethnic Shia minority, are also enduring a pattern of increasing sectarian attacks from ISIS–K, which over the last several years “has been blamed for dozens of bombings and gun attacks on mosques, shrines, schools . . . [as] the group views Shiites as apostates.”¹²¹

Human Rights Watch and other sources have reported that the Taliban has begun forcibly evicting Hazaras from their homes, including 700 from the central province of Daikundi in late September 2021,¹²² hundreds of families from the southern Helmand province and northern Balkh province,¹²³ and others from Daikundi, Uruzgan, and Kandahar provinces.¹²⁴ Human Rights Watch stated that ISIS–K “has repeatedly carried out devastating attacks that appear designed to spread terror and inflict maximum suffering particularly on Afghanistan’s Hazara

Home Office, p. 33–34, Oct. 2021, available at: https://www.ecoi.net/en/file/local/2061589/AFG_CPIN_Fear_of_the_Taliban.pdf (last visited Apr. 8, 2022) (citing Taliban trying to force Afghan girls as young as 13 into marriage, The National, Aug. 3, 2021, <https://www.thenationalnews.com/world/asia/2021/08/03/taliban-trying-to-force-afghan-girls-as-young-as-13-into-marriage/>).

¹⁰⁷ Country Policy and Information Note Afghanistan: Fear of the Taliban [Version 1.0], UK Home Office, p. 33–34, Oct. 2021, available at: https://www.ecoi.net/en/file/local/2061589/AFG_CPIN_Fear_of_the_Taliban.pdf (last visited Apr. 8, 2022) (citing Taliban trying to force Afghan girls as young as 13 into marriage, The National, August 3, 2021, available at: <https://www.thenationalnews.com/world/asia/2021/08/03/taliban-trying-to-force-afghan-girls-as-young-as-13-into-marriage/>).

¹⁰⁸ Fereshta Abbasi, Afghan Girls’ Education: ‘I Don’t Think I Have a Future,’ Closing Secondary Schools to Girls Causing Lasting Harm, Human Rights Watch, Oct. 31, 2021, available at: <https://www.hrw.org/news/2021/10/31/afghan-girls-education-i-dont-think-i-have-future> (last visited Apr. 8, 2022).

¹⁰⁹ Ayaz Gul, All Public Universities in Afghanistan Open to Male, Female Students, Voice of America (VOA), Feb. 26, 2022, available at: <https://www.voanews.com/a/all-public-universities-in-afghanistan-open-to-male-female-students/6461202.html> (last visited Apr. 15, 2022); The Taliban closes Afghan girls’ schools hours after reopening, Al Jazeera, Mar. 23, 2022, available at: <https://www.aljazeera.com/news/2022/3/23/taliban-orders-girls-schools-shut-hours-after-reopening> (last visited May 3, 2022).

¹¹⁰ Christina Goldbaum, Taliban Allow Girls to Return to Some High Schools, but With Big Caveats, N.Y. Times, Oct. 27, 2021, updated Nov. 3, 2021, available at: <https://www.nytimes.com/2021/10/27/world/asia/afghan-girls-school-taliban.html?searchResultPosition=8> (last visited Apr. 8, 2022).

¹¹¹ Marie McAuliffe, Struggling to Survive: Gender, Displacement, and Migration in Taliban-Controlled Afghanistan, Center for Strategic & International Studies, Feb. 23, 2022, available at: <https://www.csis.org/analysis/struggling-survive-gender-displacement-and-migration-taliban-controlled-afghanistan> (last visited Apr. 8, 2022).

¹¹² HRW Says Donors Should Link Afghan Aid to Taliban’s Observing Rights for Girls, Women, Gandahara Radio Free Europe/Radio Liberty, Mar. 21, 2022, available at: <https://gandhara.rferl.org/a/hrw-donors-afghan-aid-taliban-womens-rights/31762920.html> (last visited Apr. 8, 2022).

¹¹³ Afghanistan: Taliban Blocking Female Aid Workers, Human Rights Watch, Nov. 4, 2021, available at: <https://www.hrw.org/news/2021/11/04/afghanistan-taliban-blocking-female-aid-workers> (last visited Apr. 8, 2022).

¹¹⁴ Afghanistan: Taliban Blocking Female Aid Workers, Human Rights Watch, Nov. 4, 2021, available at: <https://www.hrw.org/news/2021/11/04/afghanistan-taliban-blocking-female-aid-workers> (last visited Apr. 8, 2022).

¹¹⁵ David Zucchino, Afghan Women Who Once Presided Over Abuse Cases Now Fear for Their Lives, N.Y. Times, Oct. 20, 2021, updated Oct. 22, 2021, available at: <https://www.nytimes.com/2021/10/21/world/asia/afghan-judges-women-taliban.html?searchResultPosition=5> (last visited Apr. 8, 2022).

¹¹⁶ David Zucchino, Afghan Women Who Once Presided Over Abuse Cases Now Fear for Their Lives, N.Y. Times, Oct. 20, 2021, updated Oct. 22, 2021, available at: <https://www.nytimes.com/2021/10/21/world/asia/afghan-judges-women-taliban.html?searchResultPosition=5> (last visited Apr. 8, 2022).

¹¹⁷ Yaroslav Trofimov, Afghan Women Protest Hard-Line Taliban Government, Face Violent Crackdown, The Wall Street Journal, Sep. 8, 2021, available at: <https://www.wsj.com/articles/afghan-women-protest-talibans-all-male-government-face-violent-crackdown-11631105098> (last visited May 3, 2022), cited by: Taliban Government in Afghanistan: Background and Issues for Congress, Congressional Research Service, p. 20, Nov. 2, 2021, available at: <https://crsreports.congress.gov/product/pdf/R/R46955> (last visited Apr. 8, 2022).

¹¹⁸ Regional Overview: South Asia and Afghanistan 30 October to 5 November 2021, ACLED, Nov. 2021, available at: <https://acleddata.com/2021/11/11/regional-overview->

[south-asia-and-afghanistan-30-october-5-november-2021/](https://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia) (last visited Apr. 8, 2022).

¹¹⁹ Thomas Barfield, Afghanistan: A Cultural and Political History, p.26, (Princeton University Press, 2010).

¹²⁰ Afghanistan: Taliban responsible for brutal massacre of Hazara men—new investigation, Amnesty International, Aug. 19, 2021, available at: <https://www.amnesty.org/en/latest/news/2021/08/afghanistan-taliban-responsible-for-brutal-massacre-of-hazara-men-new-investigation/> (last visited Apr. 8, 2022).

¹²¹ Pamela Constable, After Kabul school attack, Afghans fear a return to violence, The Washington Post, Apr. 20, 2022, available at: <https://www.washingtonpost.com/world/2022/04/20/afghanistan-school-attack-isis-hazara/> (last visited May 3, 2022).

¹²² Gulamaiz Sharifi, Abubakar Siddique, Afghan Hazaras Fear The Worst After Forced Taliban Evictions, Radio Free Europe/Radio Liberty, Oct. 6, 2021, available at: <https://gandhara.rferl.org/a/afghanistan-hazaras-taliban/31496224.html> (last visited Apr. 8, 2022).

¹²³ Afghanistan: Taliban Forcibly Evict Minority Shia, Hazaras, Former Civil Servants Targets of Collective Punishment, Land-Grabbing, Human Rights Watch, Oct. 22, 2021, available at: <https://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia> (last visited Apr. 8, 2022).

¹²⁴ Afghanistan: Taliban Forcibly Evict Minority Shia, Hazaras, Former Civil Servants Targets of Collective Punishment, Land-Grabbing, Human Rights Watch, Oct. 22, 2021, available at: <https://www.hrw.org/news/2021/10/22/afghanistan-taliban-forcibly-evict-minority-shia> (last visited Apr. 8, 2022).

community.”¹²⁵ Reuters reported that “[w]ith more than 400 Shi’ite mosques in Kabul alone, total security is impossible and no one knows where the next attack will come.”¹²⁶

iii. Restrictions and Risks in Cases of Nonconformity

Optimism that the current Taliban may be more moderate than the Taliban was from 1996–2001 has faded, as they are reportedly targeting journalists,¹²⁷ artists and musicians,¹²⁸ barbers and those working in fashion,¹²⁹ civil society participants and protestors.¹³⁰ According to Amnesty International, these actions have created a climate of fear and intimidation that has caused many Afghan nationals to engage in self-censoring, adopting conservative attire, and abandoning former employment and public life.¹³¹ For example, according to the chairperson of the Afghanistan Independent Human Rights Commission, those formerly employed as “[l]awyers, judges and prosecutors are mostly in hiding.”¹³² The Taliban

have announced that they will once again carry out executions and amputations of hands for criminal offenses, and have begun doing so.¹³³

iv. Challenges for Individuals With Disabilities

At least one in five households in Afghanistan includes an adult or child with a serious sensory, psychosocial, intellectual, or physical disability, making Afghanistan one of the largest per capita populations of individuals with disabilities in the world.¹³⁴ Unlike many other marginalized populations, merely the removal of discrimination does not automatically enable equal participation in society; rather there are often necessary accommodations or remediations that must happen in physical, communications, or other infrastructures.¹³⁵ Access to physical rehabilitation services is “. . . complicated by poverty, poor quality roads, and danger along the way due to armed conflict.”¹³⁶ After the Taliban takeover in 2021, any strides that Afghanistan had made in protecting the rights of the disabled through the signing and ratifying of conventions under the administrations of Hamid Karzai and Ashraf Ghani “have been virtually abandoned” as the withdrawal of foreign aid has “reduced both the funds to implement these programs and international commitments[,] and the Afghan leadership’s interest in carrying them out.”¹³⁷ The European Asylum Support Office (EASO) confirms the stigmatization of individuals with

physical and mental disabilities, with “women, displaced persons and returned migrants with mental health issues” being particularly vulnerable.¹³⁸ EASO also notes the “lack of appropriate infrastructure and specialist care that covers the needs of people with disabilities.”¹³⁹

What authority does the Secretary have to designate Afghanistan for TPS?

Section 244(b)(1) of the INA, 8 U.S.C. 1254a(b)(1), authorizes the Secretary, after consultation with appropriate agencies of the U.S. Government, to designate a foreign state (or part thereof) for TPS if the Secretary determines that certain country conditions exist.¹⁴⁰ The decision to designate any foreign state (or part thereof) is a discretionary decision, and there is no judicial review of any determination with respect to the designation, termination, or extension of a designation. *See* INA section 244(b)(5)(A); 8 U.S.C. 1254a(b)(5)(A).¹⁴¹ The Secretary, in his or her discretion, may then grant TPS to eligible nationals of that foreign state (or individuals having no nationality who last habitually resided in the designated foreign state). *See* INA section 244(a)(1)(A), 8 U.S.C. 1254a(a)(1)(A).

At least 60 days before the expiration of a foreign state’s TPS designation or extension, the Secretary, after consultation with appropriate U.S.

¹²⁵ Afghanistan: Surge in Islamic State Attacks on Shia, ISIS Affiliate’s Targeted Killings Amount to Crimes Against Humanity, Human Rights Watch, Oct. 25, 2021, available at: <https://www.hrw.org/news/2021/10/25/afghanistan-surge-islamic-state-attacks-shia> (last visited Apr. 8, 2022).

¹²⁶ Gibran Naiyyar Peshimam, For Afghan Hazaras, where to pray can be life and death choice, Reuters, Oct. 21, 2021, available at: <https://www.reuters.com/world/asia-pacific/afghan-hazaras-where-pray-can-be-life-death-choice-2021-10-21/> (last visited Apr. 8, 2022).

¹²⁷ Afghanistan: Journalists tell of beatings by Taliban, BBC News, Sept. 9, 2021, available at: <https://www.bbc.com/news/world-asia-58500579> (last visited Apr. 8, 2022).

¹²⁸ Javier C. Hernández, Musicians Flee Afghanistan, Fearing Taliban Rule, N.Y. Times, Nov. 17, 2021, available at: <https://www.nytimes.com/2021/10/03/arts/music/afghanistan-musicians-flee.html> (last visited Apr. 8, 2022); Afghanistan: Gunmen attack wedding to stop music being played, BBC News, Oct. 31, 2021, available at: <https://www.bbc.com/news/world-asia-59107046> (last visited Apr. 8, 2022).

¹²⁹ The Taliban Order Barbers Not To Shave Beards In Afghan Province Of Helmand, NPR, Sept. 27, 2021, available at: <https://www.npr.org/2021/09/27/1041025238/the-taliban-order-barbers-not-to-shave-beards-in-afghan-province-of-helmand> (last visited Apr. 8, 2022).

¹³⁰ Matthieu Aikins et al., As Taliban Crush Dissent, New Leaders Face Cascading Challenges, N.Y. Times, Nov. 9, 2021, available at: <https://www.nytimes.com/2021/09/08/world/asia/taliban-protests-pakistan.html?referringSource=articleShare> (last visited Apr. 8, 2022).

¹³¹ Afghanistan: Taliban wasting no time in stamping out human rights says new briefing, Amnesty International, Sept. 21, 2021, available at: <https://www.amnesty.org/en/latest/news/2021/09/afghanistan-taliban-wasting-no-time-in-stamping-out-human-rights-says-new-briefing/> (last visited May 4, 2022).

¹³² Public Displays of Corpses Signal Return of Hard-Line Afghan Taliban, Voice of America (VOA) News, Sept. 27, 2021, available at: <https://www.voanews.com/a/public-displays-of-corpses-signal-return-of-hard-line-afghan-taliban-/6248297.html> (last visited Apr. 8, 2022).

¹³³ Taliban Official Says Strict Punishment And Executions Will Return, NPR, Sept. 24, 2021, available at: <https://www.npr.org/2021/09/24/1040339286/taliban-official-says-strict-punishment-and-executions-will-return> (last Apr. 8, 2022); The Taliban’s Sharia is the Most Brutal of All, Foreign Policy, Oct. 13, 2021, available at: <https://foreignpolicy.com/2021/10/13/the-talibans-sharia-is-the-most-brutal-of-all/> (last visited May 4, 2022).

¹³⁴ “Disability Is Not Weakness,” Discrimination and Barriers Facing Women and Girls with Disabilities in Afghanistan, Human Rights Watch, p. 1, Apr. 2020, available at: https://www.hrw.org/sites/default/files/report_pdf/afghanistan0420_web_0.pdf (last visited Apr. 8, 2022).

¹³⁵ Convention on the Rights of Persons with Disabilities, The United Nations Human Rights Office (OHCHR), Dec. 13, 2006, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> (last visited May 4, 2022).

¹³⁶ “Disability Is Not Weakness,” Discrimination and Barriers Facing Women and Girls with Disabilities in Afghanistan, Human Rights Watch, p. 17, Apr. 2020, available at: https://www.hrw.org/sites/default/files/report_pdf/afghanistan0420_web_0.pdf (last visited Apr. 8, 2022).

¹³⁷ Chris Fitzgerald, Humanitarian Crisis And Neglect In Afghanistan Puts People With Disabilities At Risk, The Organization for World Peace, Jan. 19, 2022, available at: <https://theowp.org/reports/humanitarian-crisis-and-neglect-in-afghanistan-puts-people-with-disabilities-at-risk/> (last visited May 3, 2022).

¹³⁸ Country Guidance: Afghanistan, Common analysis and guidance note, European Asylum Support Office (EASO), p. 88, Nov. 2021, available at: https://www.easo.europa.eu/sites/default/files/Country_Guidance_Afghanistan_2021.pdf (last visited Apr. 8, 2022).

¹³⁹ Country Guidance: Afghanistan, Common analysis and guidance note, European Asylum Support Office (EASO), p. 88, Nov. 2021, available at: https://www.easo.europa.eu/sites/default/files/Country_Guidance_Afghanistan_2021.pdf (last visited Apr. 8, 2022).

¹⁴⁰ INA section 244(b)(1) ascribes this power to the Attorney General. Congress transferred this authority from the Attorney General to the Secretary of Homeland Security. *See* Homeland Security Act of 2002, Public Law 107–296, 116 Stat. 2135. The Secretary may designate a country (or part of a country) for TPS on the basis of ongoing armed conflict such that returning would pose a serious threat to the personal safety of the country’s nationals and habitual residents, environmental disaster (including an epidemic), or extraordinary and temporary conditions in the country that prevent the safe return of the country’s nationals. For environmental disaster-based designations, certain other statutory requirements must be met, including that the foreign government must request TPS. A designation based on extraordinary and temporary conditions cannot be made if the Secretary finds that allowing the country’s nationals to remain temporarily in the United States is contrary to the U.S. national interest. *Id.*, at section 244(b)(1).

¹⁴¹ This issue of judicial review is the subject of litigation. *See, e.g., Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020), *petition for en banc rehearing* filed Nov. 30, 2020 (No. 18–16981); *Sagat v. Trump*, 375 F. Supp. 3d 280 (E.D.N.Y. 2019).

Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation. *See* INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A). If the Secretary determines that the foreign state continues to meet the conditions for TPS designation, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months. *See* INA section 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C). If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. *See* INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

Notice of the Designation of Afghanistan for TPS

By the authority vested in me as Secretary under INA section 244, 8 U.S.C. 1254a, I have determined, after consultation with the appropriate U.S. Government agencies, the statutory conditions supporting Afghanistan's designation for TPS on the basis of ongoing armed conflict and extraordinary and temporary conditions are met. *See* INA section 244(b)(1)(A) and (C), 8 U.S.C. 1254a(b)(1)(A) and (C). I estimate up to approximately 72,500 individuals may be eligible for TPS under the designation of Afghanistan. On the basis of this determination, I am designating Afghanistan for TPS for 18 months, from May 20, 2022 through November 20, 2023. *See* INA section

244(b)(1)(C) and (b)(2); 8 U.S.C. 1254a(b)(1)(C), and (b)(2).

Alejandro N. Mayorkas,
Secretary, U.S. Department of Homeland Security.

Eligibility and Employment Authorization for TPS

Required Application Forms and Application Fees To Register for TPS

To register for TPS based on the designation of Afghanistan, you must submit a Form I-821, Application for Temporary Protected Status, and pay the filing fee or request a fee waiver, which you may submit on Form I-912, Request for Fee Waiver. You may be required to pay the biometric services fee. If you can demonstrate an inability to pay the biometric services fee, you may request to have the fee waived. Please see additional information under the "Biometric Services Fee" section of this notice.

TPS beneficiaries are authorized to work in the United States. You are not required to submit Form I-765 or have an EAD but see below for more information if you want to work in the United States.

For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at uscis.gov/tps. Fees for the Form I-821, the Form I-765, and biometric services are also described in 8 CFR 103.7(b)(1)(i).

How can TPS beneficiaries obtain an Employment Authorization Document (EAD)?

Everyone must provide their employer with documentation showing that they have the legal right to work in the United States. TPS beneficiaries are eligible to obtain an EAD, which proves their legal right to work. TPS applicants who want to obtain an EAD must file the Form I-765, Application for Employment Authorization, and pay the

fee or request a fee waiver, by submitting Form I-912, Request for Fee Waiver. TPS applicants may file this form along with their TPS application, or at a later date, provided their TPS application is still pending or has been approved.

Refiling an Initial TPS Registration Application After Receiving a Denial of a Fee Waiver Request

If you receive a denial of a fee waiver request, you must refile your Form I-821 for TPS along with the required fees during the registration period, which extends until November 20, 2023. You may also file for your EAD on Form I-765 with payment of the fee along with your TPS application or at any later date you decide you want to request an EAD during the registration period.

Filing Information

USCIS offers the option to applicants for TPS under Afghanistan's designation to file Form I-821 and related requests for EADs online or by mail. When filing a TPS application, applicants can also request an EAD by submitting a completed Form I-765, Application for Employment Authorization, with their Form I-821.

Online filing: Form I-821 and Form I-765 are available for concurrent filing online.¹⁴² To file these forms online, you must first create a USCIS online account.¹⁴³

Mail filing: Mail your application for TPS to the proper address in Table 1.

Table 1—Mailing Addresses

Mail your completed Form I-821, Application for Temporary Protected Status, Form I-765, Application for Employment Authorization, and Form I-912, Request for Fee Waiver, if applicable, and supporting documentation to the proper address in Table 1.

TABLE 1—MAILING ADDRESSES

If . . .	Mail to . . .
You are using the U.S. Postal Service (USPS) and you live in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.	USCIS, Attn: TPS Afghanistan, P.O. Box 20300, Phoenix, AZ 85036–0300.
You are using FedEx, UPS, or DHL and you live in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.	USCIS, Attn: TPS Afghanistan (Box 20300), 1820 E. Skyharbor Circle S, Suite 100, Phoenix, AZ 85034–4850.
You are using the U.S. Postal Service (USPS) and live in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin.	USCIS, Attn: TPS Afghanistan, P.O. Box 805282, Chicago, IL 60680–5285.

¹⁴² Find information about online filing at "Forms Available to File Online," <https://www.uscis.gov/file-online/forms-available-to-file-online>.

¹⁴³ https://myaccount.uscis.gov/users/sign_up.

TABLE 1—MAILING ADDRESSES—Continued

If . . .	Mail to . . .
You are using FedEx, UPS, or DHL and live in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin.	USCIS, Attn: TPS Afghanistan, (Box 805282), 131 South Dearborn—3rd Floor, Chicago, IL 60603–5517.

If you were granted TPS by an immigration judge (IJ) or the Board of Immigration Appeals (BIA) and you wish to request an EAD, please mail your Form I–765 application to the appropriate mailing address in Table 1. When you are requesting an EAD based on an IJ/BIA grant of TPS, please include a copy of the IJ or BIA order granting you TPS with your application. This will help us verify your grant of TPS and process your application.

Supporting Documents

The filing instructions on the Form I–821 list all the documents needed to establish eligibility for TPS. You may also find information on the acceptable

documentation and other requirements for applying (*i.e.*, registering) for TPS on the USCIS website at uscis.gov/tps under “Afghanistan.”

Travel

TPS beneficiaries may also apply for and be granted travel authorization as a matter of discretion. You must file for travel authorization if you wish to travel outside of the United States. If granted, travel authorization gives you permission to leave the United States and return during a specific period. To request travel authorization, you must file Form I–131, Application for Travel Document, available at www.uscis.gov/i-131. You may file Form I–131 together

with your Form I–821 or separately. When filing the Form I–131, you must:

- Select Item Number 1.d. in Part 2 on the Form I–131; and
- Submit the fee for the Form I–131, or request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver.

If you are filing Form I–131 together with Form I–821, send your forms to the address listed in Table 1. If you are filing Form I–131 separately based on a pending or approved Form I–821, send your form to the address listed in Table 2 and include a copy of Form I–797 for the approved or pending Form I–821.

TABLE 2—MAILING ADDRESSES

If you are . . .	Mail to . . .
Filing Form I–131 together with a Form I–821, Application for Temporary Protected Status	The address provided in Table 1.
Filing Form I–131 based on a pending or approved Form I–821, and you are using the U.S. Postal Service (USPS): You must include a copy of the receipt notice (Form I–797C) showing we accepted or approved your Form I–821.	USCIS, Attn: I–131 TPS, P.O. Box 660167, Dallas, TX 75266–0867.
Filing Form I–131 based on a pending or approved Form I–821, and you are using FedEx, UPS, or DHL: You must include a copy of the receipt notice (Form I–797C) showing we accepted or approved your Form I–821.	USCIS, Attn: I–131 TPS, 2501 S. State Hwy. 121 Business, Ste. 400, Lewisville, TX 75067.

Biometric Services Fee for TPS

Biometrics (such as fingerprints) are required for all applicants 14 years of age and older. Those applicants must submit a biometric services fee. As previously stated, if you are unable to pay the biometric services fee, you may request a fee waiver, which you may submit on Form I–912, Request for Fee Waiver. For more information on the application forms and fees for TPS, please visit the USCIS TPS web page at uscis.gov/tps. If necessary, you may be required to visit an Application Support Center to have your biometrics captured. For additional information on the USCIS biometric screening process, please see the USCIS Customer Profile Management Service Privacy Impact Assessment, available at dhs.gov/privacy.

General Employment-Related Information for TPS Applicants and Their Employers

How can I obtain information on the status of my TPS application and EAD request?

