

# THE FATE OF THOUSANDS HANGING IN THE BALANCE:

## AFGHANISTAN'S FALL INTO THE HANDS OF THE TALIBAN

The Taliban have attempted to portray to the world that they will respect human rights—however the ground reality is far from this. This briefing specifically documents the repression of the rights of women and girls, the intimidation of human rights defenders, the crackdown on freedom of expression, the reprisals on former government workers as well as the challenges faced by refugees and those who wish to leave Afghanistan. These incidents form a litany of abuses that demonstrate the need for an independent monitoring mechanism in response to the human rights situation in Afghanistan.

*A Taliban fighter (L) stands guard as Afghan women take part in an anti-Pakistan protest in Kabul on September 8, 2021. (Photo by Hoshang Hashimi / AFP) (Photo by HOSHANG HASHIMI/AFP via Getty Images)*





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## 1. INTRODUCTION

Afghanistan, a country already besieged by conflict that has seen gross violations and abuses of human rights for decades, entered a new chapter on 15 August 2021, when the Taliban captured its capital Kabul, and overthrew the civilian government.<sup>1</sup> With President Ashraf Ghani fleeing hours after the Taliban entered Kabul, the city effectively fell under the rule of the Taliban armed group, that 20 years before had been ousted by the United States and its allies.<sup>2</sup>

The takeover by the Taliban marks a new epoch in the history of Afghanistan. The past 20 years had resulted in some progress on the enjoyment of human rights in the country, particularly women's rights, but the conflict has also seen thousands of civilian deaths and the commission of crimes against humanity, war crimes, and other serious human rights violations and abuses by all parties. The 20-year war is estimated to have taken the lives of at least 47,245 civilians with many more injured, in addition to over 66,000 Afghan national military and police, 51,191 Taliban and other fighters, 72 journalists, 444 aid workers and 3,846 US contractors.<sup>3</sup>

<sup>1</sup> Ahmad Seir, Rahim Faiez, Tameem Akhgar and Jon Gambrell. AP News. 16 August 2021. "Taliban sweep into Afghan capital after government collapses". <https://apnews.com/article/afghanistan-taliban-kabul-bagram-e1ed33fe0c665ee67ba132c51b8e32a5>.

<sup>2</sup> The Hindu. 16 August 2021. "Afghan President Ghani flees Kabul in helicopter stuffed with cash: reports". <https://www.thehindu.com/news/international/afghan-president-ghani-flees-kabul-in-helicopter-stuffed-with-cash-reports/article35940674.ece>.

<sup>3</sup> Ellen Knickmeyer. AP. 17 August 2021. "Costs of the Afghanistan war, in lives and dollars". <https://apnews.com/article/middle-east-business-afghanistan-43d8f53b35e80ec18c130cd683e1a38f>. Based on a report by Neta C. Crawford and Catherine Lutz. Brown University. 13 November 2019 "Human Cost of Post-9/11 Wars: Direct War Deaths in Major War Zones, Afghanistan and Pakistan (October 2001 – October 2019); Iraq (March 2003 – October 2019); Syria (September 2014–October 2019); Yemen (October 2002–October 2019); and Other". <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2019/Direct%20War%20Deaths%20COW%20Estimate%20November%202013%202019%20FINAL.pdf>. See also BBC. 3 September 2021. "Afghanistan: What has the conflict cost the US and its allies?". <https://www.bbc.com/news/world-47391821>

Since their takeover on 15 August, the Taliban promised in several press conferences and statements that they assure a general amnesty for all previous government workers,<sup>4</sup> respect women's rights in accordance with their interpretation of Sharia law,<sup>5</sup> and that journalists would be protected.<sup>6</sup> In a sign of things to come, bright murals in the capital Kabul were painted over with black and white slogans by the Taliban in the weeks following the takeover.<sup>7</sup> A Taliban commander attended a news conference with TOLO news, conducted by a female anchor, to demonstrate their promises and commitments – days later, the anchor herself fled Afghanistan fearing for her life.<sup>8</sup>