To get case status information about your TPS application, as well as the status of your TPS-based EAD request, you can check Case Status Online at uscis.gov, or visit the USCIS Contact Center at uscis.gov/contactcenter. If your Form I–765 has been pending for more than 90 days, and you still need assistance, you may ask a question about your case online at egov.uscis.gov/e-request/Intro.do or call the USCIS Contact Center at 800–375–5283 (TTY 800–767–1833).

When hired, what documentation may I show to my employer as evidence of identity and employment authorization when completing Form I–9?

You can find the Lists of Acceptable Documents on the last page of Form I–

9, Employment Eligibility Verification, as well as the Acceptable Documents web page at uscis.gov/i-9-central/acceptable-documents. Employers must complete Form I–9 to verify the identity and employment authorization of all new employees. Within three days of hire, employees must present acceptable documents to their employers as evidence of identity and employment authorization to satisfy Form I–9 requirements.

You may present any document from List A (which provides evidence of both identity and employment authorization) or one document from List B (which provides evidence of your identity) together with one document from List C (which provides evidence of employment authorization), or you may present an acceptable receipt as described in the Form I–9 Instructions. Employers may not reject a document based on a future expiration date. You can find additional information about Form I–9 on the I–9 Central web page

at uscis.gov/I-9Central. An EAD is an acceptable document under List A.

If I have an EAD based on another immigration status, can I obtain a new TPS-based EAD?

Yes, if you are eligible for TPS, you can obtain a new TPS-based EAD, regardless of whether you have an EAD or work authorization based on another immigration status. If you want to obtain a new TPS-based EAD valid through November 20, 2023, then you must file Form I-765, Application for Employment Authorization, and pay the associated fee (unless USCIS grants your fee waiver request).

Can my employer require that I provide any other documentation such as evidence of my status or proof of my Afghan citizenship or a Form I-797C showing that I registered for TPS for Form I-9 completion?

No. When completing Form I-9, employers must accept any documentation you choose to present from the Form I-9 Lists of Acceptable Documents that reasonably appears to be genuine and that relates to you, or an acceptable List A, List B, or List C receipt. Employers need not reverify List B identity documents. Employers may not request proof of Afghan citizenship or proof of registration for TPS when completing Form I-9 for new hires or reverifying the employment authorization of current employees. Refer to the “Note to Employees” section of this **Federal Register** notice for important information about your rights if your employer rejects lawful documentation, requires additional documentation, or otherwise discriminates against you based on your citizenship or immigration status, or your national origin.

Note to All Employers

Employers are reminded that the laws requiring proper employment eligibility verification and prohibiting unfair immigration-related employment practices remain in full force. This **Federal Register** notice does not supersede or in any way limit applicable employment verification rules and policy guidance, including those rules setting forth reverification requirements. For general questions about the employment eligibility verification process, employers may call USCIS at 888-464-4218 (TTY 877-875-6028) or email USCIS at I-9Central@uscis.dhs.gov. USCIS accepts calls and emails in English and many other languages. For questions about avoiding discrimination during the employment eligibility verification process (Form I-

9 and E-Verify), employers may call the U.S. Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section (IER) Employer Hotline at 800-255-8155 (TTY 800-237-2515). IER offers language interpretation in numerous languages. Employers may also email IER at IER@usdoj.gov.

Note to Employees

For general questions about the employment eligibility verification process, employees may call USCIS at 888-897-7781 (TTY 877-875-6028) or email USCIS at I-9Central@uscis.dhs.gov. USCIS accepts calls in English, Spanish and many other languages. Employees or job applicants may also call the IER Worker Hotline at 800-255-7688 (TTY 800-237-2515) for information regarding employment discrimination based on citizenship, immigration status, or national origin, including discrimination related to Form I-9 and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Form I-9 Instructions. Employers may not require extra or additional documentation beyond what is required for Form I-9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of “Tentative Nonconfirmation” (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from Form I-9 differs from records available to DHS.

Employers may not terminate, suspend, delay training, withhold or lower pay, or take any adverse action against an employee because of a TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify cannot confirm an employee’s employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888-897-7781 (TTY 877-875-6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER’s Worker Hotline at 800-255-7688 (TTY 800-237-2515).

Additional information about proper nondiscriminatory Form I-9 and E-Verify procedures is available on the IER website at justice.gov/ier and the USCIS and E-Verify websites at uscis.gov/i-9-central and e-verify.gov.

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)

For Federal purposes, individuals approved for TPS may show their Form I-797, Notice of Action, indicating approval of their Form I-821 application, or their A12 or C19 EAD to prove that they have TPS or a pending TPS application. However, while Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are covered under TPS or show you are authorized to work based on TPS. Examples of such documents are:

- Your new EAD with a category code of A12 or C19 for TPS, regardless of your country of birth;
- A copy of your Form I-94, Arrival/Departure Record; or
- Form I-797, the notice of approval, for your Form I-821, Application for Temporary Protected Status, if you received one from USCIS.

Check with the government agency regarding which document(s) the agency will accept.

Some benefit-granting agencies use the SAVE program to confirm the current immigration status of applicants for public benefits. SAVE can verify when an individual has TPS based on the documents above. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but occasionally verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at uscis.gov/save/save-casecheck, then by clicking the “Check Your Case” button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and SAVE verification case number or an immigration identifier number that you provided to the benefit-granting agency. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the

opportunity to appeal the decision in accordance with the agency's procedures. If the agency has received and acted on or will act on a SAVE verification and you do not believe the final SAVE response is correct, please see the SAVE Records: Fast Facts For Benefit Applicants sheet under SAVE Resources at <https://www.uscis.gov/save/save-resources> for information about how to correct or update your immigration record.

[FR Doc. 2022-10923 Filed 5-19-22; 8:45 am]

BILLING CODE 9111-97-P

DEPARTMENT OF THE INTERIOR

Geological Survey

[GR21EG51TJ50200; OMB Control Number 1028-NEW]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval: National Digital Trails Project—Trail Data Portal

AGENCY: Geological Survey, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*), the U.S. Geological Survey (USGS) is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before June 21, 2022.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. Comments may also be sent by mail to the U.S. Geological Survey, Information Collections Officer, 12201 Sunrise Valley Drive, MS 159, Reston, VA 20192; or by email to gs-info_collections@usgs.gov. Please reference OMB Control Number 1028-NEW in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this Information Collection Request (ICR), contact Tatyana DiMascio by email at tdimascio@usgs.gov, or by telephone at (303) 202-4206. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>. Individuals in the United States who are deaf, deafblind, hard of hearing, or have

a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: In accordance with the PRA and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A Federal Register notice with a 60-day public comment period soliciting comments on this collection of information was published on June 1, 2021 (86 FR 29279). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

- (1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;
- (2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) How the agency might minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personally identifiable information (PII) in your comment, you should be aware that your entire comment—including your PII—may be made publicly available at any time. While you can ask us in your comment to withhold your PII from public review,

we cannot guarantee that we will be able to do so.

Abstract

A major component of the Department of Interior's vision is to "Increase access to outdoor recreation opportunities for all Americans so that our people can be healthier, more fully enjoy the wonderful features of their federal lands, and take advantage of hunting, fishing, and other outdoor recreation pursuits that are the roots of the conservation movement." At the direction of DOI, the USGS is advancing that vision with the launch of the National Digital Trails (NDT) project. The two-year project consists of three major goals:

1. Develop a web-based geospatial analysis tool, called Trail Routing Analysis and Information Linkage System (TRAILS), to assist Federal land managers in identifying and prioritizing candidate trails to be connected to existing trails and trail networks.

2. Aid in the creation of a robust nationwide digital trails dataset including, at a minimum, trails on lands managed by key Federal agencies including the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and U.S. Forest Service.

3. Develop a mobile responsive application that will assist trail stewards, land management agencies, and members of the public in the maintenance of trails information.

This information collection request focuses on Goal 2, the digital trails dataset. The Trail Data Portal will support development and maintenance of the robust USGS nationwide digital trails dataset (Goal 2). In turn, the dataset is a primary component of the TRAILS geospatial analysis tool (Goal 1) which provides DOI bureaus and trail managers a tool to improve trail connectivity throughout the Nation's public lands.

The Trail Data Portal will facilitate an efficient digital trails data submission process and communication between the USGS and data providers.

Authoritative trail managers will be able to log in to submit their trails data, along with relevant information, for USGS review and integration into the USGS digital trails dataset. USGS staff will be able to log in to download the submitted data, perform preliminary assessment, and provide status updates for every trail data submission. No data edits or integration will take place within the Trail Data Portal.

The following information will be collected for every authoritative data provider that submits trails data for

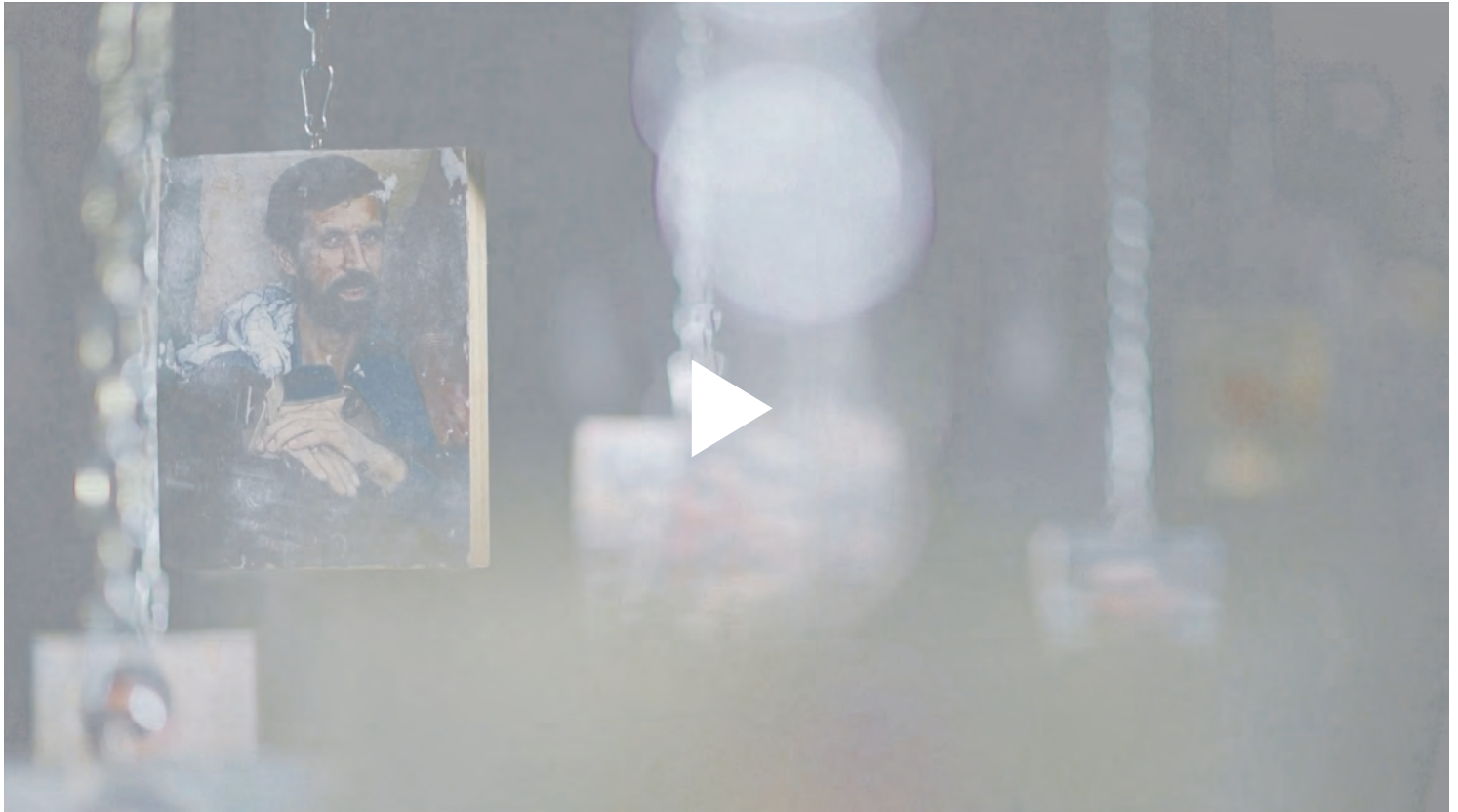
Tab N

OPINION

The Taliban Promised Them Amnesty. Then They Executed Them.

An Opinion Video investigation reveals the Taliban have been on a campaign of revenge killings against former U.S. allies.

By Barbara Marcolini, Sanjar Sohail and Alexander Stockton



By Barbara Marcolini, Sanjar Sohail and Alexander Stockton

Ms. Marcolini is an investigative journalist. Mr. Sohail is the founder of the Afghan newspaper *Hasht e Subh Daily*. Mr. Stockton is a producer with Opinion Video.

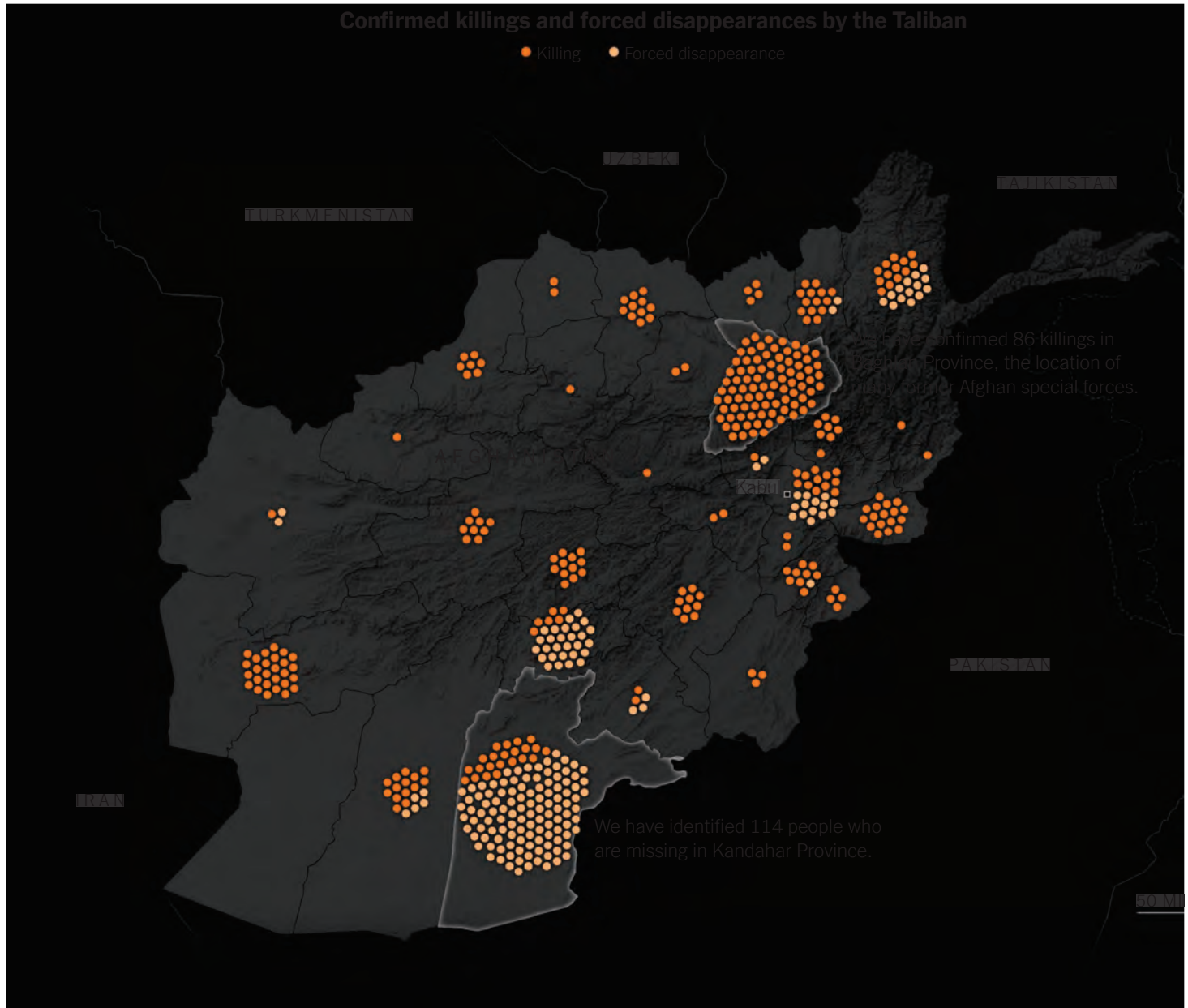
When the Taliban swept into Kabul last year and reasserted control over Afghanistan, they suggested that their rule would be kinder, less extreme and more forgiving than it had been the last time they were in power.

Taliban leaders insisted they would be merciful toward those who had opposed them, declaring a general amnesty for former government workers and members of the nation's security forces. For some, they even wrote letters of guarantee that they would not seek revenge against their old adversaries.

"We are assuring the safety of all those who have worked with the United States and allied forces," the Taliban's spokesman, Zabihullah Mujahid, said during the group's first news conference after retaking control of the

country last August.

But in the Opinion video above, we show that the Taliban's promises were hollow, with grave import. The video, the product of a seven-month investigation by the Opinion Video team of The New York Times, reveals that nearly 500 former government officials and members of the Afghan security forces were killed or forcibly disappeared during the Taliban's first six months in power.



We built the most extensive database of revenge killings in Afghanistan to date using a variety of verification methods that included conducting forensic video research, confirming local news reports, collaborating with human rights organizations and interviewing survivors and family members.

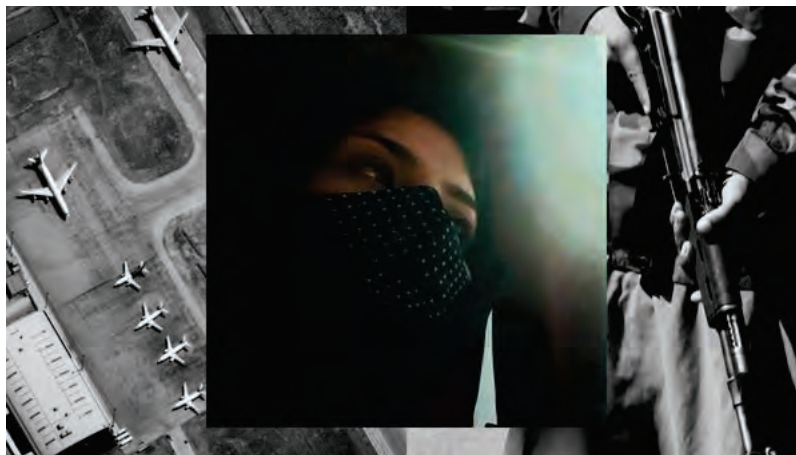
The revenge killings were widespread, touching every region of the country, shattering families and communities, and giving a lie to the Taliban's promises of tolerance and moderation.

After initially denying that such killings were occurring, the Taliban leadership has come to acknowledge some of them, though has insisted that those acts were the work of rogue commanders and not an authorized campaign.

But the number of killings, and their ubiquity, might suggest otherwise. So would their ruthlessness, including summary executions that were captured on video and are included in our short documentary above. We argue that the United States can still do a lot more to help its former allies — many of whom remain in hiding — find a way to escape the country.

Be forewarned: These are deeply disturbing images to watch. But they also provide key insight into the character of the Taliban and highlight the dangers that the group's critics still face.

More on Afghanistan



My
Toxic
Afghan
Love
Story

Graphics by Zach Levitt.

Tab O

Afghans stranded and running out of money in Pakistan plead for Ottawa to speed up their approvals

 theglobeandmail.com/politics/article-afghans-stranded-and-running-out-of-money-in-pakistan-plead-for-ottawa/

Robert Fife, Janice Dickson

18 September 2022



Families with expired visas and cramped, precarious living arrangements are waiting for Canada – whose forces they helped before the Taliban takeover – to answer their pleas

The family of Pardais Haidari, a former NATO trainer in Afghanistan, has been in Rawalpindi, Pakistan, since July waiting for a way out. 'We will come to Canada and work very hard. Please help us,' he says. Handout

Wahid Ibrahimi was a security guard at the Canadian embassy in Kabul. After the Taliban took control of Afghanistan in August, 2021, forcing the embassy to close and putting him and other Afghans who worked there in danger of retaliation from the new regime, he still had some hope: Ottawa had created a program to help its Afghan former employees and their families escape to Canada.

But in June, still waiting for Ottawa to respond to his request for resettlement, he, along with his wife, seven children, brother and aging mother, fled to Pakistan, where they have been living in a cramped one-room apartment in Islamabad. They can't afford to buy meat and are

surviving on two servings each of vegetables and rice a day.

Their landlord is threatening to kick them out because the family's four-month-old visas have expired. Just over a week ago, Mr. Ibrahimy spent a day in a hospital after he fainted from what he described as a combination of extreme heat and anxiety over his dire predicament. "I am panicking every single day. Expenses are high and we are barely surviving. My life is in danger if I am sent back to Afghanistan," he said through a translator, his niece Safiya Wazir, who is a New Hampshire state legislator.





Wahid Ibrahimi, a former security guard, shares a one-room apartment in Pakistan with his family. Mr. Ibrahimi recently spent a day in a hospital after he fainted from what he described as a combination of extreme heat and anxiety over his dire predicament. Handout

Mr. Ibrahimi is among hundreds of Afghans who now find themselves in similar situations in Pakistan.

Having worked – or had close family members who worked – for Canada before the Taliban takeover, their pleas to Ottawa for help have since been ignored.

Others are Afghans who did not work for Canada, but who Ottawa promised to resettle as part of a humanitarian program for people who are vulnerable to Taliban retribution, including women leaders, judges, journalists, human rights defenders and LGBTQ people. Ottawa has also promised a pathway to permanent residency for family members of former military interpreters.

Ms. Wazir has been pleading for more than a year with Ottawa to allow her uncle and his family to come to Canada. She said it has been difficult for Mr. Ibrahimi and the others to survive in Pakistan because they don't have work permits.

"One bakery shop said they could work 12 hours a day for a piece of pizza bread," she said. "When they ran that by me, I said, 'You cannot be working 12 hours for a piece of bread.' I said no."

Ms. Wazir said she bought Pakistani visas for her uncle and his family because the Canadian government had said it could offer resettlement help only to Afghans who had already left Afghanistan.

"I thought they would work on our case in Pakistan, and so I worked very hard to get them visas," she said. "Now it has been four months and I have heard nothing from Canadian immigration, not even to let me know if Wahid is on the list."



Newly recruited Taliban fighters parade through Herat after their graduation on Sept. 13. MOHSEN KARIMI/AFP via Getty Images

The Globe and Mail spoke to 10 other Afghans now stranded in Pakistan. The interviews were arranged by Operation Abraham, an advocacy group with the Montreal-based Raoul Wallenberg Centre. It has helped to get many Afghans safely into Pakistan while they work with Immigration Refugees and Citizenship Canada (IRCC) to process their Canadian resettlement requests.

The federal government promised to admit 40,000 Afghans to Canada after the Taliban takeover. IRCC now says 18,540 Afghans have arrived since August, 2021. More than half of them – 10,730 – have arrived under the humanitarian program. Another 7,735 have been resettled through the program for people who worked for Canada. And 75 Afghans have been resettled under a program for extended family members of former interpreters who had come to Canada under previous policies enacted in 2009 and 2012.

Many Afghans who have reached out to the government about the new programs have not been invited to apply.

Aidan Strickland, a spokesman for Immigration Minister Sean Fraser, reiterated that the government is committed to resettling at least 40,000 vulnerable Afghans and their families in Canada by 2024. “We have a productive and ongoing dialogue with Pakistan regarding safe passage for Canada-bound Afghan refugees,” she said. “As a result of these efforts, Canada has welcomed 15 chartered flights with Afghan refugees from Pakistan since the start of the year, and we anticipate more Afghan arrivals in the coming weeks.”

The government's seemingly slow response to its resettlement commitments has been met with heavy criticism from opposition politicians and advocates for Afghan refugees, who blame Ottawa's overwhelmed immigration system and bureaucratic red tape for the delay.

Ottawa lawyer Jacques Shore, a co-founder of Operation Abraham, said his motivation to help refugees comes partly from his parents, who were Holocaust survivors. Afghans are "desperate and seeking refuge on our soil from the most hostile and inhuman circumstances possible," he added. "The moment is now for Canada to provide them with the papers they so desperately need to escape brutality and, in most cases, death. Not another second can be spared."