Although the Taliban had assured a general amnesty for all previous government workers, there was no formal decree to this effect- and to protect the rights of journalists.<sup>9</sup> Contrary to this reassurance, the Taliban continued to crackdown on journalists and tortured them for reporting about protests in the country.<sup>10</sup> Female protestors took to the streets demanding equality and freedom in Nimroz,<sup>11</sup> Kabul<sup>12</sup>, Herat,<sup>13</sup> Mazar-e-Sharif<sup>14</sup> and other cities and provinces in Afghanistan- despite violent crackdowns on protestors on 2 and 6 September in Mazar-e-Sharif. Reporters were threatened by the Taliban to not report the protest in Mazar-e-Sharif.<sup>15</sup>

For civilians, their fate hangs in the balance, as several blasts in Kabul since 15 August claimed hundreds of lives. On 26 August, a suicide bombing by the Islamic State - Khorasan Province (ISKP) outside the Baron Hotel, in close proximity to the Abbey Gate and also at the Abbey Gate of the Hamid Karzai International Airport (HKIA), claimed 170 lives, including 13 US soldiers, and injured many others.<sup>16</sup> On 29 August, a Hellfire missile, launched by the United States military from a Reaper drone, killed 10 people, including seven children, in Kabul.<sup>17</sup> Thus far, the United States has failed to properly investigate the strike, speak to the families of the victims, or pay compensation. On 17 September, General Frank McKenzie, the head of the US Central Command, accepted responsibility for the killings which they called a “tragic mistake”.<sup>18</sup>

Following the Taliban announcement on 3 September that it had seized control of Panjshir, where an armed group had been resisting the Taliban rule, celebratory gun fire killed at least 17 people and injured 41 others in Kabul.<sup>19</sup>

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<sup>4</sup> Zaheena Rasheed, Arwa Ibrahim and Usaid Siddiqui. Al Jazeera. 17 August 2021. “Taliban offers amnesty, promises women's rights and media freedom”. <https://www.aljazeera.com/news/2021/8/17/evacuation-flights-resume-as-biden-defends-afghanistan-pullout>.

<sup>5</sup> Tracy Shelton. ABC. 19 August 2021. “The Taliban say they will preserve women's rights under sharia law. But what does that mean?”. <https://www.abc.net.au/news/2021-08-19/womens-rights-and-sharia-law-under-the-taliban/100386350>.

<sup>6</sup> BBC. 17 August 2021. “Afghan women to have rights within Islamic law, Taliban say”. <https://www.bbc.com/news/world-asia-58249952>.

<sup>7</sup> Tweet. Secunder Kermani. @SecKermani. 3 September 2021. 11:47 PM. <https://twitter.com/SecKermani/status/1433856716186206211>.

<sup>8</sup> The Guardian. 2 September 2021. “Female TV anchor who interviewed Taliban flees Afghanistan”.

<https://www.theguardian.com/world/2021/sep/02/female-tv-anchor-who-interviewed-taliban-official-ends-up-having-to-flee-afghanistan>.

<sup>9</sup> Yogita Limaye. BBC. 1 September 2021. “Amid violent reprisals, Afghans fear the Taliban's 'amnesty' was empty”. <https://www.bbc.com/news/world-asia-58395954>. The Wire. 28 August 2021. “What Happened to the Taliban's Promise to Protect Journalists?”. <https://thewire.in/media/what-happened-to-the-talibans-promise-to-protect-journalists>.

<sup>10</sup> Reuters. 9 September 2021. “Afghan journalists beaten in Taliban detention, editor says”. <https://www.reuters.com/world/asia-pacific/afghan-journalists-beaten-taliban-detention-editor-says-2021-09-09/>.

<sup>11</sup> Tweet. From the Afghan Women. Handle: @HearAfghanWomen. 4 September 2021. 7:34 PM. <https://twitter.com/HearAfghanWomen/status/1434155448236756994>.

<sup>12</sup> Tweet. Zahra Rahimi. @ZahraSRahimi. 7 September 2021. 3:47 PM. <https://twitter.com/ZahraSRahimi/status/1435185420808163333>.

<sup>13</sup> Al Jazeera English, Herat women protest against Taliban over right to work, 2 September 2021, <https://www.aljazeera.com/news/2021/9/2/women-in-herat-protest-outside-governors>.

<sup>14</sup> Farzana Adell. Handle: @far\_adell. 6 September 2021. 2:18 PM. [https://twitter.com/far\\_adell/status/1434800726212071428](https://twitter.com/far_adell/status/1434800726212071428).