Afghans prepare to cross to Pakistan at a border crossing in Torkham on Sept. 15. AFP via Getty Images

Rowinda Ashrafi, who was a judge in Afghanistan before the Taliban takeover, applied in October, 2021, for resettlement in Canada. Her brother was killed by the Taliban in May. Afraid of suffering the same fate, she bought a visa on the black market, sold all her belongings and fled in July to Rawalpindi, a city outside the Pakistani capital of Islamabad.

She broke down in tears as she described her family's life there. They are living in a slum with little money and no word from Canada on their refugee application.

"We are eating one meal a day. We are living in one room with my mother and brother. The prices of food and electricity are skyrocketing. It is chaos," she said through an interpreter. "This is mental torture. I plead with Canada to get us out so we can live in peace."

Rana Rahimi, a former Afghan family court judge, said her family's two-month-old visas have expired. She and her law professor husband can barely feed their three young children.

"We can't buy them fruit. We can't buy meat. We rely on vegetables. My children have lost weight. If they get sick we cannot afford a doctor," she said. "It is an extremely desperate situation we are living right now."

While they were in Afghanistan, they had to move from safehouse to safe house, because as a judge Ms. Rahimi had sentenced men to prison for beating their wives. Now those men have been freed by the Taliban.



Former family-court judge Rana Rahimi sits with her law-professor husband and children. Handout



Halilai Safi, whose late husband was a NATO translator, is in Pakistan with five children. Handout

Halilai Safi's husband, a former NATO translator, died in an explosion at Kabul's airport as Afghanistan fell to the Taliban. Operation Abraham helped secure her and her five children Pakistani visas, but the trip from Kabul was harrowing. "We were stopped at the border by the Taliban. They searched our luggage. My heart stopped and I was scared to death, but I told them my youngest daughter had a high fever, which played to our favour," she said.

The family is now living in Rawalpindi, in cramped quarters, with expired visas. Ms. Safi is waiting for word from Canada that she will be accepted as a refugee. "I sold all my belongings to pay for the visa. Right now I live in extreme poverty. The uncle of my husband has sent me some money, but it is not enough. I have to dilute the baby formula for my youngest son," she said.

Ahmadullah Malikzada, who used to be a government prosecutor in Kabul, and his wife, Liza, a former women's-rights volunteer for the Independent Human Rights Commission of Afghanistan, arrived in Rawalpindi in early June.

Their visas have now expired. Mr. Malikzada knows what awaits him if Pakistani police arrest him and deport him back to Afghanistan. "I can't take a chance as a former prosecutor. That is certain death for someone like me," he said. "We thought it would only be two or three months and Canada would approve our application, but we hear nothing. We are running out of money. The price of food, gas and electricity is very expensive."

He doesn't have a work permit, but he tried to earn money doing 10-hour shifts at a call centre. After 20 days, his manager refused to pay him and told him to leave.



Ahmadullah Malikzada and his wife, Liza, took refuge in Pakistan with their children. Handout

Pardais Haidari, a former NATO trainer who ran a computer training facility at the Defence Academy of the Army of Afghanistan, said he was exploited by the same call centre. He and his two brothers, who are also former military officers, have been in Rawalpindi since July.

While he and his brothers hid in safe houses, the Taliban searched their homes in Kabul five times, Mr. Haidari said. They escaped to Pakistan using visas purchased on the black market. To get across the border, they disguised themselves by growing beards and wearing old clothing.

"I am desperate now. I can't find work. I am running out of money," Mr. Haidari said. "We have gone through enough. We are educated people. We will not be a burden on you. We will come to Canada and work very hard. Please help us."

Sadia, who worked on a Canadian-funded aid project that aimed to empower women and girls in Afghanistan, fled to Pakistan after learning that the Taliban had put her name on a hit list. The Globe first reported her story in June, and is using a pseudonym instead of her real name because she fears for her safety.

She said recently that she often thinks about ending her life, but continues to find reasons to live. "I'm thinking about my children. What will they do? They love me too much," she said.

While she waits to hear from IRCC, Sadia has been selling her jewelry to buy food.

"I'm requesting from the government and people of Canada to take our situation seriously," she said.

Afghanistan: More from The Globe and Mail

In August of 2021, two Afghans who worked with The Globe and Mail, Sharif Sharaf and Mukhtar Amiri, made bold last-minute escapes from the fall of Kabul with help from colleagues and the Ukrainian military. Globe correspondent Mark MacKinnon shared their story with The Decibel last fall. [Subscribe for more episodes.](#)

More coverage

[Ottawa capped immigration program for Afghans who worked with Canada since its launch](#)

[Humanitarian groups urge Ottawa to exempt their work in Afghanistan from anti-terror law](#)

[‘There’s no future for me’: Afghan girls and educators share their fears after one year of Taliban rule](#)

Commentary

[Ali Mirzad: Will Canada deliver on its moral obligation to the persecuted Hazaras of Afghanistan?](#)

[Mellissa Fung: It feels nearly impossible to remain hopeful about the effort to rescue Afghans in danger](#)

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Tab P



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Afghan Laws

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Law on Attorney General Office Saranwali - 1967 - Official Gazette No. 73, published 1967/03/06 (1345/12/15 A.P.)

LAW
ON THE
ATTORNEY GENERAL'S OFFICE (SARANWALI)
published in
Official Gazette No. 73
(No. 24 of 1345)
dated
1345/12/15 A.P. (1967/03/06)

Article 1:

For purpose of implementation of the provisions of this law, the following terms shall have the following meanings:

- 1 – *Saranwali*,^[1] the high administration for public prosecution.
- 2 – *Loyi-Saranwal*, the Public Prosecutor of Afghanistan which is the person of the Minister of Justice.
- 3 – *Marasatlal-Loai-Saranwal*, Deputy-Public Prosecutor of Afghanistan.
- 4 – *Saranpal*, Assistant Public Prosecutor of Afghanistan.
- 5 – *Tamiz-Saranwal*, Aide (*Moassessed*) Associate Public Prosecutor for the High Court.
- 6 – Central Appellate Court *Saranwal*, Associate Public Prosecutor of appellate cases for crimes relating to civil servants and public security.
- 7 – Central Primary Court *Saranwal*, Associate Public Prosecutor for crimes relating to civil servants, public security, or the central offices of the Ministries.
- 8 – Provincial Courts Appeal *Saranwal*, the Associate Public Prosecutor for the province.
- 9 – *Wolesswali*^[2] Primary Court *Saranwal*, Associate Public Prosecutor for the *Woles-walis*.

Article 2:

The *Saranwali* is organized in the Ministry of Justice under the supervision of the *Loyi-Saranwal*.

Article 3:

The *Saranwali* consists of the *Loai-Saranwal*, *Maresstial-Loai-Saranwal*, *Saranpals*, associate *Saranwals*, and a number of professional members and administrative officials.

Article 4:

Professional and administrative members of the *Saranwali* shall be assigned to every High Court, courts of appeal, and primary courts.

Article 5:

The *Saranwali* in provinces and *woles-walis* shall, like the representatives of other Ministries, discharge its duties under aegis of the respective provincial Governor and *Woleswal* in accordance with the provisions of the law.

Article 6:

Where a *Saranwali* has not been established, the *Loyi-Saranwal*, pursuant to the written agreement of the Ministry of interior, has the authority to assign the duties of *Saranwali* to the Assistant Governor, the chief of Police, or the administrative chief of the province.

Article 7:

A *Saranwal* of one court can be temporarily assigned to the duties of another court, on the proposal of the Provincial *Saranwal* and with the approval of the related governor.

Article 8:

The *Saranwal* and the police shall perform the duties of detection, investigation and the prosecution of crimes through their own professional members.

Article 9:

The *Saranwal* and the police for the performance of their duties can seek assistance of the inspectors of public health, construction, agriculture, communications and other technical officials in the government; and the said officials shall be bound to provide the necessary assistance.

Should the said officials disregard the duties assigned to them under this article, they shall be reprimanded therefor.

Article 10:

XXXX whose assistance as experts has been demanded in the course of investigation shall be duty-bound to provide the required assistance.

Article 11:

After the 22nd day of Meezan 1345 A.H., in cases brought before the supreme Court by the *Saranwali* according to the law, the *Loyi-Saranwal* of Afghanistan, or his Deputy or his assistants, shall appear at the Supreme Court to represent the *Saranwali*.

Article 12:

The police of a certain place shall commence the preliminary investigation and shall be duty-bound to dispatch officially and directly its report to the *Saranwal* of the place within 24 hours.

The police shall be bound to present the file (dossier) of the investigation to the *Saranwali* together with the arrived at results obtained.

Article 13:

The *Saranwal* shall be duty-bound to review the investigation conducted by police sources or by other judicial officials and when he finds it incomplete, to complete or conduct again the investigation or to return it to the initial source of purpose of completion.

Article 14:

When after the completion of the investigation the *Saranwal* finds that the original crime did not exist, he own can close the file and make a *nolle prosequi* of the crime. In *Saranwalis* connected to a province, the termination of a file shall be effected on the Governor's order.

Article 15:

After completion of the case, the *Saranwal* refers it to the court, and when the court considers the case complete, it shall receive the file and issue a summons for the appearance of the accused to the police offices; and the police shall be duty-bound to summon the accused to be present at the court on the determined day.

Article 16:

Government agencies and public institutions shall be duty-bound to notify the *Saranwali* of the occurrence of crimes subjects to trial (*Mohakemati*^[3]) and which are committed during the performance of duty.

Article 17:

Prosecution of crimes in the courts and representation of *Haq-ul-Allah*^[4] shall be the duty of the *Saranwal*. Nonappearances of a *Haq-ul-Abd* party or the absence of a *Haq-ul-Abd* claim shall not hinder consideration of the case from he viewpoint of *Haq-ul-Allah*.

Article 18:

With regard to the prosecution of a criminal case from the viewpoint of *Haq-ul-Allah*, the *Saranwal* bases his decision on the conviction derived of the examination of the surrounding circumstances and grounds thereof. Notwithstanding demands of the civil anti on party, he can drop cases pursuant to the law which in his view are not subject to lawful prosecution. In a provisional or *Walasweli Saranwali*, the above-stated measures shall be taken on instruction of the governor.

Article 19:

In instances of misdemeanor and felony on fear of flight or the loss of evidentiary facts, the police have the right to put a lawfully arrested person in custody for investigation for 3 days. The *Saranwal* has the said right for 7 days. These measures shall be taken with the permission of the Provincial Governor or the *Woleswal*. The person shall not be kept in custody after the lapse of seven days unless permission for detention has been issued by the court, and this permission has been obtained through the *Saranwal*.

Article 20:

The Provincial *Saranwalis* shall, when necessary, inspect each prison and jail within their jurisdiction with the permission of the Governor, and shall present their reports to the Governor and to the high administration of the *Saranwali*.

Article 21:

The *Saranwali* must notify the police for the execution of a court sentence, after it becomes final, and supervise the process of its implementation with the cooperation of the police.

Article 22:

After the enforcement of this law, the Law Regulating the Attorney General's Affairs, published in the Official Gazette dated 28 Qaus 1343 [Official Gazette No. 17, dated 1343/09/28 (1964/11/19)], and provisions of other laws repugnant to the provisions of this law, shall be annulled.

Article 23:

This law shall be in force from the date of its publication in the Official Gazette.

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1. ^[1] *Saranwali* is a Pashto term denoting "office of the public prosecutor," while the term *Saranwal* denotes the "public prosecutor".
 2. ^[2] *Wolesswali* is a Pashto term denoting the administrative subdivision of a province while *Wolesswal* denotes the administrative bond of this district.
 3. ^[3] *Mohakemati* offenses denote offenses punishable by court sentences after trial as distinguished from disciplinary measures which are imposed administratively.
 4. ^[4] *Haq-ul-Allah* literally means 'right of Allah' and refers to offenses against the public, or crimes, as distinguished from *Haq-ul-Abd*, which refers to torts or civil wrongs.
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URL: <http://www.asianlii.org/af/legis/laws/loagos1967ogn73p1967030613451215a611>

Tab Q

The Taliban 'will kill me and my family,' says abandoned Afghan interpreter - CNN

 [cnn.com/2021/08/15/asia/afghanistan-interpreters-us-visa-taliban-cmd-intl/index.html](https://www.cnn.com/2021/08/15/asia/afghanistan-interpreters-us-visa-taliban-cmd-intl/index.html)

"All night, my wife wakes up," says Haji. "She's scared. If [she hears] somebody is coming, she calls me, 'Haji, someone is coming!'"

His wife says the first thing she does is hide the children.

"Then I get up and go to the door to see what is going on. If there are Taliban, I tell them no one is at home," she says.

Haji's English has become tentative since CNN first met him 10 years ago, during an embed with the US Marine Corps in Afghanistan. But his message cuts through the telephone static loud and clear: "If [the Taliban] find me, they will kill me and they will kill my family because I was an interpreter with the US Marines."

The danger Haji and his family face grows every day as the Taliban claims more territory across the country, yet his repeated efforts to reach safety through a US visa program for interpreters keep hitting a brick wall, despite support from a half dozen US Marines.

Haji was what you might call a "combat interpreter." Stationed in Helmand province -- the heart of the insurgency -- he lived and patrolled with the Marines and Army, translating as they searched vehicles, talked to locals and interviewed suspected Taliban members.

He has been paying for his loyalty to the US ever since. He and his family have been in hiding for five years, scared for their lives -- his fear of retribution compounded with news of every province that falls into Taliban hands.

The insurgents are known to murder Afghans who helped coalition forces, and, like Haji, thousands of interpreters have become targets for the militant group.

On the run from the Taliban

When CNN interviewed Haji -- in an undisclosed location outside of Kabul -- he was in the process of submitting a third application for a visa to the United States. While some of his colleagues from the Marines returned from their deployment to medals, Haji remained in Afghanistan, hopeful that his service might qualify him for resettlement: "If I don't get the visa, I understand, definitely, I will be dead."

He had pinned his hopes on the Special Immigrant Visa (SIV) program, designed to reward Afghan interpreters. But two applications and six years later, the door to the US remains shut.

To try to understand the visa process is to step into an administrative quagmire. More than 10,000 Afghans are stuck in the SIV application process, and applicants can "reasonably expect" to wait four years for a visa, according to the US-based International Refugee Assistance Project (IRAP).

Haji has been denied twice, and he's not sure why. The first denial letter, seen by CNN, cites "derogatory information" related to his case, and the second a "lack of faithful and valuable service." Yet recommendation letters from multiple Marines and from the Army, praised his work ethic and his "intricate role in disrupting enemy operations."

One possible reason he was turned down is an employment letter from the private-sector contractor who supplied the military with interpreters, citing "job abandonment."

Haji claims his dismissal was unfair -- that the contractor terminated his employment after Taliban checkpoints left him temporarily unable to return to work. While CNN cannot independently verify this claim, another linguist who worked alongside Haji at the time, who has since resettled in the US, recalls that the roads leading to the capital were unsafe, with each trip to Kabul a roll of the dice: It was "a 50-50 chance of dying or staying alive when you traveled along those roads."

CNN asked the US Embassy in Kabul about Haji's application, but a spokesperson said they don't comment on individual cases.

The US Department of State told CNN the same thing, but added it was committed to helping Afghans who had helped US forces in the country.

"We have long said we are committed to supporting those who have helped the US military and our diplomatic personnel perform their duties, often at great personal risk to themselves and their families. We are actively working on every possible contingency to make sure that we can help those who have helped us," it said.

Haji's ordeal started in earnest around the time of his first visa application, in 2015, when the Taliban came looking for him at the family home.

"Many times, they came to my home ... they ask people, 'Hey, how can I find where Haji's living? Where's his family? When I got that information, I left that place.'"

The years since have been a life of constant movement, of being unable to work, of always being fearful.

"We spend a couple of weeks, two weeks, a month, then we change to another place. Because I am scared in my heart that they are coming, that they will find me."

His mother and brother send money for food, and he keeps his young children indoors, worried for their safety. "I have heard," says Haji's wife, "that in many places when they do not get hold of the father, then they kidnap and slaughter his sons."

Despite their young age, their children are acutely aware of the danger.

"During the day I am at home," says Haji's eldest son.

"Even if I cry to my mother, she does not allow me outside because there is danger from the Taliban." He tells us he wants to be a doctor or an engineer, but he hasn't been able to go to school in five years.

A country on the brink

Reminders of the danger the family is in are everywhere -- in messages from friends, on social media and on television news. In a statement issued in June, the Taliban said it would not harm those who worked alongside foreign forces. But this summer, one former interpreter for the US Army was reportedly beheaded by the Taliban.

CNN has spoken to many linguists who say their lives remain under threat as the insurgents launch revenge attacks following the US withdrawal from Afghanistan, which is expected to be completed by the end of August.

Under mounting public pressure to help Afghan interpreters, the US State Department recently announced a priority track for Afghans within the US refugee program. But it comes with its own challenges: Applicants and their family must leave Afghanistan and wait at least a year in a third country for their application to be processed, with no help, no protection, and no guarantee of success -- a bar set so high it could be impossible to clear for many Afghans.

Retired Lance Cpl. Jimmy Hurley, a former platoonmate of Haji, has been helping him navigate the paperwork and has launched a [crowdfunding campaign](#) in a last-ditch effort to get him and his family to a new life out of Afghanistan.

"I think he's earned it," says Hurley. "He lived with us, patrolled with us. Those guys are legitimately putting themselves in danger for the work, and I feel like they've got as much right to come over here and make a safe life for themselves as we do."

CNN tracked down half a dozen of the Marines whom Haji served alongside in Helmand, and all believe he should be rewarded for the work he did. Retired Maj. Joseph Hanson, Haji's platoon leader in 2011, says: "The risks to an interpreter are the same as to any combat Marine... Every firefight I was in with Haji, he's there, taking part in that risk."

"One that sticks out in my mind [is when] we were patrolling through a certain village ... and got caught in a near ambush. The enemy had us on both sides and one of our Marines was shot in the chest, and Haji, without a weapon, was running to the wounded Marine, running back to our radio men ... exposing himself to enemy fire to help communicate. That's special, you don't really see that. You don't see that from all Marines, let alone an interpreter, without a weapon. That's how you learn to trust someone."

When Haji enthusiastically signed up to work with American forces at the height of the US troop surge, he and his wife did not think it would put them in danger for the rest of their lives.

"I was very happy he was working with the Americans; I had a good life. Good clothes, good food and drinks," she says.

Haji didn't anticipate that the Taliban would regain control of many Afghan provinces, let alone threaten a return to power.

"The main point," he recalls, "was to try to clean my country from those bad people ... When we worked for them, we didn't think that when the US withdrew from Afghanistan it would be more dangerous for us."

Now, as the Taliban makes rapid gains across the country, Haji's wife pleads for help: "Our lives are in danger. ... If we remain here in Afghanistan, my children, my husband, we will all get eliminated."

It is a plea seconded by Maj. Hanson: "If anyone deserves US citizenship it's guys like Haji. Haji not only served his country in uniform and risked his life for us for two years, he's risked his life every day up until now and if he doesn't find sanctuary with us ... there's no doubt in my mind it's not going to be a happy end to that story for Haji or his family.

"I'm terrified for his safety. I hope we do the right thing, or someone does, because no one is more deserving."

CNN is not publishing Haji's full name, or naming his family, for security.

Tab R

UNCLASSIFIED (U)

9 FAM 502.5 (U) SPECIAL IMMIGRANTS

*(CT: VISA-1600; 08-17-2022)
(Office of Origin: CA/VO)*

9 FAM 502.5-1 (U) FOURTH PREFERENCE IMMIGRANT CLASSIFICATION - SPECIAL IMMIGRANTS - OVERVIEW

(CT: VISA-1; 11-18-2015)

(U) A Fourth Preference applicant must be the beneficiary of an approved Petition for Amerasian, Widow(er), or Special Immigrant, Form I-360, except for Certain Employees or Former Employees of the U.S. Government Abroad (see [9 FAM 502.5-3](#)). A labor certification is not required for any of the Certain Special Immigrants subgroups. Special Immigrants receive 7.1 percent of the yearly worldwide limit of employment-based immigrant visas. There are many subgroups within this category.

9 FAM 502.5-2 (U) FOURTH PREFERENCE SPECIAL IMMIGRANTS – RELIGIOUS WORKERS

9 FAM 502.5-2(A) (U) Statutory and Regulatory Authorities

9 FAM 502.5-2(A)(1) (U) Immigration and Nationality Act

(CT: VISA-95; 03-18-2016)

INA 101(a)(27)(C) (8 U.S.C. 1101(a)(27)(C); INA 203(b)(4) (8 U.S.C. 1153(b)(4)).

9 FAM 502.5-2(A)(2) (U) Code of Federal Regulations

(CT: VISA-1; 11-18-2015)

8 CFR 204.5(m)(5); 22 CFR 42.32(d)(1).





supervisor, they are confident that the information provided is correct.

- (c) **(U)** The recommendation should also contain the supervisor's and any cosigner's personal and work email addresses and phone numbers so they may be contacted if additional information is needed.
- (4) **(U) What Does "Has Experienced or is Experiencing an Ongoing Serious Threat" Mean?**
 - (a) **(U)** To qualify for an SIV in the SQ1 classification, an applicant must have experienced, or be experiencing, an ongoing serious threat as a consequence of their employment by, or on behalf of, the U.S. government or by the ISAF or its successor mission. This determination must be made by the COM, Embassy Baghdad or Embassy Kabul, as applicable, or the COM's designee (see [9 FAM 502.5-12\(B\)](#) paragraph a(1)(d) above). Applicants must submit information relative to their circumstances to demonstrate that they are experiencing an ongoing serious threat, which may include statements from their employer, personal statements, or statements from community leaders. Conditions within the country itself may be indicative of a threat environment to which current or former employees are subjected. The National Defense Authorization Act for FY 2014, signed on December 26, 2013, amended the statutory requirements for evidence of a serious threat by requiring consideration of a credible sworn statement depicting dangerous country conditions, together with official evidence of such country conditions from the U.S. government, as a factor in determinations of whether an applicant has experienced, or is experiencing, an ongoing serious threat as a consequence of employment by, or on behalf of, the U.S. government.
 - (b) **(U)** The Department has determined that Afghan SIV applicants are inherently under threat (regardless whether their employment has ended or if they have relocated). Thus, holding qualifying service in Afghanistan is enough to satisfy the ongoing serious threat requirement.
 - (c) **(U)** The COM, or the COM's designee, is responsible for making the determination of whether an applicant meets the statutory threat requirement. This determination should not be reassessed at the time of visa interview.
- (5) **(U) Are Spouses and Children Qualified?**
 - (a) **(U)** The derivative spouse and unmarried children under age 21 of the principal applicant may be included in the case and do not count against the cap of special immigrant visas (SQ1s) for that nationality each fiscal year. They may accompany the principal applicant or follow-to-join the principal.

Tab S



VOA CONNECT

The Inside Story–Flight of the Translators TRANSCRIPT

September 01, 2022 2:22 PM Kane Farabaugh Carolyn Presutti

TRANSCRIPT

The Inside Story: The Flight of the Translators

Episode 55 – September 1, 2022

KANE FARABAUGH, VOA Midwest Correspondent:

Amid the U.S. withdrawal from Afghanistan, tens of thousands of Afghans who worked alongside the military made desperate attempts to flee.

“James” Former US Interpreter:

It’s really scary because brutal Taliban, they never forget us.

KANE FARABAUGH:

For those able to leave, the difficult journey to permanent resettlement was just beginning.

U.S. President Joe Biden:

There is a home for you in the United States, if you so choose. We will stand with you, just as you stood with us.

Ismail, Former Translator:

The process is so complicated.

KANE FARABAUGH:

A year after the U.S. departure from Afghanistan, we follow the journey of several former translators for the U.S. military, and those trying to help them.

Brian Cole, Former U.S. Army Officer:

I'm hoping I can track him down and maybe serve as a sponsor for him back here in the United States if he's able to come to the United States.

KANE FARABAUGH:

Why?

Brian Cole, Former U.S. Army Officer:

Oh I loved him.... I mean...