<sup>15</sup> Tweet. Farzana Adell. @far\_adell. 6 September 2021. 2:18 PM. [https://twitter.com/far\\_adell/status/1434800726212071428](https://twitter.com/far_adell/status/1434800726212071428).

<sup>16</sup> BBC. 30 August 2021. “Afghanistan: US drone strike 'eliminates airport bomb threat'”. <https://www.bbc.com/news/world-asia-58372458>.

<sup>17</sup> Washington Post, 10 September 2021. “Examining a “righteous” strike.” [https://www.washingtonpost.com/investigations/interactive/2021/kabul-drone-strike-questions/?\\_a](https://www.washingtonpost.com/investigations/interactive/2021/kabul-drone-strike-questions/?_a).

<sup>18</sup> The New York Times. 17 September 2021. “Pentagon acknowledges Aug. 29 drone strike in Afghanistan was a tragic mistake that killed 10 civilians”. <https://www.nytimes.com/2021/09/17/us/politics/pentagon-drone-strike-afghanistan.html>. Al Jazeera. 17 September 2021. “Drone attack killed 10 civilians in Kabul, US acknowledges”. <https://www.aljazeera.com/news/2021/9/17/drone-strike-killed-10-civilians-in-kabul-us-acknowledges>.

<sup>19</sup> Reuters. 4 September 2021. “At least 17 killed in celebratory gunfire in Kabul – reports”. <https://www.reuters.com/world/asia-pacific/least-17-killed-celebratory-gunfire-kabul-reports-2021-09-04/>. The Times of India. 3 September 2021. “17 dead, 41 injured in citywide open-air firing in Kabul: Reports”. <https://timesofindia.indiatimes.com/world/south-asia/afghanistan-crisis-17-dead-41-injured-in-citywide-open-air-firing-in-kabul/articleshow/85920629.cms>.

In this report, Amnesty International, International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT) have documented incidents of human rights violations that have taken place in Afghanistan since the takeover by the Taliban on 15 August. This report calls on the UN Human Rights Council (UNHRC) to take decisive action to establish a robust independent investigative mechanism to monitor and report on human rights abuses committed in violation of international human rights law, and to contribute to accountability for crimes under international law. Human rights defenders, journalists, and others who are targeted for their work must be evacuated and given safe passage if they wish to leave Afghanistan; and women and girls, and ethnic and religious minorities who are targeted because of their gender, ethnic, and religious identity, must be guaranteed protection. All those who wish to leave Afghanistan must be assured the right to seek asylum. At the same time, the Office of the Prosecutor of the International Criminal Court must receive assistance from the international community to immediately recommence its investigations into crimes under international law committed in Afghanistan.



*Kabul Airport vicinity. 16 August 2021. Planet Labs.*

## 2. METHODOLOGY

The data in this briefing was obtained via primary and secondary research. The primary research was conducted by Amnesty International, OMCT and FIDH from 1 to 18 September 2021. The organizations conducted qualitative interviews with four journalists, one former government officer, three human rights defenders, and one researcher. Trusted information received from partners was also used to corroborate information in this report. All names have been changed and identifying details omitted in order to ensure the safety of all those who spoke to the researchers for this report. Amnesty International, OMCT and FIDH collected, verified, and analysed videos and photographs shared on social media platforms. This methodology included checking sources, geolocation, and establishing the time frame in which the content was captured. Amnesty International's geospatial expert analysed satellite imagery over Afghanistan since 15 August 2021. Other secondary desk research was conducted to corroborate incidents in this report that were reported by mainstream international and national media outlets. The report considers the period between 15 August to 18 September 2021. Attempts to reach the Taliban to share these findings were not successful and received no reply.

## 3. BACKGROUND: AFGHANISTAN UNDER THE TALIBAN

The Taliban have attempted to portray themselves as a reformed group that acknowledges a semblance of women's rights and freedom of expression, since their recent military takeover of Afghanistan.<sup>20</sup> While they have promised a "general amnesty" for all those who have worked for the former government (although there was no formal decree to this effect), incidents from parts of Afghanistan, which include the targeted killing of people who formerly worked for the government, have confirmed that these statements are only a cover for a reversion to their earlier regime of repression.