Brigadier General Michael Greer, U.S. Army:

He saved our lives, and at least prevented some really bad things from happening during that and on other occasions as well.

Former US Special Forces Interpreter:

They saved me, I saved them because we are teammates.

KANE FARABAUGH:

The Flight of the Translators... now, on the Inside Story.

Thanks for joining us, I'm Voice of America Midwest correspondent Kane Farabaugh

During the two-decade long war in Afghanistan as many as 50,000 Afghan interpreters worked alongside U.S. forces.

Between 2008 and the summer of 2021, about 70,000 interpreters and their families moved to the United States after securing "special immigrant visas" or S-I-V's. It's estimated as many as 300 interpreters died in Afghanistan during this time while waiting for visas.

As the Taliban closed in on securing the country as the U.S. withdrew, roughly 20,000 interpreters and their families were still attempting to reach the United States.

Now, a year after the final U.S. troops left Afghanistan, we explore the difficult journey of several interpreters Voice of America had exclusive access to during and after the U.S. military withdrawal.

We begin twenty years ago, during my first visit to Afghanistan at the beginning of what would become America's longest war.

The U.S. military had been in Afghanistan just a few months when I landed at Bagram Airfield in May of 2002 on a reporting assignment for the American Forces Network.

Brian Cole, U.S. Army Officer:

I'm Major Brian Cole with the 489th Civil Affairs Battalion.

KANE FARABAUGH:

I first met Charles Brian Cole on a windswept mountain slope in rural Afghanistan, working with his Afghan interpreter "Hyadet" to deliver school supplies and food to local villagers as part of the U.S. Army's effort to win the hearts and minds of Afghans.

Brian Cole, U.S. Army Officer:

We're serving as a stop gap until the non-governmental organizations get here so they can take over our mission.

KANE FARABAUGH:

Cole's mission this day was distributing supplies at a recently re-opened school shut down by the Taliban prior to the U.S. invasion, in the remote village of Karabagh Bazaar which, we were told, had just been cleared of landmines.

Brian Cole, U.S. Army Officer:

I look at what we are doing as an extension of our foreign policy of having the people come back from Pakistan and Iran back into Afghanistan and if we want to have the people come back, we need to assist them once they get here to help them get established.

KANE FARABAUGH:

Working with local translators like Hyadet was key to Cole's efforts.

Later that same day, the duo delivered food to another remote village, all part of the U.S. military's strategy to win the "hearts and minds" of the Afghan people.

Brian Cole, U.S. Army Officer:

And what we are doing by bringing the school supplies and food now is we're serving as a stop gap until the non-governmental organizations get here so they can take over our mission.

KANE FARABAUGH:

Nearly twenty years since we met in Afghanistan, after some effort tracking him down, I learned Cole safely returned home.

We reconnected last summer at Fort Boonesborough outside Lexington, Kentucky.

Brian Cole, Kentucky Park Ranger:

I'm a state park ranger now, and I have like a phobia against trash because that's one thing they were doing... they would take MRE (meals ready to eat) boxes and put explosives in it, or just roadside trash would all of a sudden become a mine, would become an explosive.

KANE FARABAUGH:

Despite the risk, Cole felt his unit's objectives were clear.

Brian Cole, Kentucky Park Ranger:

Our mission was to help – two things – to gain support for us being there, and to put in the water wells and things like that, and to gain acceptance for the U.S. forces being there, and also the bigger picture was to gain support for the newly established Afghan government.

KANE FARABAUGH:

Cole believes the “big picture” lost focus when the U.S. invaded Iraq in 2003.

Brian Cole, Kentucky Park Ranger:

You can only have one main effort. And we tried to have two main efforts and I think we took our eye off the ball when we did that.

KANE FARABAUGH:

The war in Afghanistan took a personal toll on Cole. His daughter was just a month old when he deployed, and his absence was difficult for his family back in Kentucky.

Brian Cole, Kentucky Park Ranger:

My wife never accepted me going and we never recovered from that, and I ended up divorced.

KANE FARABAUGH:

Cole says he made sacrifices to build a better Afghanistan but that that mission was never accomplished

Brian Cole, Kentucky Park Ranger:

I think a better way to say it is the mission is over.

KANE FARABAUGH:

Cole says the legacy of the U.S. military in Afghanistan is best measured by what didn't happen.

Brian Cole, Kentucky Park Ranger:

We were able to keep similar 9/11 attacks from occurring and I think they would have had we not gone. The training camps would have flourished.

KANE FARABAUGH:

Which is why he feels the U.S. military should have stayed in Afghanistan, pointing to forces stationed in countries like Germany and Japan since World War Two as a precedent.

Brian Cole, Kentucky Park Ranger:

If you leave too soon, you're back too early.

KANE FARABAUGH:

Cole has since retired from the U.S. Army.

When we spent time together last summer, he shared he had few regrets about his service in Afghanistan.

But he was worried about the fate of his Afghan interpreter – Hyadet.

Brian Cole, Kentucky Park Ranger:

I'm hoping to find him – Hyadet – I'm hoping I can track him down and maybe serve as a sponsor for him back here in the United States if he's able to come to the United States.

KANE FARABAUGH:

Why?

Brian Cole, Kentucky Park Ranger:

Oh I loved him.... I mean...

KANE FARABAUGH:

Cole credits Hyadet with saving the lives of his fellow soldiers, and his own.

KANE FARABAUGH:

What will you do if you can get him here?

Brian Cole, Kentucky Park Ranger:

Give him a place to live.

KANE FARABAUGH:

How do you think he would appreciate that?

Brian Cole, Kentucky Park Ranger:

Oh he'd love it. We talked about that. Coming to the United States.

KANE FARABAUGH:

As I left my meeting with Cole, I decided I would try to help him locate Hyadet. The task was daunting. Without a recent known location, or even his full name and birthday, there was not a high level of confidence we would be able to locate him.

I spent several weeks communicating with staff at VOA's Afghan language services using the minimal amount of information I had to see if they could help locate Hyadet in Afghanistan.

We were unsuccessful, and the effort ended when much of VOA's staff left Afghanistan as the Taliban regained control.

Interpreters like "Hyadet" were invaluable to American troops during their nearly two decade presence in Afghanistan. As U.S. forces completed their withdrawal in August of 2021, those Afghans left behind feared for their lives.

VOA's Carolyn Presutti spoke to several interpreters as the country fell to the Taliban, engaged in a dangerous effort to survive until they could flee.

CAROLYN PRESUTTI, VOA Senior Washington Correspondent:

Haji could be here. Or he could be here. Or here. He moves from city to city for safety from the Taliban.

For 11 years he worked as an interpreter for US Special Forces... braving firefights across Afghanistan -- as he told VOA via Skype.

Former US Special Forces Interpreter:

Lugar Province and Kabul, Lot of these places, Nuristan, Kunar, Nangarhar Province.

CAROLYN PRESUTTI:

Haji, the name we use to protect his identity, has awards for his shrapnel wounds and for saving the lives of two army captains.

Former US Special Forces Interpreter:

They saved me, I saved them because we are teammates.

CAROLYN PRESUTTI:

In 2010, the Taliban kidnapped Haji's 9-year-old son because of his job and asked for ransom.

Former US Special Forces Interpreter:

They know I am working with American forces and [they said,] "they are infidel and you are infidel because you are working with them and you are providing all kinds of help to them."

CAROLYN PRESUTTI:

The Afghan police rescued his son a few weeks later in a gun battle with his kidnappers. He says they killed an older son a few months ago. Now Haji is trying to save his own life after cellphone threats from the Taliban.

Former US Special Forces Interpreter:

They tell me they know my place, they know where I am staying, they are coming after me.

CAROLYN PRESUTTI:

Haji applied for a Special Immigrant Visa—an SIV—more than three years ago. The embassy told him processing is delayed. President Biden said this about interpreters like Haji.

U.S. President Joe Biden:

There is a home for you in the United States, if you so choose. We will stand with you, just as you stood with us.

Ismail Khan, Former US Interpreter:

The process is so complicated.

CAROLYN PRESUTTI:

Ismail Khan came to the United States on an SIV seven years ago. He was an interpreter alongside Haji whom he nicknamed “GPS” when he spoke with VOA on Skype.

Ismail Khan, Former US Interpreter:

He knew where to go, what route to take, what would be the easiest, where are possible places for them to ambush us – to make sure that they [we] are alert. He tried everything to make sure that his team would survive and be successful.

CAROLYN PRESUTTI:

But Khan worries for his colleague.

Ismail Khan, Former US Interpreter:

They are after him, he is going to get killed if he doesn’t get out.

CAROLYN PRESUTTI:

Those who helped the Americans often protested in Afghanistan for safe passage out. At the time of the U.S. withdrawal... the Biden administration had approved 25-hundred special visas for Afghans who assisted the military and one thousand like Khan settled in the U.S. But as many as 25,000 still remained, including an interpreter we will call James.

CAROLYN PRESUTTI:

James has been denied the special visa because he cannot provide paperwork proof of his employment.

“James” Former US Interpreter:

It’s really scary because brutal Taliban, they never forget us.

CAROLYN PRESUTTI:

James told VOA that fears for his safety – and that of his family – keep him awake at night. And, like Haji, he fears what will happen after the complete withdrawal of U.S. troops.

KANE FARABAUGH:

Around the same time last year, U.S. Army Brigadier General Michael Greer carefully scanned news reports as U.S. forces found themselves engaged in a chaotic withdrawal culminating at the Kabul airport.

He too was concerned about the fate of the Afghan translator who worked with him during a 2004–2005 deployment, named “Hedayat.”

Brigadier General Michael Greer, U.S. Army:

We clicked almost immediately. He was a couple of years older than most of the other interpreters. He made a great first impression. He was very mature. Always on time, ready to go. Part of our mission was to go out and speak to village elders and government officials. We might be gone for 5 or 7 or 9 days at a time. Hedayet was always the one I chose to go on those missions. He had a great sense of direction. And judging distance, different locations. He had a real keen sense of situational awareness, I would say similar to street smarts but in Afghanistan.

KANE FARABAUGH:

Greer recalled one moment in particular when he believes Hedayet’s street smarts saved their lives.

Brigadier General Michael Greer, U.S. Army:

We were meeting with some village elders in an open air market, and there had been some Taliban activity in that area recently. During the meeting Hedayet grabbed me by the arm and said, “We must go now!”

KANE FARABAUGH:

Greer says Hedayet overheard conversations relaying their position to others outside the area, and feared the worst.

Brigadier General Michael Greer, U.S. Army:

He saved our lives, and at least prevented some really bad things from happening during that and on other occasions as well.

KANE FARABAUGH:

Even though Greer spent almost every day of his deployment with Hedayet, after he departed Afghanistan in 2005, they lost touch. Internet access at that time in Afghanistan wasn't reliable, and Greer had difficulty tracking him down.

Brigadier General Michael Greer, U.S. Army:

At that time I unsuccessfully tried to find contact information for Hedayet, and I wasn't able to find anything.

KANE FARABAUGH:

But a connection with another former Afghan translator on social media who Greer helped resettle in the United States surprisingly had Hedayet's contact information, and shared it with Greer in 2020.

Brigadier General Michael Greer, U.S. Army:

So I reached out to Hedayet, five minutes after I got that contact information. He told me he was in Kabul, that he was trying to get a visa.

KANE FARABAUGH:

Greer and Hedayet stayed connected as he gathered documentation needed for a visa. As the situation in Afghanistan deteriorated amid the withdrawal of U.S. forces, Greer's concern for Hedayet's safety grew.

Brigadier General Michael Greer, U.S. Army:

One evening I saw a news report that the Taliban were going to stop allowing people come to the airport. So I texted Hedayet, and told him to go to the airport immediately, to take the letters that he had and show the letters to an American. He didn't respond to that text.

KANE FARABAUGH:

That's because Hedayat - who's full name is Hedayatulloh Hesari - and his family of 6 were desperately trying to enter the Kabul Airport. He decided the best way to get inside the security perimeter was to offer assistance to the U.S. Marines keeping the crowds at bay.

Hedayatulloh Hesari, Former Translator:

I asked one of the U.S. soldiers, and I told him - you need help? He asked can you speak English, I told him I was an interpreter and I used to work with the U.S. Army for 9 years.

KANE FARABAUGH:

Amid the crush of thousands of Afghans trying to get into the airport, the Marines accepted Hesari's help.

Hedayatulloh Hesari, Former Translator:

I did the interpretation for 5 hours. Finally, I asked one of the captains, he was the leader of those soldiers, I told him I used to work with the U.S. Army please help me.

KANE FARABAUGH:

As Hesari stood in a ditch among the throng for nearly six hours translating, his own pleas were no different than most trying to enter the airport at that time. But the former Afghan translator had connections.

Brigadier General Michael Greer, U.S. Army:

I think you have to put it in perspective, the six hours he was standing in a ditch it wasn't a ditch, it was a sewage canal.

KANE FARABAUGH:

Just inches away from safety behind the airport fence and in a final, desperate attempt, Hesari placed a phone call to Greer.

Brigadier General Michael Greer, U.S. Army:

I woke up to the phone ringing, and the Caller ID was an Afghan number. I could hear crowd noise, I could hear background static, and then the call dropped. And then almost immediately, the phone rang again, and it was Hedayet, in that broken English, he said – I'm at the gate.

KANE FARABAUGH:

Hesari gave the phone to a nearby U.S. Marine.

Brigadier General Michael Greer, U.S. Army:

I identified myself and told the Marine that Hedayet had a letter from me and that he was who he said he was. The Marine said, I got it... then the call ended.

KANE FARABAUGH:

It took two more days before Hesari texted Greer to confirm they were safely inside the airport, but it soon became clear their path to the United States was just beginning.

Hesari and his family were among an estimated 116-thousand Afghans fleeing the country last August as the Taliban gained control. Another was "Najeeb" – one of the interpreters profiled by VOA's Carolyn Presutti.

CAROLYN PRESUTTI:

When VOA first spoke to Najeeb last July, he was targeted for death by the Taliban because he was an interpreter for U.S. Special Forces. We did not reveal his face or real name.

Najeebullah, Interpreter Who Escaped Afghanistan:

They tell me they know my place, where I am staying and they are coming after me.

CAROLYN PRESUTTI:

Outside the Kabul airport, Najeeb's toddler was knocked unconscious in the chaos as they tried to escape.

The family of seven was left behind as the final American planes left Afghanistan. So, they returned to their home in Jalalabad.

Najeebullah, Interpreter Who Escaped Afghanistan:

At that time, I was completely hopeless.

CAROLYN PRESUTTI:

Without the government's help, Najeeb's former officers stepped in with personal money, as did the nonprofit No One Left Behind. But as a wanted man, Najeeb had to find a way to get his family past 12 checkpoints to return to the capital.

Najeebullah, Interpreter Who Escaped Afghanistan:

They are looking for me, they don't know my family. So I'd get out of the car and go around the checkpoints — 30 minutes to 45 minute walk.

CAROLYN PRESUTTI:

The family flew out of Afghanistan and waited in Pakistan for their Special Immigrant Visas. Then last month, finally touching down on U.S. soil, they were greeted by Americans and American money.

Najeebullah, Interpreter Who Escaped Afghanistan:

It looked like a dream but when I get to the states and see my friends here, now I believe I made it.

CAROLYN PRESUTTI:

Najeeb, an electrical engineer by trade, has found work at a friend's house. He plans to return to school for a certification. He's not the only one headed to school.

Najeebullah, Interpreter Who Escaped Afghanistan:

Her name is Sahar she's three, three and a half years old. This one's name is Anbubika he's six years old, my other son...

CAROLYN PRESUTTI:

His five children have missed a few years of school. Because of COVID, then because of the Taliban's restrictions on girls. But here...

Najeebullah, Interpreter Who Escaped Afghanistan:

They can do anything they want, anywhere they want to go. They will be free forever.

CAROLYN PRESUTTI:

Najeebullah can't believe what he sees in the Seattle sky. His first snow. He calls his home to tell his children to look outside.

It's one of many firsts for a man who thought he'd be dead by now.

And Najeeb is now free to go anywhere, too, even as he looks over his shoulder. It's another first – his first drive with a U.S. license ... steering his life freely, without death threats.

KANE FARABAUGH:

Once Hedayatullah Hesari and his family successfully sought refuge at the Kabul airport, it was just the beginning of a long process that would send them around the world.

Over the next several months, the Hesari family flew to Germany with only the clothes on their backs and the small amount of personal items they could bring. They processed through Ramstein Air Base, and finally reached the United States at a temporary resettlement site at Fort Dix, New Jersey.

That is where they waited, as Hesari's application for a Special Immigrant Visa, or S-I-V, wound its way through the U.S. State Department, only to be rejected.

That's when attorney John Bellinger picked up their case.

John Bellinger, Arnold and Porter Law Firm:

I've been working on Afghan issues for more than 20 years. I was in the White House on the day of 9/11 as the general counsel to the National Security Council, and spent much of the next 8 years when I was at the White House and State Department working on various Afghan issues for the U.S. Government. So when the U.S. decided to leave Afghanistan last year, resulting in the flood of refugees, I was very anxious to help out.

KANE FARABAUGH:

Bellinger became aware of Hesari's visa issues through contact with Army Brigadier General Michael Greer.

John Bellinger, Arnold and Porter Law Firm:

A general in the U.S. Army who I did not know reached out to me to ask if I could assist Mr. Hesari if I could work on the appeal of the denial of his visa. And I was happy to help because our firm has a very active pro bono practice.

KANE FARABAUGH:

Bellinger explained the reason for denying Hesari's visa was the lack of proof he actually worked as an interpreter for the U.S. military.

John Bellinger, Arnold and Porter Law Firm:

What the U.S. government was apparently lacking was more documentary evidence that he had served as an interpreter for the U.S. government for the necessary period of time and of course it's very difficult for somebody like Mr. Hesari to collect all the records, to contact witnesses, but that's the sort of thing we as lawyers are able to help with.

KANE FARABAUGH:

While Greer had maintained contact with Hesari, retired U.S. Army Major Charles Brian Cole was in Kentucky, still unable to trace his long lost Afghan interpreter, Hyadet.

Charles Brian Cole, Kentucky Park Ranger:

After I saw the collapse of the Afghan government, and the takeover by the Taliban and things like that I really worried about him and his family because we were high profile, and I'm sure that he worked in other capacities in other high profile positions and his working with us probably wasn't viewed favorably by the Taliban, and then I saw the chaos at the airport and the video of all the chaos of all the people trying to get through, and I really didn't think so. It was one of these things where I hoped for the best but expected the worst.

KANE FARABAUGH:

Then, in December, Cole received a phone call, thanks to a small but important gesture he made with Hyadet in the last moments they were together in Afghanistan almost two decades earlier.

Charles Bryan Cole, Kentucky Park Ranger:

When I left Hyadet I left him a letter of introduction, and he produced that letter to show that he had worked with us, so this immigration attorney from Washington D.C. contacted me.

KANE FARABAUGH:

That attorney was working with Bellinger and his firm to make contact with a number of potential contacts who could help with Greer's interpreter – Hesari's case.

John Bellinger, Arnold and Porter Law Firm:

This associate of mine tracked them all down online through LinkedIn and Google. My associates worked extremely hard to try to find these names.

KANE FARABAUGH:

That's when it became clear that the man Cole affectionately referred to as "Hyadet" which Greer knew as "Hedayet" was actually the same person – Hedayutullah Hesari, who worked for both officers at different times in Afghanistan.

Cole explained to the attorneys trying to help Hesari not only could he personally vouch for him and the work he did for the U.S. military, he had video proof.

Hesari and Cole are seen working together in this original footage I gathered in 2002 during my first coverage assignment to Afghanistan for the American Forces Network.

Charles Bryan Cole, Kentucky Park Ranger:

We had video footage – there he was – working with me. He's literally my right hand man. The footage of that video actually showed him in the classroom, serving as an interpreter for me, passing out relief supplies, which we couldn't do without him.

John Bellinger, Arnold and Porter Law Firm:

Certainly if there were videos that were done at the time, perhaps that could be helpful as well. This is certainly a well-documented story.

KANE FARABAUGH:

Bellinger says the outpouring of support by those Hesari worked with is boosting their efforts to finally secure his Special Immigrant Visa.

John Bellinger, Arnold and Porter Law Firm:

When we reached out to all of the people who he had helped, they all jumped to try to help him.

KANE FARABAUGH:

While Hesari's application continues to wind its way through the appeal process, he and his family have settled near relatives in Clearwater, Florida.

Charles Bryan Cole, Retired U.S. Army Veteran:

I feel kind of anxious to see him and see how things are going, but it feels like it's come full circle to when I first met him there at Bagram airfield.

Hey Hyadet, yeah I'm in your parking lot... I'm trying to figure out which is your building ...

Hedayatulloh Hesari, Former Translator:

Yeah... yeah... I'm behind you...

Charles Bryan Cole, Retired U.S. Army Veteran:

Oh man... hey!

KANE FARABAUGH:

After being separated for nearly twenty years, and after months of agonizing uncertainty, Cole made the eleven hour drive from Kentucky to Florida for a long overdue reunion.

Charles Bryan Cole, Retired U.S. Army Veteran:

Oh man... it's great to see you. Good to see you. Boy it's sure been a struggle.

Hedayatulloh Hesari, Former Translator:

Yeah, long time.

Bryan Cole, Retired U.S. Army Veteran:

When we worked together in Afghanistan in 2002, his son was the same age – about six months old as my daughter was when I was there, so it's kind of neat to see him now as a 20 year old grown man.

Hedayatulloh Hesari, Former Translator:

First time we came here, we are thinking about our future. But the people here and the agency help us.

KANE FARABAUGH:

As he and his family adjust to life in United States, Hesari is concerned for those left behind living under Taliban rule.

Hedayatulloh Hesari, Former Translator:

Most of the people they lost their work, their job, and everything. The people's poor right now. They have no salary, no food, nothing.

KANE FARABAUGH:

While Hesari's flight from Afghanistan to the United States has been difficult and uncertain, today he is settling into a new apartment and a new job, thankful for the opportunities made possible by the assistance of those he once served and protected, like Greer and Cole.

Hedayatulloh Hesari, Former Translator:

It's after twenty years, we meet here, and I am very happy... it's a long time. He's my best friend.

Bryan Cole, Retired U.S. Army Veteran:

Of everybody I met in life, I think he's more honorable than anybody I've ever met or worked with.

KANE FARABAUGH:

Thanks for joining us for this special edition of "Inside Story" I'm Kane Farabaugh.

Connect with us on Instagram and Facebook @VOANews.

And stay up to date online at VOANews.com.

See you next week for The Inside Story.



Kane Farabaugh

Kane Farabaugh is the Midwest Correspondent for Voice of America, where since 2008 he has established Voice of America's presence in the heartland of America.

Tab T

Afghanistan: UK embassy staff allege Taliban beatings and torture

 [bbc.com/news/uk-61813259](https://www.bbc.com/news/uk-61813259)

By Sima Kotecha



By Sima Kotecha

UK Editor, BBC Newsnight

Published

🕒 16 June

Image caption,

An unnamed worker says he was beaten by the Taliban for working at the embassy

More than 100 men who worked at the British embassy in Afghanistan remain in the country, with some telling the BBC they have been beaten and tortured.

The men worked for the global security company, GardaWorld, and many had been in post for more than a decade.

Several shared photos of injuries they say were caused by the Taliban.

The UK government says it has evacuated more than 15,000 people since last year and is working to bring more to the UK.

A spreadsheet listing the names of more than 150 men who worked at the embassy and still live in the country has been seen and verified by BBC Two's Newsnight.

One man, who cannot be named to protect his identity, said he was recently beaten by the Taliban because of his previous job as a guard at the embassy.

"I was sitting outside when gunmen approached me, one of [them] attacked me," he said.

"They said you were working for the British embassy. They started beating me and they threw me on the ground. They attacked me again and again."

Another former guard said a militant hit him over the head with the butt of a rifle. He says he was only released after the Taliban was convinced he no longer worked for the British.

This week, the UK government said the men would be able to apply to come to the UK from 20 June as part of its Afghan citizens resettlement scheme (ACRS), which is primarily targeted at those who assisted the UK efforts in Afghanistan.

It was officially launched in January but application requests can only be submitted from next week. Critics say that is too little, too late.