Human Rights Defenders, women politicians, former government workers and religious and ethnic minorities face heightened risks. For example, since the takeover, the Taliban has targeted those who worked for the Afghan police force, and in one instance, killed Banu Negar a former woman police officer who was pregnant at the time.<sup>21</sup> A popular comedian Nazar Mohammed, who had formerly worked for the police force, was abducted from his home, and killed.<sup>22</sup> In another instance, Zarifa Ghafari, Afghanistan's first female mayor, told the media that the Taliban had searched for her, confiscated her car, and beaten up her guards.<sup>23</sup> She has now left Afghanistan.<sup>24</sup> Mahmud, a human rights defender, told Amnesty International that minorities in Afghanistan are in grave danger- specifically, Shias, Hazaras, Hindu, and Sikh communities.<sup>25</sup> Other reports have emerged of the Taliban threatening family members of those who have fled, threatening death, or demanding ransom in the event these people do not return.<sup>26</sup> As of 26 August, thousands of Afghans were already pouring across the border into Pakistan.<sup>27</sup>

Those who are at risk face immense challenges in leaving the country, both through the airports and through land borders. American troops ended the evacuation from the Hamid Karzai International Airport (HKIA) at midnight on 30 August. It is reported that some commercial and charter flights commenced since 9 September from HKIA.<sup>28</sup> Entry points to bordering countries, like the Spin Boldak-Chaman crossing to Pakistan in Kandahar, was closed by Pakistan on 3 September,<sup>29</sup> in the weeks following the Taliban takeover of Kabul, limiting the ability of refugees to cross the border.<sup>30</sup> Reports emerged that on 2 September 2021 four people died as a result of a stampede as they tried to rush across the border.<sup>31</sup>

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<sup>20</sup> Zaheena Rasheed, Arwa Ibrahim and Usaid Siddiqui. Al Jazeera. 17 August 2021. "Taliban offers amnesty, promises women's rights and media freedom". <https://www.aljazeera.com/news/2021/8/17/evacuation-flights-resume-as-biden-defends-afghanistan-pullout>.

<sup>21</sup> The Taliban denied their involvement in the killing to the BBC. BBC. 5 September 2021. "Afghanistan: Taliban accused of killing pregnant police officer". <https://www.bbc.com/news/world-asia-58455826>. However, relatives have confirmed she was killed by the Taliban. Tweet. Aditya Raj Kaul @AdityaRajKaul. 5 September 2021. 7:04 PM. <https://twitter.com/adityarajkaul/status/1434510349609299971?lang=en>.

<sup>22</sup> Alex Horton and Ezzatullah Mehrdad. The Washington Post. 28 July 2021. "After 'comedian' is killed by Taliban, videos of his treatment spark outrage across Afghanistan". <https://www.washingtonpost.com/world/2021/07/28/nazar-khasha-afghanistan-comedian/>. ANI. "Popular Afghan comedian killed by gunmen, family blames Taliban". <https://www.aninews.in/news/world/asia/popular-afghan-comedian-killed-by-gunmen-family-blames-taliban20210723165601/>.

<sup>23</sup> Yogita Limaye. BBC. 1 September 2021. "Amid violent reprisals, Afghans fear the Taliban's 'amnesty' was empty". <https://www.bbc.com/news/world-asia-58395954>. Zarifa Ghafari. Al Jazeera. 16 September 2021. "The world should not yet engage with the new Taliban government". <https://www.aljazeera.com/opinions/2021/9/16/the-world-should-not-yet-engage-with-the-new-taliban-government>.

<sup>24</sup> Yogita Limaye. BBC. 1 September 2021. "Amid violent reprisals, Afghans fear the Taliban's 'amnesty' was empty". <https://www.bbc.com/news/world-asia-58395954>. Zarifa Ghafari. Al Jazeera. 16 September 2021. "The world should not yet engage with the new Taliban government". <https://www.aljazeera.com/opinions/2021/9/16/the-world-should-not-yet-engage-with-the-new-taliban-government>.

<sup>25</sup> Mahmud. Interview response sent via email. 10 September 2021. Amnesty International.