A separate government scheme, the Afghan Relocations and Assistance Policy (ARAP), aimed to relocate those who were employed directly by the British government, including interpreters who helped British forces.

One Afghan who came to the UK earlier this year under ARAP said many of his former colleagues from the embassy were being threatened on a daily basis. He is not being named to protect his family who remain in Afghanistan.

"I feel like the British have been disloyal," he said. "They made a promise - these men worked hard for them and now their lives are at risk."

"I can't sleep or eat without thinking of what they're going through. They message me constantly asking for help."

- [How many Afghan refugees has the UK resettled?](#)
- [Father fears for safety of family in Afghanistan](#)
- [Terrified Afghan teachers still hiding from Taliban](#)
- ['The more we wait, the more in danger we are'](#)

This week armed forces minister James Heappey told the Commons 9,500 Afghans have already been successfully relocated to the UK under the ARAP scheme.

But he said thousands more still remained in Afghanistan. "We think we've got about the same to go in terms of the number of people who are eligible," he said.

Image source, Getty Images

Image caption,

The British Embassy in Kabul has suspended operations there since the Taliban takeover

The human rights charity, Azadi, works to support and evacuate targeted Afghans. Sarah Magill, the charity's director, said there had been no explanation why it had taken so long to begin the next process.

"Through their inaction the government has caused incalculable trauma," she said. "It is a deeply inhumane way to treat a body of staff entrusted to keep British ministers and civil servants safe."

The government has faced fierce criticism of its handling of the evacuation in Afghanistan last summer, with one group of MPs saying there had been a "total absence of a plan for evacuating Afghans who supported the UK mission".

At the height of the Taliban takeover the government issued a statement, saying: "We will help all those Afghan security guards contracted through GardaWorld to protect the embassy.

"They will be granted the right to enter the UK and we are now working through the challenging logistics of getting them out of Kabul."

A UK government spokesperson said: "Our staff worked tirelessly to evacuate over 15,000 people to safety from Afghanistan within a fortnight in the biggest and fastest emergency in recent history. We are still working hard to assist the people of Afghanistan, having already helped over 4,600 individuals to leave the country since the end of the military evacuation.

"We have opened the Afghanistan Citizen Resettlement Scheme, one of the most ambitious resettlement programmes in the world and the first bespoke scheme in Europe to begin resettling evacuees and individuals."

GardaWorld added: "Since the closure of the British Embassy in Kabul, we have been working tirelessly with the UK government to ensure the maximum take-up for our Afghan staff on the UK resettlement schemes."

Tab U

4 in 5 Afghans Who Worked for the US Have Faced Taliban Threats, Poll Finds

D defenseone.com/policy/2022/08/4-5-afghans-who-worked-us-have-faced-taliban-threats-poll-finds/375782/

By [Jacqueline Feldscher](#)

Senior National Security Correspondent, Defense One

August 12, 2022

- [Afghanistan](#)
- [State Department](#)
- [Civilians](#)

More than a quarter of translators who helped the United States military in Afghanistan say they or their family members have faced direct threats from the Taliban within the past month, according to polling data shared with *Defense One*.

More than 74,000 applicants who worked with the U.S. military or government are in the special immigrant visa pipeline nearly a year after the United States withdrew from Afghanistan, the State Department announced last month. Soren Duggan, the assistant director of advocacy for No One Left Behind, said each Afghan who worked with the U.S. military applies with four-and-a-half family members on average. That means the total number of Afghans who have applied to come to America could be upwards of 300,000 people.

Those people are facing a “grim” security situation, Duggan said. No One Left Behind recently polled 6,500 special immigrant visa applicants who are still outside the United States on what dangers they are facing because of their support of the United States. Just 6.5 percent of respondents in Afghanistan said they are living “securely and safe from harm.” Nearly 64 percent said they are not living safely, and nearly 30 percent they are only safe sometimes.

Applicants and their families are also facing regular direct threats from the Taliban. Nearly 10 percent say they have been directly threatened in the past week, and 26.1 percent have faced threats in the past month. Only about 14 percent say they have never been directly threatened by the Taliban.

Matthew Zeller, senior advisor at Iraq and Afghanistan Veterans of America, is also hearing reports of violence first-hand. On Sunday, an applicant texted Zeller to let him know that the Taliban had killed an interpreter he served with.

“This is happening in real time, it’s not an abstract. It’s actual human beings I’m in contact with who are reporting friends and relatives being killed...or they stop writing back and I find out they themselves have been killed,” Zeller said.

Related articles

[Afghan Evacuees Lack a Clear Path for Resettlement in the U.S., 7 Months after Taliban Takeover](#)

[Defense Firms Should Hire Ukrainian, Afghan Refugees, Navy’s Top Admiral Urges](#)

The Special Immigrant Visa program for Afghanistan, which was authorized by the [Afghan Allies Protection Act of 2009](#), enables Afghans who worked with American troops as translators to bring their families to the United States, allowing them to escape threats from the Taliban because of their support of America.

Of the 74,000 principal applicants in the pipeline, more than 16,000 have submitted all the documents required for [chief of mission approval](#), including a verification of employment, letter of recommendation, scanned copies of employment badges, proof of Afghan citizenship, and other required forms, the State Department spokesperson said. For the remaining applicants, the ball is in their court to submit the required documents to continue the application process, the spokesperson added.

Lawmakers and advocates are looking to make the program permanent, to ensure locals who help American troops in future wars are also able to come to safety in the United States. Sen. Jeanne Shaheen, D-N.H., a senior member of both the Senate Armed Services Committee and Senate Foreign Relations Committee, said she’s working on security bipartisan support for legislation to permanently solidify the program.

“When it first started, it was viewed as temporary, but this needs to be a permanent program,” she said, but added, “whether we’ll have text we can get agreement on before the election in November is not clear.”

Shaheen is also urging lawmakers to look at expanding who is eligible for the program, which is currently only open to Afghans and their families who worked for the U.S. government, served as translators for American troops, or performed “sensitive and trusted activities” for American troops, [according to](#) the State Department.

“In an effort to try and avoid the opposition from those people who didn’t support the program, it was narrowed fairly significantly. We need to take a broader look now,” Shaheen said. “If someone was working for an NGO with the United States or working for the military, they have been targeted by the Taliban.”

Congress is also already working on another proposal to help Afghans who served with the military, but it's only for helping those who have already resettled in America. When Afghans came to America, they did so under humanitarian parole, which allows them to legally stay in the country for two years. The Afghan Adjustment Act, which was introduced this week, would provide SIV applicants in the United States with the same path to permanent residency that is provided to refugees.

Some argue that the lengthy SIV application process, which takes 587 days on average, is not good enough when people are actively facing threats. Zeller called for the administration to implement a program similar to Uniting for Ukraine, which allows Ukrainians escaping the war and deteriorating humanitarian conditions to come to the United States for up to two years as long as they have a financial sponsor in America.

"At this point, the SIV program is not going to get the vast majority of Afghans left behind out," Zeller said. "They're either going to die of forthcoming famine this winter, or it's only a matter of time before the Taliban hunt them down and kill them all....I fear we have two to three years before the vast majority of these people are dead."

The State Department tweaked the application process on July 20 to try to speed up the process. Rather than having to file paperwork with both the State Department and U.S. Citizenship and Immigration Services, applicants will only need to work with the State Department. Officials predicted the change would reduce the processing timeline by about a month, but Duggan said it's too soon to tell if it's made a difference.

A State Department spokesperson also highlighted other efforts to speed up the process, including increasing by more than 15-fold the number of staff to process applications, and restarting an interview process that stopped because of COVID.

"As a result of these efforts, since the start of the Biden administration through July 31, 2022, we have issued more than 15,000 SIVs to principal applicants and their eligible family members," the spokesperson said.

Even with the cut to bureaucracy, Afghans are still facing significant difficulties moving through the application process. Applicants must complete an interview at a U.S. embassy prior to being approved, but with the embassy in Kabul closed, Afghans must travel to Pakistan for this critical step, Duggan said. This can create financial and safety problems. Only 4 percent of applicants said they felt safe traveling between provinces in Afghanistan, according to the No One Left Behind poll. And just over 5 percent of applicants said they are earning enough money to support their family.

About 1 in 5 applicants also said they have spent between \$5,000 and \$10,000 on their application process, including security expenses.

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Tab V

Pashtun



Views 1,813,238

Updated

Pashtun

PRONUNCIATION: PASH-toon**ALTERNATE NAMES:** Pushtun, Pakhtun, Pashtoon, Pathan, Afghan**LOCATION:** Southeastern Afghanistan; northwestern Pakistan**LANGUAGE:** Pashtu Population: approximately 35 million**RELIGION:** Islam (Sunni Muslim)

INTRODUCTION

Pashtun (also spelled Pushtun, Pakhtun, Pashtoon) are Pakhtu- or Pashto-speaking people inhabiting southeastern Afghanistan and the northwestern province of Pakistan. Outsiders often referred to them as Pathan or Afghan. Pashtun (Afghan) constitute one of the largest ethnic groups in Afghanistan and the term *Afghan* until recently referred exclusively to the Pashtun peoples before it came to denote all citizens of Afghanistan.

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Pashtun are traditionally pastoral nomads with a strong tribal organization. Each tribe, consisting of kinsmen who trace descent in male bloodlines from a common tribal ancestor, is divided into clans, subclans, and patriarchal families. Tribal genealogies establish rights of succession and inheritance, the right to use tribal lands, and the right to speak in tribal council. Disputes over property, women, and personal injury often result in blood feuds between families and whole clans; these may be inherited unless settled by the intervention of clan chiefs or by tribal council.

LOCATION AND HOMELAND

Pashtun have lived for centuries in the corridors between Khurasan and the Indian subcontinent, at the crossroads of several historically great civilizations. Their mountain homes have been overcome by conquering armies repeatedly, and have been subjected to the rule of great empires including the empire of [Alexander the Great \(/people/history/ancient-history-greece-biographies/alexander-great\)](#) and the Persian Empire. However, the Pashtun's story has never been put in perspective. There is no true written history of the Pashtun in their own land. Pashtun traditions assert that they are descended from Afghana, grandson of King Saul of Israel, although most scholars believe it more likely that they arose from an intermingling of ancient Aryans from the north or west with subsequent invaders.

The Pashtun are divided into about 60 tribes of varying size and importance, each of which occupies a particular territory. In Afghanistan, where Pashtun are the predominant ethnic group, the main tribes are the Durrani or Abdali south of Kabul and the Ghilzay east of Kabul.

In Pakistan, the Pashtun predominate north of Quetta between the Sulaiman Ranges and the Indus River. The areas of Pakistan in which Pashtuns are prevalent include the Northwest Frontier Province and the Federally Administered Tribal Areas, or FATA. In the hill areas, the main tribes are, from south to north: the Kakar, Sherani, and Ustarana south of the Gomal River; the Mahsud, Darwsh Khel, Waziri, and Batani, between the Gomal River and Thal; the Turi, Bangash, Orakzay, Afridi, and Shinwari from Thal to the [Khyber Pass \(/places/asia/south-asia-physical-geography/khyber-pass\)](#); and the Mahmand, Uthman Khel, Tarklani, and Yousufzay north and northeast of the Khyber. The settled areas include lowland tribes subject to direct administration by the provincial government. The main tribes there are, from south to

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LANGUAGE

Pashtu is language of Pashtun. It belongs to the North-Eastern group within the Iranian branch of Indo-European. It is the language of the major ethnic group of east and south Afghanistan adjacent to Pakistan. Pashtun make up 40 to 60% of the population of Afghanistan, but reliable census figures are not available. Pashtu is one of the two official languages of Afghanistan. It is the language of 12 million Pashtun in Pakistan also, the majority of whom live in the North West Frontier Province and the rest in Baluchistan Province.

Two cities in the Pashtu area are important centers of Pashtu language: Kandahar in Afghanistan and Peshawar in Pakistan. In literary works, the trend is to avoid the dialectal differences and use the form of Pashtu used in the urban centers.

Pashtu has always been written in the Perso-Arabic script, with the addition of consonant phonemes of Pashtu. The name of the language, *Pashtu*, denotes the strong code of customs, morals, and manners of the Pashtun, which is also called *Pashtunwali*. There is a saying: "A Pashtun is not he who speaks Pashtu, but he who has Pashtu." Hospitality (*Milmastia*) is important to Pashtun, as is a reliance on the tribal council (*jirga*) for the resolution of disputes and local decision making. Other Pashtu codes include: courageousness (*Tureh*, which is also the word for sword in Pashtu); the spirit of taking revenge (*Badal*); protection of honor (*Ghayrat*); and *nanawati*, a method of terminating hostility, hatred, and enmity (i.e., when a person, family, or tribe goes to the hostile people through elderly people, they will accept their apology and the feeling of hatred and enmity are dissolved). Important elements of Pashtunwali code are personal authority and freedom. Political leadership is based on personalities rather than structures and ideologies.

It is perhaps the power and leadership of individuals that divides the Pashtun not only into tribes but also into numerous sub-tribes, each isolated within its own boundaries. Interference in each other's affairs has caused conflicts among the different sub-tribes throughout history. Yet any external interference—Russian, British, American, etc.—has resulted in immediate unity of Pashtun tribes.

FOLKLORE

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Many traditional stories, thoughts, and beliefs exist among the Pashtun. The numerous clans and families that comprise the Pashtun population have specific characteristics. Famous stories, such as "Adamkhan and Durkhani," are common, and many Persian stories are also used by the Pashtun. Pashtun have characteristic folksongs, marriages, and funerals. Certain quatrains, known as *matal*, are very popular. Chorus singing also exists among the Pashtun.

RELIGION

Pashtun tribes are Sunni Muslims, except for a few tribes or parts of tribes on the eastern border near Waziristan. In this region, the Turi tribe is Shia Muslim, as is the Muammad Khel branch of Orakzai. Islam was introduced to the Pashtun in the 8th century, but the rule of Islam within Pashtun traditional culture is different from other Islamic groups, as it is tempered by the influence of the *Pashtunwali* code of conduct. Pashtun believe they are more Pashtun than Muslim. Sufism, particularly of the *Naqshbandi* order, maintains an influence among some Pashtun groups.

MAJOR HOLIDAYS

As all Pashtun are Muslims, they celebrate the two major festivals of the Islamic lunar calendar year. The first of these is *Eid al-Fitr*, which is celebrated for three days after the month of Ramadan (the fasting month)—i.e., the first three days of Shawwal, the 10th month of Islamic calendar. They also celebrate *Eid al-Aa*, which is on the 10th of Dhu-l-ijja (the 12th month of the Islamic calendar). In addition, they observe the 10th of Muarram, which is the first month of the Islamic calendar, in commemoration of the martyrdom of the grandson of the prophet. Pashtuns also celebrate the traditional Persian new year, *Novruz*, a holiday that continues to be observed throughout most of the Persian/Turkic world every March.

rites of passage

Each child of a Muslim family is a Muslim by birth; therefore, all Pashtun are Muslims by birth. After a baby's birth, Pashtun whisper the call for prayer in the baby's ear. The male circumcision ceremony used to be held when a boy was seven years old, but now it is held at the age of about one week and is merged with the birth celebration.

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Male and female children are taught the prayers at an early age by parents or grandparents. In addition to the profession of faith and the rituals of prayers, preschool children are taught about the other obligations of Islam: charity, fasting, and pilgrimage. Prayers and fasting officially start with sexual maturity, but in practice they begin much earlier.

INTERPERSONAL RELATIONS

Both tribal society and Islam prescribe the conduct of man to his human environment in so much detail that there is little room for individual variation. Pashtun society is largely communal and attaches tremendous importance to the unwritten tribal code, which defines the way tribesmen should behave lest they endanger the cohesion and therefore the very life of the tribe. So completely is this code transmitted to each child born into the tribe that it becomes an ineradicable structural part of his personality, and to depart from it is almost unthinkable.

Pashtunwali (the customs and ethics of the Pashtun), *Tureh* (courageousness), *Nanawati* (method of terminating hostility, hatred, and enmity), *Badal* (the spirit of taking revenge), *Milmastiya* (hospitality), *Jirgeh* (council of elderly men to decide disputes), liberty, and freedom are some of the characteristics of their interpersonal relationships.

LIVING CONDITIONS

Pashtun belong to different clans and families with varying relationships to each other and differing social statuses. Pashtun migrated to different places during the 18th century due to their increasing population and lack of food, water, and grazing land for their animals. Many Pashtun of Afghanistan are not big landowners but make a living in agricultural fields despite having low incomes. Many groups of Pashtun along the border between Afghanistan and Pakistan live nomadic lifestyles.

Many Pashtuns suffer from a low [standard of living](https://www.encyclopedia.com/social-sciences-and-law/economics-business-and-labor/economics-terms-and-concepts/standard-living) [\(/social-sciences-and-law/economics-business-and-labor/economics-terms-and-concepts/standard-living\)](https://www.encyclopedia.com/social-sciences-and-law/economics-business-and-labor/economics-terms-and-concepts/standard-living), particularly due to the many years of conflict suffered by Afghanistan, beginning with the Soviet invasion in 1979. Many Pashtuns became refugees during these years of conflict and left for neighboring countries, particularly Pakistan where they were accepted by their co-ethnics. Since the removal of the Taliban from power in 2001, many of these Pashtun refugees are encouraged

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FAMILY LIFE

The Pashtun family is an extended family. The household normally consists of the patriarch and his wife, his unmarried children, and his married sons and their wives and children. It is a patrilineal system in that descent is through the paternal side, and family loyalty is to the paternal line. A married woman must transfer complete allegiance to her husband's family. Married sons live in their father's household rather than establishing homes of their own. The eldest male possesses complete authority over the extended family. The preference for marriages is within the extended family or with other close relatives.

Economically, the Pashtun family is a single unit. Wealthy family members contribute to the support of those who are poorer, and the family maintains an appearance of well-being. Old people depend on their children for care and support, and the whole family shares the expense of a child away at school.

Obedience and respect for elders are the main points of an Pashtun child's upbringing. Almost everything an individual does is a matter of concern to the family, for in Pashtun society the family is judged by the behavior of its individual members.

CLOTHING

Traditional Pashtun dress is a somber-colored, loose-fitting shirt worn to the knees (*qmis*) and full trousers tied at the waist with a string (*shalwar*). Over the shirt there is usually a vest, and for footwear there are thick leather shoes (*chaplay*). Most Pashtun farmers and almost all adult males in tribal areas wear turbans (*pagray*), long lengths of cotton cloth wound around the head and fastened so that one end dangles. They also usually wear a wide, long piece of cloth called a *chadar* on their shoulders.

Country women wear baggy black or colored trousers, a long shirt belted with a sash, and a length of cotton over the head. City women wear the same type of trousers and long shirt (*qmis*) and cotton over the head. They also usually wear a veil, a loose garment that covers a woman from the head to below the knees (*burqa*). Women wear colored clothes printed with flowers and other designs. For footwear, they use sandals, shoes, or embroidered slippers.

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Religious prohibitions prevent Pashtun from eating pork and drinking alcoholic beverages. Staples in their diet include bread, rice, vegetables, milk products, meat, eggs, fruits, and tea. A favorite dish is *pulaw*, a rice and meat dish flavored with coriander, cinnamon, and cardamom.

EDUCATION

Traditionally, education took place in religious institutes and mosque schools (*madrassa* or *maktab*). In addition to these institutions, free secular education was available in most villages, at least prior to 2001. In Afghanistan, the entire educational system was disrupted due to Russian invasion in 1978, and since the pullout in 1989 to 1992, due to the civil war. During the period of Taliban control (1996-2001), education was again restricted to religious institutions, and girls were not allowed to attend school. Since the Taliban were removed from power, many schools have been rebuilt, and many girls have returned to school. However, schools that allow girls are often targeted by the Taliban insurgency. These problems tend to affect Pashtuns greatly, as they make up the majority of the population in those areas most threatened by the insurgency.

In the North West Frontier Province of Pakistan and Baluchistan there are boys and girls schools in almost in every village and government colleges for boys and girls in every town. (These are affiliated with various universities.)

In 2007, half of Afghan children were thought to attend school. Of those who attended, 35% were girls. Eleven million Afghans were thought to be illiterate.

Higher education and universities were available in Afghanistan but were greatly disrupted due to the many years of conflict and by the strict laws of the Taliban. Since 2001 some universities have again begun to operate, such as Kabul State University.

CULTURAL HERITAGE

Pashtun social groups are well-organized. In increasing size, they are: Qabila, Taifa, and Khail. The males are the dominant members of a household. For example, if a husband dies, the widow is required to marry someone within her husband's family, even if the only person

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community. The *jirga* is the community assembly that is used to solve disputes and problems. The *shura* is an Islamic council that is also relied upon by Pashtun in Afghanistan for organization. Respect for the elderly is very important to the Pashtun.

WORK

Pashtun work at a variety of occupations in agriculture, business, and trade. Women and children also play a role in agricultural work. Generally, the Pashtun of Afghanistan do not have very high living standards. The working conditions of Pashtun in Afghanistan and Pakistan differ, being generally better in Pakistan.

Naiza bazi, a game involving riding horses and throwing spears, is a sport enjoyed among the Pashtun. Some Pashtun also have rock-throwing competitions. *Atan* is a famous group folkdance of the Pashtun. Pashtun have also adopted some of the sports of Northern Persian speaking Afghan nationals such as *buzkashi*, a form of polo played with a sheep or goat carcass.

ENTERTAINMENT AND RECREATION

Social get-togethers are the major form of entertainment. The *Eids*, religious holidays occurring twice a year, are also times of celebration and entertainment. Certain card games are played amongst Pashtun as well. Kite flying and pigeon flying were popular among Afghans of many backgrounds including Pashtun. Banned under the Taliban, since 2001 these recreation forms have been revived. One novelistic account of two Afghan boys and their love of kite-flying is Khaled Hosseini's *The Kite Runner* (2003) and the film of the same name (2007).

FOLK ART, CRAFTS, AND HOBBIES

Pashtun clothes differ from province to province, but they are often highly decorated. The people of Kandahar sew characteristic designs on their clothes and wear small hats made of thread or silk. In Paktia, people generally wear large hats with turbans. Vests are very common among Pashtun, but styles differ from location to location. For example, the people of Nangahar wear vests with bright designs.

Because the Pashtun do not all live within one country, they have differing social conditions, although they generally live in societies with tight religious restrictions. Differences among Pashtun clans and families have led to much violence and killing both in Afghanistan and Pakistan.

Narcotics, particularly opium, production has become a serious problem in Afghanistan due to the chaos and poverty caused by the years of conflict. Afghanistan was the largest producer of opium in the world in 2005, 2006, and 2007. Much of the production takes place in the predominately Southern Pashtun areas. Use of narcotics has remained minimal among Pashtuns due to religious beliefs.

GENDER ISSUES

Women have traditionally had few rights under the strict code of Pashtunwali. *Purdah*, or separation of men and women, is traditionally practiced. At times throughout history, such as during the years of Communist rule, women were encouraged to take part in society more openly. However, during the years that the Taliban controlled Afghanistan, women were restricted from participating in almost every form of public life, forced to adhere to a strict dress code that included the wearing of the *burqa*, and were restricted to their homes unless accompanied by a male family member. Since the Taliban were removed from power, such restrictions have been lessened, and some Pashtun women have regained their careers and even hold public office. However, many continue to follow these restrictions due to social pressure or because of their own choice.

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Tab W

Afghan Culture

 culturalatlas.sbs.com.au/afghan-culture/afghan-culture-family

Family

Primary Author

Nina Evason, 2019

One's family is the single most important aspect of life in Afghanistan. Afghan culture is very and people generally put their family's interests before their own. This means that family responsibilities tend to hold a greater importance than personal needs. Loyalty to one's family also generally supersedes any obligations to one's tribe or .

Throughout all of Afghanistan, family matters are kept strictly private. People are often reluctant to share personal issues with non-family members as community knowledge of a family's struggles can bring shame on the household (see Honour in **Core Concepts**). Women may be slightly more likely to open up to other women about their personal life, but usually family matters are kept within the family.

Household Structure

Afghan households are generally large and multigenerational. It is customary for women to move in with their husbands' family at marriage. Adult children usually live in the family home of their parents or in-laws throughout their life. It is rare for married couples to move out into their own home due to economic circumstances in Afghanistan. In 2010, the average size of a household in Afghanistan was reported to be 7-8 people.¹ Traditionally, this is made up of a husband, wife, their unmarried daughters, and their sons and sons' spouse and children.

In extended family households, three or four generations may live together. This may be in walled compounds in which small domestic units (such as couples) have their own room, but the entire extended family shares a courtyard. In these communal living spaces, all the women work together to raise, discipline and educate the children.

Family Dynamics

Family roles vary between , socioeconomic statuses and regions. Nevertheless, a traditional age prevails throughout all. The eldest male has the most authority and decision-making power and usually controls all family spending. Every decision has to be approved by the husband or father.

Men carry the economic burden of the family and often have to single-handedly support the entire household. For a husband and father in Afghanistan, this can mean having to earn enough to support himself, his wife, his children and any parent or in-law living with the . Brothers and sons must also help to economically support the family, protect the family honour and discipline any misbehaviour.

Women are largely in charge of the domestic chores, cooking, raising the children, entertaining guests and catering to the needs of the man of the house. It is seen as the woman's duty to ensure guests are properly entertained and catered to in the most hospitable way the household can afford. The senior woman will also be in charge of portioning a family's supply of food for the year.

Children are to show reverence and deference to their parents and elders. Disobedience of an elder's words is seen as extremely disrespectful and punishable behaviour. This expectation of social compliance loosens as people gain adult independence. However, even at a mature age, an Afghan is expected to respect their parents' wishes and take advice from those older than them. The Afghan educational system is limited, especially for those living rurally. Many young children learn entirely from the village mosque and religious leader (*mullah*), or their parents (usually the mother while the father works). This supports the cultural idea that parents are to be revered for their wisdom and mothers should be greatly admired.

Gender Roles

Gender roles are highly and rigidly defined in Afghan culture. The men are viewed as the main income earners, while women are seen as the homemakers. Husbands are expected to provide economically for their wives and children throughout their lives. Therefore, it is generally believed that a woman does not need to be financially independent, as her husband or father's earning power will support her. Under Islamic inheritance law, females receive exactly half of the wealth that their male relatives receive. This division is based on the idea that it is a man's duty to care for the women in his family.

Broadly, men dominate the public sphere and women only have authority in the domestic realm (over their children and other women). There was some progress towards women's rights during the 20th century that modernised the attitudes of many Afghans. However, when came into power, they placed extreme restrictions on women, resulting in their seclusion and exclusion. Many bans were enforced that limited their involvement in the public sphere, tightened their moral code of dress and denied them an education. Such restrictions have eased but remain stricter than what most Afghans desire. However, as they are also founded on a religious and moral basis concerning a woman's role and place in society, they are widely upheld.

According to the religiously based conservative view, a woman should not be available to anyone but her family – meaning generally she can only leave the house if she has a male accompaniment and is completely shielded from the public eye (usually by a , or). This depends on family attitudes and is not always adhered to in practice, but it can still create an impassable obstacle for many women who wish to work, study or access health care. Some Afghan men may feel it is their duty to accompany women anywhere in public. Rural villages are usually less strict about this rule, as the often hinders a woman's ability to work and contribute to the domestic economy. Some more progressive families or tribes see females as equally deserving of opportunities (e.g. to get an education or participate in public life). However, women are still likely to be secluded from most public decision-making and are expected to be modest and obedient to their fathers, brothers and husbands. Ultimately, the only male a woman can have true authority over is her son while he is young.

A breach of these expectations of social seclusion is seen as extremely shameful for the woman and reflects poorly on her husband, father or brother's ability to keep her in check. Thus, as a woman's misstep can bring intense shame on her family, she is often seen as the guardian of her family's honour. The senior male of the family has the authority to make decisions that control his female family members' behaviour in order to prevent certain behaviour and preserve the honour. An independent woman that is not quickly submissive to her husband's rules is seen as particularly dangerous. In this sense, many Afghan men may see women as 'powerful' for they can damage family prestige through subtle unconventional behaviours.

Separation of the Genders

Most Afghans observe a public separation of the genders that is legally enforced in some cases. Mixing of males and females only really occurs within families or closely knit village communities. In professional or educational contexts where both males and females may be employed or taught, people are cautious to maintain a physical distance from the other gender. In rural areas, men and women tend to have a closer familiarity with one another as they are often involved in making the same product but contribute in different ways to the production line (e.g. a man shearing the wool off a sheep and the woman spinning it).

Marriage and Dating

Marriage is considered an essential component to life in Afghanistan and all relationships are presumed to lead to marriage. 'Dating' is almost totally limited to getting to know the person one will most likely marry and usually occurs in the company of others (such as family members). Any meetings are usually considered a period of acquaintance prior to engagement. It is rare for an unmarried couple to be permitted time to see one another alone; however, some youth in the cities are pushing these boundaries.

The institution of marriage is seen as the merging of two families. Parents often arrange the marriages of their children to ensure the families are compatible. A couple's attraction to each other is not always an important consideration. Commonly, the relationship between the husband and wife is (with parallel and cross-cousin marriages preferred). However, while marriage between is common, families may also try to marry outside of their family to diversify their assets.

People tend to marry within their tribe or group. Strong consideration is also given to the prospective spouse's status, network, wealth and family background. Marriage can be a means to broaden a family's access to resources or, in some cases, resolve disputes. Young girls can sometimes be married off to a debtor to satisfy a family debt.

The first contact between a couple is typically made by the male's family. His female family members usually approach the girl discreetly to avoid public dishonour. The female's family rarely approaches a male's family to avoid being perceived as "too desperate". Once the prospective wife's family has agreed, the two households will then negotiate the finances of the couple and the dowry. When the engagement is announced, the two families will celebrate with a big engagement party. The groom's family pays for the wedding celebration.

It frequently lasts a night or a day, but can last for three days. During this time, the marriage contract is signed. The bride will then move into her husband's place of residence (which is sometimes with his whole family) at its conclusion.

is legal if the man can prove he can economically support all wives, but its practice is less common in modern-day Afghanistan. It usually only occurs if a man's brother dies and his widow is left with no one to support her. In that case, her brother-in-law may marry her into his family (wife inheritance). One may find in families where there is more than one wife that each wife usually has her own room, belongings and perhaps her own kitchen.

Divorce is rare and stigmatised in Afghanistan. Couples that seek to end their marriage usually face huge family and societal pressure to reunite. Female widows and divorcees can easily become economically destitute if her in-laws do not inherit her.

1 Central Statistics Organization, 2010

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Tab Y

Department of Homeland Security

§ 208.13

of the Service, the Department of Justice, or the Department of State. Persons may continue to seek documents available through a Freedom of Information Act (FOIA) request pursuant to 8 CFR part 103.

[62 FR 10337, Mar. 6, 1997, as amended at 64 FR 8488, Feb. 19, 1999; 65 FR 76133, Dec. 6, 2000; 76 FR 53784, Aug. 29, 2011]

§ 208.13 Establishing asylum eligibility.

(a) *Burden of proof.* The burden of proof is on the applicant for asylum to establish that he or she is a refugee as defined in section 101(a)(42) of the Act. The testimony of the applicant, if credible, may be sufficient to sustain the burden of proof without corroboration. The fact that the applicant previously established a credible fear of persecution for purposes of section 235(b)(1)(B) of the Act does not relieve the alien of the additional burden of establishing eligibility for asylum.

(b) *Eligibility.* The applicant may qualify as a refugee either because he or she has suffered past persecution or because he or she has a well-founded fear of future persecution.

(1) *Past persecution.* An applicant shall be found to be a refugee on the basis of past persecution if the applicant can establish that he or she has suffered persecution in the past in the applicant's country of nationality or, if stateless, in his or her country of last habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion, and is unable or unwilling to return to, or avail himself or herself of the protection of, that country owing to such persecution. An applicant who has been found to have established such past persecution shall also be presumed to have a well-founded fear of persecution on the basis of the original claim. That presumption may be rebutted if an asylum officer or immigration judge makes one of the findings described in paragraph (b)(1)(i) of this section. If the applicant's fear of future persecution is unrelated to the past persecution, the applicant bears the burden of establishing that the fear is well-founded.

(i) *Discretionary referral or denial.* Except as provided in paragraph (b)(1)(iii)

of this section, an asylum officer shall, in the exercise of his or her discretion, refer or deny, or an immigration judge, in the exercise of his or her discretion, shall deny the asylum application of an alien found to be a refugee on the basis of past persecution if any of the following is found by a preponderance of the evidence:

(A) There has been a fundamental change in circumstances such that the applicant no longer has a well-founded fear of persecution in the applicant's country of nationality or, if stateless, in the applicant's country of last habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion; or

(B) The applicant could avoid future persecution by relocating to another part of the applicant's country of nationality or, if stateless, another part of the applicant's country of last habitual residence, and under all the circumstances, it would be reasonable to expect the applicant to do so.

(ii) *Burden of proof.* In cases in which an applicant has demonstrated past persecution under paragraph (b)(1) of this section, the Service shall bear the burden of establishing by a preponderance of the evidence the requirements of paragraphs (b)(1)(i)(A) or (B) of this section.

(iii) *Grant in the absence of well-founded fear of persecution.* An applicant described in paragraph (b)(1)(i) of this section who is not barred from a grant of asylum under paragraph (c) of this section, may be granted asylum, in the exercise of the decision-maker's discretion, if:

(A) The applicant has demonstrated compelling reasons for being unwilling or unable to return to the country arising out of the severity of the past persecution; or

(B) The applicant has established that there is a reasonable possibility that he or she may suffer other serious harm upon removal to that country.

(2) *Well-founded fear of persecution.* (i) An applicant has a well-founded fear of persecution if:

(A) The applicant has a fear of persecution in his or her country of nationality or, if stateless, in his or her country of last habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion;

(B) There is a reasonable possibility of suffering such persecution if he or she were to return to that country; and

(C) He or she is unable or unwilling to return to, or avail himself or herself of the protection of, that country because of such fear.

(ii) An applicant does not have a well-founded fear of persecution if the applicant could avoid persecution by relocating to another part of the applicant's country of nationality or, if stateless, another part of the applicant's country of last habitual residence, if under all the circumstances it would be reasonable to expect the applicant to do so.

(iii) In evaluating whether the applicant has sustained the burden of proving that he or she has a well-founded fear of persecution, the asylum officer or immigration judge shall not require the applicant to provide evidence that there is a reasonable possibility he or she would be singled out individually for persecution if:

(A) The applicant establishes that there is a pattern or practice in his or her country of nationality or, if stateless, in his or her country of last habitual residence, of persecution of a group of persons similarly situated to the applicant on account of race, religion, nationality, membership in a particular social group, or political opinion; and

(B) The applicant establishes his or her own inclusion in, and identification with, such group of persons such that his or her fear of persecution upon return is reasonable.

(3) *Reasonableness of internal relocation.* For purposes of determinations under paragraphs (b)(1)(i), (b)(1)(ii), and (b)(2) of this section, adjudicators should consider, but are not limited to considering, whether the applicant would face other serious harm in the place of suggested relocation; any ongoing civil strife within the country; administrative, economic, or judicial infrastructure; geographical limitations; and social and cultural con-

straints, such as age, gender, health, and social and familial ties. Those factors may, or may not, be relevant, depending on all the circumstances of the case, and are not necessarily determinative of whether it would be reasonable for the applicant to relocate.

(i) In cases in which the applicant has not established past persecution, the applicant shall bear the burden of establishing that it would not be reasonable for him or her to relocate, unless the persecution is by a government or is government-sponsored.

(ii) In cases in which the persecutor is a government or is government-sponsored, or the applicant has established persecution in the past, it shall be presumed that internal relocation would not be reasonable, unless the Service establishes by a preponderance of the evidence that, under all the circumstances, it would be reasonable for the applicant to relocate.

(c) *Mandatory denials*—(1) *Applications filed on or after April 1, 1997.* For applications filed on or after April 1, 1997, an applicant shall not qualify for asylum if section 208(a)(2) or 208(b)(2) of the Act applies to the applicant. If the applicant is found to be ineligible for asylum under either section 208(a)(2) or 208(b)(2) of the Act, the applicant shall be considered for eligibility for withholding of removal under section 241(b)(3) of the Act. The applicant shall also be considered for eligibility for withholding of removal under the Convention Against Torture if the applicant requests such consideration or if the evidence presented by the alien indicates that the alien may be tortured in the country of removal.

(2) *Applications filed before April 1, 1997.* (i) An immigration judge or asylum officer shall not grant asylum to any applicant who filed his or her application before April 1, 1997, if the alien:

(A) Having been convicted by a final judgment of a particularly serious crime in the United States, constitutes a danger to the community;

(B) Has been firmly resettled within the meaning of § 208.15;

(C) Can reasonably be regarded as a danger to the security of the United States;

(D) Has been convicted of an aggravated felony, as defined in section 101(a)(43) of the Act; or

(E) Ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(F) Is described within section 212(a)(3)(B)(i)(I),(II), and (III) of the Act as it existed prior to April 1, 1997, and as amended by the Anti-terrorist and Effective Death Penalty Act of 1996 (AEDPA), unless it is determined that there are no reasonable grounds to believe that the individual is a danger to the security of the United States.

(ii) If the evidence indicates that one of the above grounds apply to the applicant, he or she shall have the burden of proving by a preponderance of the evidence that he or she did not so act.

(3) *Additional limitation on eligibility for asylum.* For applications filed after November 9, 2018, an alien shall be ineligible for asylum if the alien is subject to a presidential proclamation or other presidential order suspending or limiting the entry of aliens along the southern border with Mexico that is issued pursuant to subsection 212(f) or 215(a)(1) of the Act on or after November 9, 2018 and the alien enters the United States after the effective date of the proclamation or order contrary to the terms of the proclamation or order. This limitation on eligibility does not apply if the proclamation or order expressly provides that it does not affect eligibility for asylum, or expressly provides for a waiver or exception that makes the suspension or limitation inapplicable to the alien.

(4) *Additional limitation on eligibility for asylum.* Notwithstanding the provisions of §208.15, any alien who enters, attempts to enter, or arrives in the United States across the southern land border on or after July 16, 2019, after transiting through at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence en route to the United States, shall be found ineligible for asylum unless:

(i) The alien demonstrates that he or she applied for protection from persecution or torture in at least one coun-

try outside the alien's country of citizenship, nationality, or last lawful habitual residence through which the alien transited en route to the United States, and the alien received a final judgment denying the alien protection in such country;

(ii) The alien demonstrates that he or she satisfies the definition of "victim of a severe form of trafficking in persons" provided in 8 CFR 214.11; or

(iii) The only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(5) *Non-binding determinations.* Determinations made with respect to paragraph (c)(4)(ii) of this section are not binding on Federal departments or agencies in subsequent determinations of eligibility for T or U nonimmigrant status under section 101(a)(15)(T) or (U) of the INA or for benefits or services under 22 U.S.C. 7105 or 8 U.S.C. 1641(c)(4).

[62 FR 10337, Mar. 6, 1997, as amended at 64 FR 8488, Feb. 19, 1999; 65 FR 76133, Dec. 6, 2000; 83 FR 55952, Nov. 9, 2018; 84 FR 33843, July 16, 2019]

§ 208.14 Approval, denial, referral, or dismissal of application.

(a) *By an immigration judge.* Unless otherwise prohibited in §208.13(c), an immigration judge may grant or deny asylum in the exercise of discretion to an applicant who qualifies as a refugee under section 101(a)(42) of the Act.

(b) *Approval by an asylum officer.* In any case within the jurisdiction of the RAIO, unless otherwise prohibited in §208.13(c), an asylum officer may grant, in the exercise of his or her discretion, asylum to an applicant who qualifies as a refugee under section 101(a)(42) of the Act, and whose identity has been checked pursuant to section 208(d)(5)(A)(i) of the Act.

(c) *Denial, referral, or dismissal by an asylum officer.* If the asylum officer does not grant asylum to an applicant

Tab Y

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Afghanistan: Economic Crisis Underlies Mass Hunger

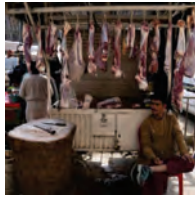
Governments, Taliban Need to Reach Urgent Agreement on Banking Issues



Afghans waiting in lines to receive emergency assistance from the World Food Program (WFP) in Kabul, Afghanistan, November 3, 2021. © 2021 AP Photo/Bram Janssen

(Washington, DC) – [Afghanistan's](#) humanitarian crisis cannot be effectively addressed unless the [United States](#) and other governments ease restrictions on the country's banking sector to facilitate legitimate economic activity and humanitarian aid, Human Rights Watch said today. Human Rights Watch issued an updated [question-and-answer document](#) outlining the economic crisis and steps to overcome it.

The US and other governments and the [World Bank Group](#) revoked the



August 4, 2022

Economic Causes of Afghanistan's Humanitarian Crisis

Questions and Answers on Sanctions and Banking Restrictions on the Taliban

credentials of the Central Bank of Afghanistan after the Taliban takeover on August 15, 2021. The US air strike on July 30, 2022, killing the al-Qaeda leader Ayman al-Zawahri, should not derail ongoing discussions between the US and Afghanistan to urgently reach an agreement allowing ordinary Afghans to engage in legitimate commercial activity.

“Afghanistan’s intensifying hunger and health crisis is urgent and at its root a banking crisis,” said [John Sifton](#), Asia advocacy director at Human Rights Watch. “Regardless of the Taliban’s status or credibility with outside governments, international economic restrictions are still driving the country’s catastrophe and hurting the Afghan people.”

Despite actions by the US and others to license banking transactions with Afghan entities, Afghanistan’s central bank remains unable to access its foreign currency reserves or process or receive most international transactions. As a result, the country continues to suffer from a major liquidity crisis and lack of banknotes. Businesses, humanitarian groups, and private banks continue to report extensive restrictions on their operational capacities. At the same time, because outside donors have severely cut funding to support Afghanistan health, education, and other essential sectors, millions of Afghans have lost their incomes.

Acute malnutrition is entrenched across Afghanistan, even though food and basic supplies are available in markets throughout the country. An Afghan humanitarian official told Human Rights Watch in mid-July, “People have nothing to eat. You may not imagine it, but children are starving.... The situation is dire, especially if you go to the villages.” He said he knew of one family who had lost two children, ages 5 and 2, to starvation in the last two months: “This is unbelievable in 2022.” He said that he knew of no shortages in food supplies and that the causes of the crisis were economic: “A functioning banking system is an immediate and crucial need to address the humanitarian crisis.”

Almost 20 million people – half the population – are suffering either [level-3 “crisis”](#) or [level-4 “emergency” levels of food insecurity](#) under the assessment system of the [World Food Programme \(WFP\)](#). Over one million children under 5 – especially at risk of dying when deprived of food – are [suffering from prolonged acute malnutrition](#), meaning that even if they survive, they face significant health problems, including stunting. Recently, the [WFP reported](#) that tens of thousands of people in one province, Ghor, had slipped into “catastrophic” level-5 acute malnutrition, a precursor to famine.

Overall, more than 90 percent of Afghans have been suffering from some form of food insecurity since last August, skipping meals or whole days of eating and engaging in [extreme coping mechanisms](#) to pay for food, including sending children to work. Afghanistan's economic collapse was caused in part by a collapse in most families' incomes following the Taliban takeover and foreign donors' decisions to suspend outside budgetary support for numerous government, humanitarian, and development sectors, including education and health.

US and World Bank decisions to restrict Afghanistan's banking sector have significantly amplified the crisis by hampering most legitimate economic activities, including humanitarian efforts. The Central Bank of Afghanistan is unable to carry out basic central banking functions, including holding currency auctions, importing banknotes, and processing or settling legitimate commercial and humanitarian transactions. Because of these incapacities, even basic economic activities remain severely curtailed.

"Importers are struggling to pay for goods, humanitarian groups are facing problems with basic operations, and the Afghan diaspora can't send enough money to their relatives and friends," Sifton said. "Millions of hungry Afghans are experiencing the abysmal reality of seeing food at the market but being unable to purchase it."

Making matters worse, Afghanistan's economic crisis is occurring as [inflation and cost increases](#) have been accelerating, with an over 50 percent increase for basic household items since July 2021. According to [World Bank data](#), prices for staples such as rice and wheat have almost doubled in the last two months. At the same time, prices for agricultural inputs like [fertilizer and fuel have doubled](#), and they are in short supply, meaning Afghanistan's own domestic food production is set to decrease in 2022.

The crisis' impact on women and girls is especially severe. An Afghan woman working for a civil society group said that restrictions on women's basic rights to freedom of movement and work have made it difficult "even for educated women who used to be financially independent," and fall particularly hard on widows. "Pregnant women are really affected by the situation, especially because of the limited access to health care. I know dozens of widowed women who send me messages every day asking for help."

Afghanistan's humanitarian situation would be even worse had the United Nations and other aid providers not substantially increased their operations in 2022, Human Rights Watch said. As the [World Food Programme stated](#) in a food security assessment for June through November 2022, "The severity of the situation is only partially mitigated by the unprecedented surge of humanitarian assistance that covers 38 percent of the total population of Afghanistan in the current period. In the absence of such assistance, the magnitude and severity of needs would be dramatically higher."

The Taliban leadership should recognize that their poor human rights record is imperiling hopes to reach any agreements to resolve the banking crisis, Human Rights Watch said. Since last August, the authorities have imposed strict restrictions on women and girls that violate their rights to education, work, health

care, and freedom of movement and speech. Taliban authorities have also suppressed media and arbitrarily detained and at times executed perceived critics or opponents.

Taliban authorities are [reportedly prepared to accept independent monitoring](#) of the central bank by outside auditors, a key demand of the US government and World Bank. But they continue to reject key demands from governments to remove sanctioned officials from the central bank's leadership and to reverse their position denying secondary education to girls and women.

"The Taliban seem more interested in restricting the human rights of Afghan women and girls than in preventing starvation," Sifton said. "If their leadership is seeking legitimacy, they need to rethink their priorities."

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MORE READING

August 4, 2022 | Q & A

Tab Z




U.S. Citizenship
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Services

[Home](#) > [Humanitarian](#) > [Information for Afghan Nationals](#) > Afghan Operation Allies Welcome (OAW)
Parolee Asylum-Related Frequently Asked Questions

Afghan Operation Allies Welcome (OAW) Parolee Asylum-Related Frequently Asked Questions

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I am an Afghan Operation Allies Welcome (or OAW) Parolee. Should I apply for asylum? 

USCIS cannot provide you legal advice about your immigration status. For information about finding legal services, please see the USCIS website, uscis.gov/avoid-scams/find-legal-services.

If I want to apply for asylum, how do I do it? 

To apply for asylum, you must complete Form I-589, Application for Asylum and for Withholding of Removal, and follow the instructions carefully. This is where you can find [Form I-589 online](#). This page includes an “alert” titled: “Expeditious Asylum Adjudication for Certain Afghans” where you can find more specific instructions.

If you fall into one of the two categories below, you should follow the instructions to ensure expeditious processing of your Form I-589 under Section 2502(c) of the [Extending Government Funding and Delivering Emergency Assistance Act \(PDF\)](#):

Category 1

- You are a citizen or national of Afghanistan, or you have no nationality and last habitually resided in Afghanistan;
- You were paroled into the United States between July 30, 2021, and Sept. 30, 2022; and
- Your parole has not been terminated.

Category 2

- You are a citizen or national of Afghanistan, or you have no nationality and last habitually resided in Afghanistan;
- You were paroled into the United States after Sept. 30, 2022, and
 - You are the spouse or child of an individual who meets Category 1 above, or
 - You are the parent or legal guardian of an individual who meets Category 1 above and who is determined to be an unaccompanied child as defined under 6 U.S.C. 279(g)(2); and
- Your parole has not been terminated.

To make sure USCIS knows that your asylum application must be expedited, when you complete your Form I-589, please complete the following additional steps:

- If you are submitting a Form I-589, address the envelope according to guidance in the “Where to File” or “Special Instructions” section (whichever applies) on the webpage for Form I-589, Application for Asylum and for Withholding of Removal;
- Mark “Attn: OAW” anywhere on the front of the envelope;
- On page 1 of Form I-589, Part A.I., Question 19c, write your current status followed by “(Parole)” in the Status field. For example, if you entered the United States with an “OAR” status, you would write “OAR (Parole)” in the Status field; and
- Include your most recent date of entry in the Date field on page 1 of Form I-589, Part A.I., Question 19c.