<sup>26</sup> Yogita Limaye. BBC. 1 September 2021. "Amid violent reprisals, Afghans fear the Taliban's 'amnesty' was empty". <https://www.bbc.com/news/world-asia-58395954>.

<sup>27</sup> BBC. 31 August 2021. "Afghanistan: Fleeing the Taliban into Pakistan and leaving dreams behind". <https://www.bbc.com/news/world-asia-58380551>.

<sup>28</sup> Reuters. 10 September 2021. 9 September 2021. "Afghanistan commercial flights resume as U.N. accuses Taliban of harassment". <https://www.reuters.com/world/asia-pacific/taliban-interim-government-agrees-let-foreigners-leave-afghanistan-2021-09-09/>. New York Times. "A Qatari jet carries more than 100 foreigners from Kabul". <https://www.nytimes.com/2021/09/09/world/asia/taliban-americans-afghanistan.html>.

<sup>29</sup> Scroll.in. 3 September 2021. "Afghanistan: Pakistan temporarily closes key border crossing amid fears of refugee influx". <https://scroll.in/latest/1004490/afghanistan-pakistan-temporarily-closes-key-border-crossing-amid-fears-of-refugee-influx>.

<sup>30</sup> Hindustan Times. 2 September 2021. "Deadly stampede after Pakistan shuts key border crossing with Afghanistan: Report". <https://www.hindustantimes.com/world-news/deadly-stampede-after-pakistan-shuts-key-border-crossing-with-afghanistan-report-101630584905141.html>.

<sup>31</sup> Tweet. Muslim Shirzad. @MuslimShirzad. 2 September 2021. 4:06 PM. <https://twitter.com/MuslimShirzad/status/1433378247052566532>. Hindustan Times. 2 September 2021. "Deadly stampede after Pakistan shuts key border crossing with Afghanistan: Report". <https://www.hindustantimes.com/world-news/deadly-stampede-after-pakistan-shuts-key-border-crossing-with-afghanistan-report-101630584905141.html>.



16 August 2021. Kabul Airport. Planet Labs.

The thousands who are left behind, or are trying to leave Afghanistan, are testament to the brutal regime of the Taliban circa 2001, when extrajudicial executions abounded, and women and girls were oppressed with a plethora of restrictions. Since then, even in the last 20 years, the Taliban and other armed groups have conducted brutal attacks on civilians, journalists, human rights defenders, and government workers, resulting in Afghanistan having one of the highest civilian deaths in the world.<sup>32</sup> Nearly 50,000 civilians have died in the last 20 years.<sup>33</sup> The first half of 2021 alone recorded 5183 civilian casualties (1,659 deaths and 3,524 injuries), of which 32 per cent were children. This is a 47 per cent increase in civilian casualties compared to the same period in 2020.<sup>34</sup> Those responsible for these casualties include both anti-government and pro-government forces.<sup>35</sup>

This briefing specifically covers incidents demonstrating repression of the rights of women and girls, the intimidation faced by human rights defenders, the crackdown on freedom of expression, the reprisals on former government workers and possible violations of international humanitarian law as well as the challenges faced by refugees and those who wish to leave Afghanistan. These incidents form a litany of abuses that demonstrate the need for an independent monitoring mechanism in response to the human rights situation in Afghanistan.

## 4. THREATS TO GENDER EQUALITY AFTER 15 AUGUST

In the 1990's the Taliban carried out multiple human rights violations against women including stoning, public beatings, executions and death penalty, and facing arrest and penalties for "inappropriate dress", and denial of education for girls.<sup>36</sup> As the Taliban return to power, women are at high risk of human rights violations, as is demonstrated in the incidents below.

Under pressure from journalists and the broader international community since their takeover of Afghanistan on 15 August, Taliban leaders and spokespersons have repeatedly addressed the issue of women's rights, and to an extent, have attempted to provide reassurances that their policies in that

<sup>32</sup> Amnesty International. "Afghanistan 2020". <https://www.amnesty.org/en/location/asia-and-the-pacific/south-asia/afghanistan/report-afghanistan/>.

<sup>33</sup> New York Times. 30 September 2021. "Afghanistan Updates: The U.S. Occupation Is Over, Ending America's Longest War". <https://www.nytimes.com/live/2021/08/30/world/afghanistan-news>.