If you properly complete your Form I-589 and we determine that you meet the eligibility criteria for Category 1 or 2 above, we will submit your Form I-589 for expeditious processing under Section 2502(c) of the Act (explained further below).

What is the fee to apply for asylum?



There is no fee to apply for asylum.

Can I include my spouse and children on my claim?



Am I subject to security and background checks if I apply for asylum?



Can anyone help me with my asylum interview?




How will you interview me if I do not speak English?




What will happen at my asylum interview?



I have heard that I must apply for asylum within 1 year of my arrival in the United States. Is that true? 

Yes, there is a provision of law that requires applicants for asylum to apply within 1 year of their last arrival to the United States, unless they can show that they qualify for an exception. One of the exceptions is if the applicant can show that there are extraordinary circumstances directly related to the delay in filing and that the applicant filed within a reasonable period of time given those circumstances.

Generally, maintaining valid status or parole until a reasonable period before the filing of the asylum application will be considered an extraordinary circumstance. If you were granted valid status or parole within one year of the date of your last arrival in the United States and you applied for asylum within a reasonable period of time of the expiration of your valid status or parole, generally this exception would apply to you. The USCIS website "[Obtaining Asylum in the United States](#)" has more specific information. Make sure to look under "Affirmative Asylum Processing with USCIS."

I am an Afghan parolee. Can I still apply for asylum even if I have been in the United States for more than 1 year? 

The requirement that an asylum applicant must file within 1 year of entering the United States applies to all asylum applicants. However, Afghan parolees may qualify for an exception to the 1-year filing deadline if they do not file within 1 year.

To qualify for an exception, you must first show changed circumstances materially affecting your eligibility for asylum or an extraordinary circumstance relating to your delay in filing an application for asylum. Maintaining parole during the 1-year period after you arrived in the United States can qualify as an extraordinary circumstance.

In addition to establishing a changed or extraordinary circumstance, you also must show that you filed your asylum application within a reasonable amount of time given the circumstance. You may be eligible for the extraordinary circumstances exception to the 1-year filing deadline if you file for asylum while your parole is still valid. (Your parole is not valid if you violate its terms.) If you file your asylum application after your parole expires, you may still qualify for an exception to the 1-year filing deadline if you filed for asylum within a reasonable period of time after your parole expired. A USCIS asylum officer will determine whether the delay is reasonable after your asylum interview.

What will happen if I apply for asylum after my parole expires? 

When should I apply for asylum? 

Should I apply for asylum if I have Temporary Protected Status (TPS)? 

Should I apply for asylum if I have a Special Immigrant Visa (SIV)?



How will the asylum officer determine whether I am eligible for asylum?



What happens if USCIS finds me ineligible for asylum?



How do I find out the status of my case?



How long does the asylum process take?



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Last Reviewed/Updated: 06/30/2022

Tab AA

Lesson Plan Overview

Course	Refugee, Asylum, and International Operations Directorate Officer Training Asylum Division Officer Training Course
Lesson	<i>One-Year Filing Deadline</i>
Rev. Date	May 6, 2013
Lesson Description	This lesson describes the statutory bar to applying for asylum more than one year after an alien's date of last arrival. Through discussion of the statute, the implementing regulation, and the review of examples, the lesson explains the standard of proof and exceptions to the one-year filing deadline.
Terminal Performance Objective	Given an asylum application to adjudicate in which the one-year filing deadline or a previous denial is at issue, the asylum officer will be able to properly determine if an applicant is eligible to apply for asylum.
Enabling Performance Objectives	<ol style="list-style-type: none">1. Identify to what extent the one-year filing rule is at issue in a given case. (ACRR4)(AA1)2. Apply the clear and convincing evidentiary standard to determine if an asylum application complies with the one-year filing rule. (ACRR4)(AA1)3. Explain the exceptions to the one-year filing rule. (AA3)(AIL1)4. Identify all relevant factors in evaluating credibility with respect to the one-year filing rule. (AAS5)5. Determine whether an applicant is barred from applying for asylum. (ACRR3)(AA3)
Instructional Methods	Lecture, discussion, practical exercises
Student References / Materials	INA §§ 208(a); 101(a)(42); 8 C.F.R. § 208.4(a) ; <i>Matter of Y-C-</i> , 23 I & N Dec. 286, 288 (BIA 2002); <i>Vahora v. Holder</i> , 641 F.3d 1038 (9th Cir. 2011).
Method of Evaluation	Practical exercise, written exam
Background Reading	Joseph E. Langlois. Asylum Division, Office of International Affairs. <i>Procedures for Implementing the One-Year Filing Deadline and Processing Cases Previously Denied by EOIR</i> , Memorandum to Asylum Office Directors, et al. (Washington, DC: Jan. 4, 2002), 11 p. plus attachments. (See Asylum lesson plan, <i>Mandatory Bars Overview and Criminal Bars to Asylum</i> and <i>RAIO Discretion Training Module</i>)

Critical Tasks

Skill in identifying information required to establish eligibility. (4)
Knowledge of policies and procedures for one-year filing deadline. (4)
Knowledge of mandatory bars and inadmissibilities to asylum eligibility. (4)
Knowledge of the criteria for establishing credibility. (4)
Skill in determining materiality of facts, information, and issues. (6)
Skill in analyzing complex issues to identify appropriate responses or decisions. (5)

TABLE OF CONTENTS

I. INTRODUCTION.....	4
II. OVERVIEW	4
III. APPLICABILITY	5
IV. DETERMINING WHETHER THE APPLICATION WAS FILED WITHIN THE ONE-YEAR PERIOD	5
A. Calculating the One-Year Period.....	5
B. Burden and Standard of Proof.....	6
V. EXCEPTIONS TO THE ONE-YEAR RULE	9
A. Changed Circumstances.....	9
B. Extraordinary Circumstances.....	13
C. Burden and Standard of Proof.....	21
VI. FILING WITHIN A REASONABLE PERIOD OF TIME.....	22
A. Overview.....	22
B. Delayed awareness.....	23
C. Evaluation of the “reasonable period of time”	23
VII. CREDIBILITY	25
A. Overview.....	25
B. Totality of the Circumstances	25
VIII. SUMMARY	32
A. Filing Deadline Requirement.....	32
B. Calculating the One-Year Period.....	32
C. Burden and Standard of Proof for One-Year Period.....	32
D. Exceptions -- Changed or Extraordinary Circumstances	32
E. Standard and Burden of Proof for Establishing a Changed or Extraordinary Circumstance.....	33
F. Reasonable Period of Delay.....	33
G. Credibility	33

Irrelevant Pages Omitted

- c. an applicant's conversion from one religion to another, or abandonment of religion altogether recent antagonism in an applicant's country toward the applicant's race or nationality
- d. recent antagonism in an applicant's country toward the applicant's race or nationality
- e. threats against an applicant's family member living abroad

Taslimi v. Holder, 590 F.3d 981 (9th Cir. 2010) (finding that the delay between the applicant's conversion ceremony and the filing of her asylum application was reasonable, as religious conversion is a subjective process that may begin on a certain date but takes time to incorporate into one's life).

Example

A Russian citizen of West African ancestry has lived in the United States since 1989. She filed an I-589 in June 2000. Country conditions information shows that since the 1991 breakup of the former Soviet Union, individuals with West African ancestry have been targeted by ordinary citizens in Russia. The police have tolerated this abuse. Depending on the particular circumstances of the case, this applicant could be considered a refugee *sur place*. Provided there are no additional exceptions, because the change in country conditions occurred before April 1997, the applicant's failure to file for asylum within one year of arrival would result in her application being referred. **Note:** If there had been an escalation of violence between ethnic Russians and West Africans after April 1, 1997, the applicant would be eligible for an exception, provided the delay in filing is a reasonable period of time.

See Matter of A-M-, 23 I&N Dec. 737 (BIA 2005) (where applicant entered the U.S. on January 22, 2001, and filed for asylum over 2 years later, the nightclub bombing in Bali, Indonesia on October 12, 2002 did not constitute a material change in circumstances because the bombing did not materially affect or advance applicant's claim: he was from a different island and of a different ethnicity and religion than both those generally in Bali and the specific victims of the Bali bombing).

B. Extraordinary Circumstances

1. General considerations

Events or factors in an applicant's life that caused the applicant to miss the filing deadline may except the applicant from the requirement to file within one year of the last arrival or April 1, 1997, whichever is later. To be eligible for this exception, the applicant must:

8 C.F.R. § 208.4(a)(5).

- a. establish the existence of an extraordinary circumstance;
- b. establish that the extraordinary circumstance was directly related to the failure to timely file;
- c. not have intentionally created the extraordinary

circumstance, through his or her action or inaction, for the purpose of establishing a filing-deadline exception; and

- d. file the application within a reasonable period given the circumstances that related to the failure to timely file.

Although an extraordinary circumstance can occur before or after an applicant's arrival in the U.S., and before or after the April 1, 1997, the effective date of the statutory provision, the extraordinary circumstance must directly relate to an applicant's failure to file within the one year period when filing would be timely.

Note: Because an extraordinary circumstance must directly relate to the failure to file, it must occur in the period when filing would be timely for an exception to exist (in contrast with a changed circumstance, which may occur at any time).

2. Types of circumstances that may be "extraordinary"

The federal regulations describe several situations that could fall under the extraordinary circumstances exception. This list is not exhaustive or all-inclusive. There are other circumstances that might apply if the applicant is able to show that those circumstances were extraordinary and directly related to the failure to timely file.

The Asylum Division considers the examples of extraordinary circumstances listed in the regulation as circumstances that, if experienced by an applicant, are likely to relate to the failure to timely file. When an applicant establishes the existence of an enumerated extraordinary circumstance, the officer should verify that the extraordinary circumstance is directly related to the failure to timely file.

Extraordinary circumstances include but are not limited to:

- a. serious illness or mental or physical disability, including any effects of persecution or violent harm suffered in the past

8 C.F.R. § 208.4(a)(5)(i).

The illness or disability must have been present, although not necessarily incurred, during at least part of the one-year period after arrival.

If the applicant has suffered torture or other severe trauma in the past, the asylum officer should elicit information about any continuing effects from that torture or trauma, which may be related to a delay in

Effects of persecution can include inability to recall details, severe lack of focus, problems with eating and sleeping, and other post-

filing. Torture may result in serious illness or mental or physical disability.

traumatic stress disorder (PTSD) symptoms. *See* RAIO training module *Interviewing - Survivors of Torture*. *See also* RAIO training module *Guidance for Adjudicating Lesbian, Gay, Bisexual and Intersex Claims*.

- b. the death or serious illness or incapacity of the applicant's legal representative or a member of the applicant's immediate family.

8 C.F.R. § 208.4(a)(5)(vi).

Applicant's legal guardian, or holder of power of attorney, is also considered a family member.

The degree of interaction between the family members, as well as the blood relationship between applicant and the family member must be considered. For example, an estranged brother with whom the applicant has never had much contact would not qualify, but a grandparent or uncle for whom the applicant has sole physical responsibility would qualify.

- c. legal disability

8 C.F.R. § 208.4(a)(5)(ii).

This is best described as an incapacity for the full enjoyment of ordinary legal rights; it includes minors and mental impairment.

Black's Law Dictionary, 5th Ed.

The legal disability must have existed at a point during the one-year period after arrival.

The regulations specifically include "unaccompanied minors" as an example of a category of asylum applicants that is viewed as having a legal disability that constitutes an extraordinary circumstance. Keeping in mind that the circumstances that may constitute an extraordinary circumstance are not limited to the examples listed in the regulations, the Asylum Division's policy is to find that all minors who have applied for asylum, whether accompanied or unaccompanied, also have a legal disability that constitutes an extraordinary circumstance.

8 C.F.R. § 208.4(a)(5)(ii); *see Matter of Y-C-*, 23 I & N Dec. 286 (BIA 2002).

A minor applicant is defined as someone under the age of eighteen at the time of filing. *See USCIS Memorandum, "Updated Procedures for Minor Principal Applicant Claims, Including Changes to RAPS,"* Aug. 14, 2007, p.5.

The same logic underlying the legal disability ground listed in the regulations applies to accompanied minors: minors are generally dependent on adults for

their care and cannot be expected to navigate adjudicatory systems in the same manner as adults.

As long as an applicant applies for asylum while still a minor (while the legal disability is in effect), the minor should be found to have not only established the existence of an extraordinary circumstance, but also to have filed within a reasonable period of time given the circumstance, thus meriting an exception to the one-year filing deadline.

See section VI, below, “Reasonableness....”

(i) Unaccompanied Alien Children (UAC)

[The Trafficking Victims Protection Reauthorization Act \(TVPRA\) of 2008](#) amended the INA to state that the one-year filing deadline does not apply to *unaccompanied alien children*. An unaccompanied alien child is a child who has no legal guardian in the United States, or for whom no parent or legal guardian in the United States is available to provide care and physical custody. As of March 23, 2009, the effective date of the [TVPRA](#), when an asylum officer determines that a minor principal applicant is an unaccompanied alien child, the asylum officer should forego the one-year filing deadline analysis and conclude that the one-year filing deadline does not apply.

See [INA § 208\(a\)\(2\)\(E\)](#); [TVPRA](#), P.L. 110-457, § 235(d)(7)(A); See also Asylum lesson, *Guidelines for Children’s Asylum Claims*. Note: reference to the Asylum lesson is accurate as of this date. At a future date, this will reference the RAIO training module, *Children’s Claims, Asylum Supplement*.

(ii) Minors Who Are Not Found To Be Unaccompanied Alien Children

The one year filing deadline continues to be applicable for minor principal applicants in lawful immigration status and minor principal applicants who are accompanied. Such cases should be analyzed according to the general guidance above.

Note: As passage of the [TVPRA](#) exempts only unaccompanied alien children from the one-year filing deadline, the deadline still applies to minors who are not found to be unaccompanied alien children. As a result, the examples listed in [8 CFR § 208.4\(a\)\(5\)\(ii\)](#) are still valid.

d. ineffective assistance of counsel (limited to attorneys or accredited representatives)

[8 C.F.R. § 208.4\(a\)\(5\)\(iii\)](#)

The following are required for this exception:

- (i) the applicant must file a written affidavit explaining the agreement in detail and listing what promises the attorney made or did not

make, and

- (ii) testimony or documentary evidence that the accused counsel was informed of the allegation and was given an opportunity to respond, and
- (iii) testimony or documentary evidence that indicates whether there has been a complaint filed with the appropriate disciplinary authorities and, if not, an explanation why there has been no complaint.

Note: Regulations and case law that address whether counsel's assistance was ineffective are not relevant here. The asylum officer is not evaluating whether applicant was given poor counsel; rather, the responsibility of the asylum officer is to decide whether the above asylum regulatory elements have been fulfilled and that the counsel's actions were related to the delay in filing. Therefore, a recent ruling of the Attorney General that an alien has no right to effective assistance of counsel in removal proceedings is not relevant in determining whether an extraordinary circumstance exists and if an exception is warranted.

8 C.F.R. § 292.3(a); *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988); *Matter of B-B-*, Int. Dec. #3367 (BIA 1998).

See Matter of Compean, 24 I&N Dec. 710 (AG 2009)

- e. maintenance of TPS, lawful status, or parole until a reasonable period before filing an asylum application

8 C.F.R. § 208.4(a)(5)(iv).

The regulations specifically provide that maintaining lawful immigration status during at least part of the one-year period qualify as an extraordinary circumstance. Thus, maintaining lawful status may enable an applicant to establish an exception to the requirement to file within the one-year period. As with all extraordinary circumstances that affect filing, maintaining lawful status excuses the failure to file within the one-year period so long as the application was filed within a reasonable period given the circumstance that relate to the failure to timely file.

The Department of Justice included these possible extraordinary circumstances exceptions to avoid forcing a premature application for asylum in cases in which an individual believes circumstances in his or her country may improve. For example, an individual admitted as a student who expects that the political situation in her country may soon change for the better

See 65 Fed. Reg. 76121, 76123 (Dec. 6, 2000).

as a result of recent elections may wish to refrain from applying for asylum until absolutely necessary.

Given the rationale for the inclusion of legal status as an extraordinary circumstance, the Asylum Division has determined that the “maintaining lawful status” extraordinary circumstance will generally relate to the failure to timely file, even where the applicant does not reference having status as a reason for the delay in filing.

An applicant has not “maintained lawful status” when:

- (i) the admission is based on fraudulent documents,
- (ii) he or she appears to be in lawful status, but has actually violated that status, or
- (iii) the term parole specifically require that asylum be filed within one year.

Note: The applicant is not precluded from establishing an extraordinary circumstance where legal status has not been maintained. Consider if the case involves a “delayed awareness” of the violation of status. See [section VI.B.](#), *Delayed Awareness*, below.

Although applicants in the above circumstances have not maintained lawful status, some still may establish extraordinary circumstances exceptions. In evaluating whether an exception applies, the asylum officer should determine whether the applicant believed that he or she was maintaining lawful status.

In some circumstances, where the visa allows an applicant to be admitted to the United States for a specific function or purpose, and the applicant never performs that function or purpose, the applicant will be unable to establish that he or she qualifies for an extraordinary circumstances exception.

For example, an applicant who was admitted as an F-1 student, but never attended school (where the purpose of the visa is to permit the applicant to attend school in the United States) would be unable to establish that he or she qualifies for an extraordinary circumstances exception to filing within the one-year deadline.

On the other hand, an F-1 student may work, mistakenly, or transfer schools without permission, believing that this does not violate the terms of the admission. The applicant’s belief that he or she is maintaining F-1 status may provide for an extraordinary circumstances exception, provided that the applicant filed within a reasonable period of time

See [section VI.](#), *Filing Within a Reasonable Period of Time*, below.

given the circumstances that relate to the failure to timely file.

In evaluating whether an extraordinary circumstances exception applies, asylum officers should keep in mind the rationale for including “maintaining lawful status” among the exceptions to the filing deadline (see note above). Although not actually maintaining status, the applicant who believes he or she is maintaining lawful status also may delay filing for asylum until there is no alternative.

Parole of one year or less for the purpose of submitting an asylum application may not be considered an exception to the one-year filing deadline. Applicants paroled for the purpose of filing asylum are expected to file their asylum applications within one year of the parole and are given notice to that effect. Therefore, unless such applicants are granted an extension of this parole or granted some other form of legal status, they are not eligible for the lawful status exception to a timely filing.

Applicants who are not paroled for the purpose of submitting an asylum application during the required filing period may qualify for an extraordinary circumstances exception. In such cases, applicants still must file within a reasonable time after the period of parole ends.

The same logic that applies for asylum applicants who are maintaining a status or parole may apply to asylum applicants who are derivatives on a principal’s asylum application. For instance, where a child is a derivative on her parent’s asylum application and the child decides to file her own asylum application as the principal applicant, the child’s having been a derivative on a pending asylum application at a point during the one-year following the child’s last entry could constitute an extraordinary circumstance.

An alien with a pending application, who is not in any lawful status, may be considered to be an alien whose period of stay is authorized by the Attorney General. The types of “stay authorized by the Attorney General” that the asylum officer might encounter could include pending applications for adjustment of status. Such applicants would not be analyzed specifically under the “lawful status” exception to the one-year

For examples of periods of stay authorized by the Attorney General, *see Michael Pearson, Executive Associate Commissioner, Field Office Operations, Period of stay authorized by the Attorney General after 120-day tolling period for*

filing deadline. However, insofar as the “extraordinary circumstances” exception is not limited to the precise scenarios outlined, the Asylum Officer should consider the totality of the circumstances when determining whether an applicant with a pending application can establish an exception to the requirement that the application be filed within one year of last arrival.

purposes of section 212(a)(9)(B) of the Immigration and Nationality Act (the Act). (AD 00-07), Memorandum to INS field offices, March 3, 2000.

f. initial attempted submission of application was timely

(i) defect in first submission

8 C.F.R. § 208.4(a)(5)(v).

The I-589 was mailed within one year of the last arrival, but the USCIS Service Center returned it as improperly filed. It was subsequently refiled more than one year after the arrival. In cases such as this, the applicant is presumed to have attempted a timely request for protection with USCIS. The application will not be referred on the basis of the one-year filing deadline, provided the applicant refiles within a reasonable period of time from the date the application was returned by the Service Center. **Note:** The file must always be thoroughly checked to ensure that correspondence to an applicant from the Service Center is not overlooked.

(ii) administrative closure

Where a case was initially filed before April 16, 1998 or prior to the expiration of the one-year period, then closed and subsequently reopened by USCIS, there is no filing deadline issue because the application was timely filed.

(iii) previous asylum case was terminated by an immigration judge

Provided the first filing was before April 16, 1998, or before the expiration of the one-year period, an asylum officer should examine the period of time from the termination date to the second filing date in order to determine whether the delay was reasonable.

g. other circumstances

Other circumstances that are not specifically listed in

See also RAIO training module *Guidance for Adjudicating Lesbian, Gay,*

the non-exclusive list in the regulations, but which may constitute extraordinary circumstances, depending on the facts of the case, include, but are not limited to, severe family or spousal opposition, extreme isolation within a community, profound language barriers, or profound difficulties in cultural acclimatization. Any such factor or group of factors must have had a severe enough impact on the applicant's functioning to have produced a significant barrier to timely filing.

Bisexual and Intersex Claims.

C. Burden and Standard of Proof

1. Applicant's burden

The burden of proof is on the applicant to establish the existence of a changed circumstance materially affecting eligibility for asylum or of an extraordinary circumstance related to the applicant's failure to apply for asylum within one year from the last arrival.

2. Standard of proof

The standard of proof to establish changed or extraordinary circumstances is proof to *the satisfaction of the Attorney General*. This is a lower standard of proof than the "clear and convincing" standard that is required to establish that the applicant timely filed.

[INA § 208\(a\)\(2\)\(D\)](#); *see* RAIO Training Module, *Evidence*.

The standard "to the satisfaction of the Attorney General" places the burden on the applicant to demonstrate that an exception applies. The applicant is not required to establish "beyond a reasonable doubt" or by "clear and convincing evidence" that the exception applies. Rather, this standard has been described in another immigration context as requiring the applicant to demonstrate that the exception applies through "credible evidence sufficiently persuasive to satisfy the Attorney General in the exercise of his reasonable judgment, considering the proof fairly and impartially."

See Matter of Barreiro, 12 I&N Dec. 277, 282 (BIA 1967) (interpreting the "satisfaction of the Attorney General" standard as applied when adjudicating an exception to deportability for failure to notify the Service of a change of address).

This standard has also been interpreted in other immigration contexts to require a similar showing as the "preponderance of evidence" standard, requiring an individual to prove an issue:

- "by a preponderance of evidence which is reasonable, substantial and probative," or

See e.g. Matter of Barreiros, 10 I&N Dec. 536, 538 (BIA 1964) (interpreting same standard for rescinding LPR status by establishing that applicant was not eligible for adjustment); *Matter of V-*, 7 I&N Dec. 460, 463 (BIA

- “in his favor, just more than an even balance of the evidence.”

3. Evidence

Generally, asylum officers must consult country conditions information relevant to the applicant’s claim to determine whether there are changed country conditions material to the applicant’s eligibility for asylum.

While the burden of proof is on the applicant to show that there are changed circumstances that now materially affect his or her eligibility for asylum, many applicants affected by changed circumstances may not be able to articulate those circumstances. The unique nature of assessing an applicant’s need of protection places the officer in a “cooperative” role with the applicant. It is an asylum officer’s affirmative duty “to elicit all relevant and useful information bearing on the applicant’s eligibility for asylum.”

Asylum officers must be flexible and inclusive in examining changed or extraordinary circumstances, if credible testimony or documentary evidence relating to an exception exists. Documentary evidence includes country conditions and legal information that the asylum officer researches and uses.

1957) (interpreting standard for an alien to establish that a marriage was not contracted for the purpose of evading immigration laws).

Note: This, of course, would not apply where the changed circumstance is a change in the applicant’s spousal or parent-child relationship to the principal in a previous application.

See RAIO Training Module, [Researching and Using Country of Origin Information in RAIO Adjudications](#).

UNHCR Handbook, para. 196; 8 C.F.R. § 208.9(b). .

INS, Interim Rule with Request for Comments, [62 Fed. Reg. 10312, 10316](#) (Mar. 6, 1997) (acknowledging the weight of “a decision to deny an alien the right to apply for asylum”); 142 Cong. Rec. S11840 (Sept. 30, 1996) (comments by Senators Hatch and Abraham shortly before passage of IIRIRA that indicate legislative intent for exceptions to cover a broad range of circumstances).

VI. FILING WITHIN A REASONABLE PERIOD OF TIME

A. Overview

If there are changed or extraordinary circumstances either material to the applicant’s claim or related to the applicant’s failure to file timely, respectively, the applicant must have filed the asylum application within a reasonable period of time from the occurrence of the changed or extraordinary circumstance in order to establish an exception to the one-year filing deadline.

8 C.F.R. § 208.4(a)(4)(ii).

B. Delayed awareness

If the applicant can establish that he or she did not become aware of the changed circumstances until after they occurred, such delayed awareness must be taken into account in determining what constitutes a “reasonable period of time.”

8 C.F.R. § 208.4(a)(4)(ii).

C. Evaluation of the “reasonable period of time”

What constitutes a reasonable period of time to file following a changed or extraordinary circumstance depends upon the facts of the case. There is no amount of time that is automatically considered reasonable or unreasonable. Asylum officers must ask themselves if a reasonable person under the same or similar circumstances as the applicant would have filed sooner. Asylum officers are encouraged to give applicants the benefit of the doubt in evaluating what constitutes a reasonable time in which to file. An applicant’s education and level of sophistication, the amount of time it takes to obtain legal assistance, any effects of persecution and/or illness, when the applicant became aware of the changed circumstance, and any other relevant factors should be considered.

In addition, the applicant may assert that a particular situation that would otherwise be considered “an extraordinary circumstance,” such as a serious injury to the applicant and/or his or her representative, that took place outside of the one year filing period contributed to his or her delay in filing. Though such situations cannot be considered “extraordinary circumstances” for the purposes of an exception, they should be considered when determining whether the application was filed in a reasonable period of time where there has been a changed or extraordinary circumstance identified that could give rise to an exception.

Asylum Procedures, 65 Fed. Reg. 76121, 16123-24 (Dec. 6, 2000) (Supplementary Information) (noting that the finding of changed or extraordinary circumstances would justify late filing “to the extent necessary to allow the alien a reasonable amount of time to submit the application,” but not providing an automatic extension of a certain period of time); *see Matter of T-M-H- & S-W-C-*, 25 I&N Dec. 193 (BIA 2010) (finding that there is no automatic one year extension in which to file an asylum application following material “changed circumstances”)

Examples

- 1) An educated human rights lawyer arrived in the U.S. in 1985. She demonstrates that country conditions changed in 1997, placing her at risk. She files for asylum in January 2001. Due to this particular applicant’s knowledge of the law and human rights conditions, an explanation for waiting so long to file would have to be very convincing to be considered reasonable.
- 2) In 1987 a Polish citizen was jailed by the Polish Government for one year for expressing a pro-democracy

political opinion. He arrived in the U.S. in 1988. He filed for asylum in September 2000. His attorney states that an I-589 was not filed for many years because she did not believe he was eligible. She believes that a BIA case decided in May 2000 affects his eligibility. Presuming his attorney is correct, a changed circumstance exception to the filing deadline rule – change in applicable U.S. law – applies, provided that the four-month period from May to September is considered a reasonable delay.

- 3) Applicant was seriously ill during a one-year period after her last arrival, but was in very good health for 18 months prior to filing her asylum application. When asked why she waited so long, she replied that she was too busy repairing her home. While this applicant's illness constituted an extraordinary circumstance for not timely filing the I-589, delaying the filing as long as she did was not reasonable. Such a delay might, depending on the circumstances, be considered reasonable for an applicant who continued to require intensive therapy and other treatment as a result of the illness.

Examples related to permission to remain in the U.S. (“status cases”)

When it is determined that an application was untimely filed and that during the one-year period the applicant had TPS, parole, or a lawful status, the inquiry is whether the applicant filed for asylum within a reasonable period of time after the TPS, parole, or lawful status ended. The existence of an extraordinary circumstance in the form of a legal status does not toll the one-year limitation. The determinations of reasonableness are made on a case-by-case basis. Although the totality of circumstances in the case determines what is considered a reasonable period of time, guidance offered by the Department of Justice states that more than a six-month delay would usually be considered unreasonable.

Husye v. Mukasey, 528 F.3d 1172 (9th Cir. 2008) (Court found that Husyev's filing 364 days after his lawful status expired was unreasonable even though the filing was six months after the one-year deadline had passed.); *see Asylum Procedures*, 65 Fed. Reg. 76121, 76123-24 (Dec. 6, 2000) (Supplementary Information) (“Clearly, waiting six months or longer after expiration or termination of status would not be considered reasonable.”).

- 1) In February 1999, Applicant was admitted on a B-2 visa until August 1999. She applied for asylum untimely in June 2000. An extraordinary circumstance exception applies because Applicant was in lawful status during the one-year filing period. The issue before the asylum officer

See Asylum Procedures, 65 Fed. Reg. 76121, 76123 (Dec. 6, 2000) (Supplementary Information) (“The Department would expect a

is whether ten months between the expiration of lawful status (August 1999) and the time of filing (June 2000) is a reasonable period of time to file. The asylum officer does NOT look to the period of time between when the application should have been filed (February 2000) and when it was actually filed (June 2000).

person in that situation to apply for asylum, should conditions not improve, within a very short period of time after the expiration of her status. Failure to apply within a reasonable time after expiration of the status would foreclose the person from meeting the statutory filing requirements.”).

- 2) In September 1998, Applicant entered the U.S. on a student visa. Her status lapsed in June 2000. She filed for asylum in August 2000. Because the I-589 was filed more than one year after the last arrival, the issue for the asylum officer is whether it was reasonable to delay filing for two months after the applicant’s lawful status lapsed. **Note:** Barring facts to the contrary, in this situation a two-month delay would ordinarily be considered a reasonable period of time. A longer period of time may also be reasonable, depending on the circumstances.
- 3) In March 1999, Applicant was admitted to the U.S. on a B-1 visa and authorized to stay until June 1999. She applied for asylum in February 2000. This applicant timely filed the application within one year of her last arrival, so there is no filing deadline issue to adjudicate; whether it was reasonable to delay filing for eight months from the visa expiration is irrelevant. Applicant has met the one-year filing requirement.

VII. CREDIBILITY

A. Overview

As explained in this lesson, an applicant must demonstrate by clear and convincing evidence that he or she applied for asylum within one year after the date of last arrival. This may be demonstrated either by establishing the date of last arrival or by establishing that the applicant was outside the United States less than one year prior to the date the application was filed. If the applicant fails to file within one year from the date of last arrival, the applicant may still be eligible to apply for asylum if the applicant establishes to the satisfaction of the asylum officer that an exception applies. To determine whether the applicant met the filing deadline or whether an exception applies, the asylum officer will have to evaluate the credibility of the applicant’s testimony regarding each of these issues.

B. Totality of the Circumstances

Irrelevant Pages Omitted

Tab BB

USCIS Response to Coronavirus (COVID-19)



Home > Humanitarian > Temporary Protected Status > Temporary Protected Status Designated Country: Afghanistan

Temporary Protected Status Designated Country: Afghanistan

TPS Designated Through:	Nov. 20, 2023
Registration Period:	May 20, 2022 – Nov. 20, 2023
Continuous Residence in U.S. Since:	March 15, 2022
Continuous Physical Presence in U.S. Since:	May 20, 2022
TPS Designation Date:	May 20, 2022
Federal Register Notice Citation:	87 FR 30976

Close All Open All

When to File for TPS

Where to File

Other Immigration Options

You might be eligible for other immigration options listed on the [Explore My Options](#) page.

To apply for lawful permanent resident status (a Green Card), you must be eligible under one of the categories listed on the [Green Card Eligibility Categories](#) page. Once you find the category that may fit your situation, click on the link provided to get information on eligibility requirements, how to apply, and whether your family members can also apply with you.

Note on Seeking Asylum: Being granted and maintaining TPS until a reasonable period before the filing of the asylum application is considered an extraordinary circumstance for the purposes of the

1-year filing deadline. In other words, having TPS status “stops the clock” on the requirement to file for asylum within 1 year of arriving in the United States, if the 1-year clock has not already expired. See 8 CFR 208.4(a)(5)(iv).

Avoid Scams



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New Evidence that Biometric Data Systems Imperil Afghans

Taliban Now Control Systems with Sensitive Personal Information



A United States military official takes the fingerprints of a man in Afghanistan. © 2010 AP Photo/Julie Jacobson

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.

"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.

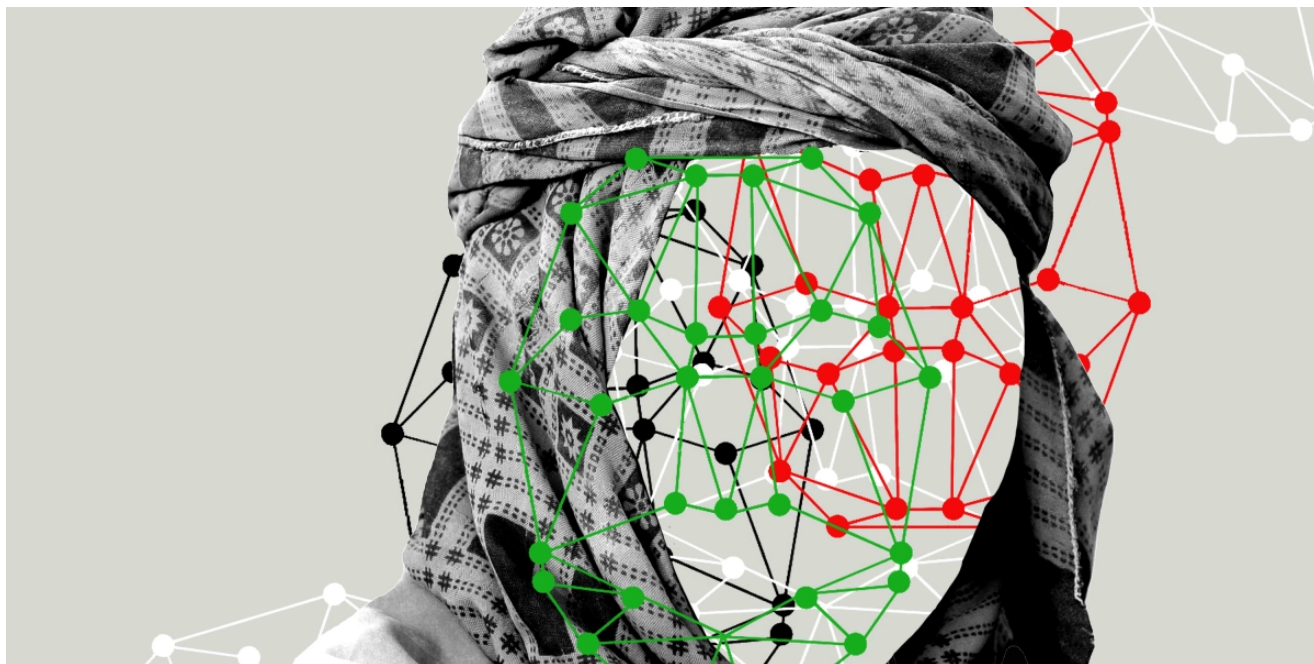
CORRECTION

Tab DD

This is the real story of the Afghan biometric databases abandoned to the Taliban

technologyreview.com/2021/08/30/1033941/afghanistan-biometric-databases-us-military-40-data-points/

Eileen Guo



As the Taliban swept through Afghanistan in mid-August, declaring the end of two decades of war, reports quickly circulated that they had also captured US military biometric devices used to collect data such as iris scans, fingerprints, and facial images. Some feared that the machines, known as HIIDE, could be used to help identify Afghans who had supported coalition forces.

According to experts speaking to MIT Technology Review, however, these devices actually provide only limited access to biometric data, which is held remotely on secure servers. But our reporting shows that there is a greater threat from Afghan government databases containing sensitive personal information that could be used to identify millions of people around the country.

MIT Technology Review spoke to two individuals familiar with one of these systems, a US-funded database known as APPS, the Afghan Personnel and Pay System. Used by both the Afghan Ministry of Interior and the Ministry of Defense to pay the national army and police, it is arguably the most sensitive system of its kind in the country, going into extreme levels of detail about security personnel and their extended networks. We granted the sources anonymity to protect them against potential reprisals.

Related Story

Started in 2016 to cut down on paycheck fraud involving fake identities, or “ghost soldiers,” APPS contains some half a million records about every member of the Afghan National Army and Afghan National Police, according to estimates by individuals familiar with the program. The data is collected “from the day they enlisted,” says one individual who worked on the system, and remains in the system forever, whether or not someone remains actively in service. Records could be updated, he added, but he was not aware of any deletion or data retention policy—not even in contingency situations, such as a Taliban takeover.

A [presentation on the police recruitment process](#) from NATO’s Combined Security Training Command–Afghanistan shows that just one of the application forms alone collected 36 data points. Our sources say that each profile in APPS holds at least 40 data fields.

These include obvious personal information such as name, date, and place of birth, as well as a unique ID number that connects each profile to a biometric profile kept by the Afghan Ministry of Interior.

But it also contains details on the individuals’ military specialty and career trajectory, as well as sensitive relational data such as the names of their father, uncles, and grandfathers, as well as the names of the two tribal elders per recruit who served as guarantors for their enlistment. This turns what was a simple digital catalogue into something far more dangerous, according to Ranjit Singh, a postdoctoral scholar at the nonprofit research group Data & Society who studies data infrastructures and public policy. He calls it a sort of “genealogy” of “community connections” that is “putting all of these people at risk.”

One of the forms for police recruitment alone captured 36 pieces of information, including data on applicants and their families that included details such as “favorite fruit” and “favorite vegetable.”

The information is also of deep military value—whether for the Americans who helped construct it or for the Taliban, both of which are “looking for networks” of their opponent’s supporters, says Annie Jacobsen, a journalist and author of *First Platoon: A Story of Modern War in the Age of Identity Dominance*.

But not all the data has such clear use. The police ID application form, for example, also appears to ask for recruits’ favorite fruit and vegetable. The Office of the Secretary of Defense referred questions about this information to United States Central Command, which did not respond to a request for comment on what they should do with such data.

“I wouldn’t be surprised if they looked at the databases and started printing lists ... and are now head-hunting former military personnel.”

While asking about fruits and vegetables may feel out of place on a police recruitment form, it indicates the scope of the information being collected and, says Singh, points to two important questions: What data is legitimate to collect to achieve the state's purpose, and is the balance between the benefits and drawbacks appropriate?

In Afghanistan, where data privacy laws were not written or enacted until years after the US military and its contractors began capturing biometric information, these questions never received clear answers.

The resulting records are extremely comprehensive.

"Give me a field that you think we will not collect, and I'll tell you you're wrong," said one of the individuals involved.

Then he corrected himself: "I think we don't have mothers' names. Some people don't like to share their mother's name in our culture."

A growing fear of reprisals

The Taliban have stated publicly that they will not carry out targeted retribution against Afghans who had worked with the previous government or coalition forces. But their actions—historically and since their takeover—have not been reassuring.

On August 24, the UN High Commissioner of Human Rights told a special G7 meeting that her office had received credible reports of "summary executions of civilians and combat members of the Afghan national security forces."

"I wouldn't be surprised if they looked at the databases and started printing lists based on this ... and now are head-hunting former military personnel," one individual familiar with the database told us.

An investigation by Amnesty International found that the Taliban tortured and massacred nine ethnic Hazara men after capturing Ghazni province in early July, while in Kabul there have been numerous reports of Taliban going door to door to "register" individuals who had worked for the government or internationally funded projects.

Biometrics have played a role in such activity going back to at least 2016, according to local media accounts. In one widely reported incident from that year, insurgents ambushed a bus en route to Kunduz and took 200 passengers hostage, eventually killing 12, including local Afghan National Army soldiers returning to their base after visiting family. Witnesses told local police at the time that the Taliban used some kind of fingerprint scanner to check people's identities.

It's unclear what kinds of devices these were, or whether they were the same ones used by American forces to help establish "identity dominance"—the Pentagon's goal of knowing who people were and what they had done.

Related Story

The Taliban, not the West, won Afghanistan's technological war

The US-led coalition had more firepower, more equipment, and more money. But it was the Taliban that gained most from technological progress.

US officials were particularly interested in tracking identities to disrupt networks of bomb makers, who were successfully evading detection as their deadly improvised explosive devices caused large numbers of casualties among American troops. With biometric devices, military personnel could capture people's faces, eyes, and fingerprints—and use that unique, immutable data to connect individuals, like bomb makers, with specific incidents. Raw data tended to go one way—from devices back to a classified DOD database—while actionable information, such as lists of people to "be on the lookout for", was downloaded back onto the devices.

Incidents like the one in Kunduz seemed to suggest that these devices could access broader sets of data, something that the Afghan Ministry of Defense and American officials alike have repeatedly denied.

"The U.S. has taken prudent actions to ensure that sensitive data does not fall into the Taliban's hands. This data is not at risk of misuse. That's unfortunately about all I can say," wrote Eric Pahon, a Defense Department spokesperson, in an emailed statement shortly after publication.

"They should also have thought of securing it"

But Thomas Johnson, a research professor at the Naval Postgraduate School in Monterey, California, provides another possible explanation for how the Taliban may have used biometric information in the Kunduz attack.

Instead of their taking the data straight from HIIDE devices, he told MIT Technology Review, it is possible that Taliban sympathizers in Kabul provided them with databases of military personnel against which they could verify prints. In other words, even back in 2016, it may have been the databases, rather than the devices themselves, that posed the greatest risk.

Regardless, some locals are convinced that the collection of their biometric information has put them in danger. Abdul Habib, 32, a former ANA soldier who lost friends in the Kunduz attack, blamed access to biometric data for their deaths. He was so concerned that he too could be identified by the databases, that he left the army—and Kunduz province—shortly after the bus attack.

When he spoke with MIT Technology Review shortly before the fall of Kabul, Habib had been living in the capital for five years, and working in the private sector.

“When it was first introduced, I was happy about this new biometric system,” he said. “I thought it was something useful and the army would benefit from it, but now looking back, I don’t think it was a good time to introduce something like that. If they are making such a system, they should also have thought of securing it.”

And even in Kabul, he added, he hasn’t felt safe: “A colleague was told that ‘we will remove your biometrics from the system,’ but as far as I know, once it is saved, then they can’t remove it.”

When we last spoke to him just before the August 31 withdrawal deadline, as tens of thousands of Afghans surrounded the Hamid Karzai International Airport in Kabul in attempts to leave on an evacuation flight, Habib said that he had made it in. His biometric data was compromised, but with any luck, he would be leaving Afghanistan.

What other databases exist?

APPS may be one of the most fraught systems in Afghanistan, but it is not unique—nor even the largest.

The Afghan government—with the support of its international donors—has embraced the possibilities of biometric identification. Biometrics would “help our Afghan partners understand who its citizens are ... help Afghanistan control its borders; and ... allow GIRoA [the Government of the Islamic Republic of Afghanistan] to have ‘identity dominance,’” as one American military official put it in a [2010 biometrics conference](#) in Kabul.

Central to the effort was the Ministry of Interior’s biometric database, called the Afghan Automatic Biometric Identification System (AABIS), but often referred to simply as the Biometrics Center. AABIS itself was modeled after the highly classified Department of Defense biometric system called the Automatic Biometric Identification System, which helped identify targets for drone strikes.

Related Story

Afghans are being evacuated via WhatsApp, Google Forms, or by any means possible

The only hope for many caught by the Taliban takeover is a chaotic and sometimes risky online volunteer response.

According to Jacobsen's book, AABIS aimed to cover 80% of the Afghan population by 2012, or roughly 25 million people. While there is no publicly available information on just how many records this database now contains, and neither the contractor managing the database nor officials from the US Defense Department have responded to requests for comment, one unconfirmed figure from the LinkedIn profile of its US-based program manager puts it at 8.1 million records.

AABIS was widely used in a variety of ways by the previous Afghan government. Applications for government jobs and roles at most projects required a biometric check from the MOI system to ensure that applicants had no criminal or terrorist background. Biometric checks were also required for passport, national ID, and driver's license applications, as well as registrations for the country's college entrance exam.

Another database, slightly smaller than AABIS, was connected to the "e-tazkira," the country's electronic national ID card. By the time the government fell, it had roughly 6.2 million applications in process, according to the National Statistics and Information Authority, though it is unclear how many applicants had already submitted biometric data.

Biometrics were also used—or at least publicized—by other government departments as well. The Independent Election Commission used biometric scanners in an attempt to prevent voter fraud during the 2019 parliamentary elections, with questionable results. In 2020, the Ministry of Commerce and Industries announced that it would collect biometrics from those who were registering new businesses.

Despite the plethora of systems, they were never fully connected to each other. An August 2019 audit by the US found that despite the \$38 million spent to date, APPS had not met many of its aims: biometrics still weren't integrated directly into its personnel files, but were just linked by the unique biometric number. Nor did the system connect directly to other Afghan government computer systems, like that of the Ministry of Finance, which sent out the salaries. APPS also still relied on manual data-entry processes, said the audit, which allowed room for human error or manipulation.

A global issue

Afghanistan is not the only country to embrace biometrics. Many countries are concerned about so-called "ghost beneficiaries"—fake identities that are used to illegally collect salaries or other funds. Preventing such fraud is a common justification for biometric systems, says

Amba Kak, the director of global policy and programs at the AI Now institute and a legal expert on biometric systems.

“It’s really easy to paint this [APPS] as exceptional,” says Kak, who co-edited a book on global biometric policies. It “seems to have a lot of continuity with global experiences” around biometrics.

“Biometric ID as the only efficient means for legal identification is ... flawed and a little dangerous.”

Amber Kak, AI Now

It’s widely recognized that having legal identification documents is a right, but “conflating biometric ID as the only efficient means for legal identification,” she says, is “flawed and a little dangerous.”

Kak questions whether biometrics—rather than policy fixes—are the right solution to fraud, and adds that they are often “not evidence-based.”

But driven largely by US military objectives and international funding, Afghanistan’s rollout of such technologies has been aggressive. Even if APPS and other databases had not yet achieved the level of function they were intended to, they still contain many terabytes of data on Afghan citizens that the Taliban can mine.

“Identity dominance”—but by whom?

The growing alarm over the biometric devices and databases left behind, and the reams of other data about ordinary life in Afghanistan, has not stopped the collection of people’s sensitive data in the two weeks between the Taliban’s entry into Kabul and the official withdrawal of American forces.

This time, the data is being collected mostly by well-intentioned volunteers in unsecured Google forms and spreadsheets, highlighting either that the lessons on data security have not yet been learned—or that they must be relearned by every group involved.

Singh says the issue of what happens to data during conflicts or governmental collapse needs to be given more attention. “We don’t take it seriously,” he says, “But we should, especially in these war-torn areas where information can be used to create a lot of havoc.”

Kak, the biometrics law researcher, suggests that perhaps the best way to protect sensitive data would be if “these kinds of [data] infrastructures ... weren’t built in the first place.”

For Jacobsen, the author and journalist, it is ironic that the Department of Defense's obsession with using data to establish identity might actually help the Taliban achieve its own version of identity dominance. "That would be the fear of what the Taliban is doing," she says.

Ultimately, some experts say the fact that Afghan government databases were not very interoperable may actually be a saving grace if the Taliban do try to use the data. "I suspect that the APPS still doesn't work that well, which is probably a good thing in light of recent events," said Dan Grazier, a veteran who works at watchdog group the Project on Government Oversight, by email.

But for those connected to the APPS database, who may now find themselves or their family members hunted by the Taliban, it's less irony and more betrayal.

"The Afghan military trusted their international partners, including and led by the US, to build a system like this," says one of the individuals familiar with the system. "And now that database is going to be used as the [new] government's weapon."

This article has been updated with comment from the Department of Defense. In a previous version of this article, one source indicated that there was no deletion or data retention policy; he has since clarified that he was not aware of such a policy. The story has been updated to reflect this.