<sup>34</sup> UNAMA. 26 July 2021. "Civilian Casualties Set To Hit Unprecedented Highs In 2021 Unless Urgent Action To Stem Violence – UN Report". <https://unama.unmissions.org/civilian-casualties-set-hit-unprecedented-highs-2021-unless-urgent-action-stem-violence-%E2%80%93-un-report>.

<sup>35</sup> UNAMA. 26 July 2021. "Civilian Casualties Set To Hit Unprecedented Highs In 2021 Unless Urgent Action To Stem Violence – UN Report". <https://unama.unmissions.org/civilian-casualties-set-hit-unprecedented-highs-2021-unless-urgent-action-stem-violence-%E2%80%93-un-report>. BBC. 26 July 2021. "Afghanistan: Record civilian casualties in 2021, UN reports". <https://www.bbc.com/news/world-asia-57967960>.

<sup>36</sup> Allia Bukhari. The Diplomat. 17 August 2021. "Taliban's Return Has Afghan Women Living in Fear. For Afghan women, the threat from the Taliban is very real." <https://thediplomat.com/2021/08/talibans-return-has-afghan-women-living-in-fear/>. News18. 16 August 2021. "EXPLAINED: Taliban May Project Moderate Face, But Here's Why Their Return Is Making Afghan Women Nervous". <https://www.news18.com/news/explainers/explained-taliban-may-project-moderate-face-but-heres-why-their-return-is-making-afghan-women-nervous-4092749.html>.

regard have changed since they were in control in the late 1990s. However, despite promises that women's rights would be respected under the Sharia law, the space for women's rights has already begun to rapidly shrink, and the hard-won gains of the past two decades have started to dissipate. For example, on 8 September 2021, the deputy head of Taliban's cultural commission told Australian media SBS that women would be banned from playing sports, citing in particular, the national women's cricket team.<sup>37</sup>

## 4.1 DENIAL OF THE RIGHT TO WORK

**"WE SEE THE TALIBAN AS RESPONSIBLE FOR EVERYTHING. THEY ATTACKED; THEY TOOK OVER- [BUT] THEY DON'T KNOW HOW TO GOVERN. THEY HAVE BETRAYED THE HOPES OF MILLIONS OF AFGHANS. OUR HOPES ARE LEFT IN REFUGEE CAMPS."**<sup>38</sup>- AYESHA, JOURNALIST.

A key concern is whether the Taliban will allow women to work, given that from 1996 to 2001, except for female medical providers and widows, women were forbidden from working outside of their homes.<sup>39</sup> The restrictions on employment often resulted in women being forced to beg on the streets and engage in transactional sex.<sup>40</sup>

The messages regarding women's rights that have been communicated by the Taliban since they re-took power, have been unclear and inconsistent and have left women across Afghanistan terrified. On 24 August 2021, Taliban spokesman Zabihullah Mujahid told reporters that women should refrain from showing up to work until "proper systems" were put in place to "ensure their safety," and claiming it was a "very temporary procedure", without giving any details.<sup>41</sup> However, on 28 August, Suhail Shaheen, a spokesperson of the Taliban, tweeted that women working in the health sector were to report to duty.<sup>42</sup> On 11 September, it was reported that all male employees of the Ministry of Finance were to report to work, and female employees were to stay at home until "a proper work environment is provided".<sup>43</sup> No further details have been shared, leaving many working women in limbo. While some have been able to continue working, others have been physically barred from entering their workplace by Taliban fighters; many more have stayed home out of precaution.

**"TALIBAN DID NOT ALLOW THE WOMEN TO REPORT TO THEIR JOB/DUTIES, THEY HAVE INSULTED AND HUMILIATED THE WOMEN"- ABDUL, A JOURNALIST.**<sup>44</sup>

Worrying reports about women being barred from their workplaces or sent home have surfaced from different parts of the country, and it is not yet known if these were isolated incidents or are part of a wider pattern. In early July, as Taliban fighters began to take control of parts of the city of Kandahar, nine women

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<sup>37</sup> The Guardian, Afghan women to be banned from playing sport, Taliban say, 8 September 2021, <https://www.theguardian.com/world/2021/sep/08/afghan-women-to-be-banned-from-playing-sport-taliban-say>.

<sup>38</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

<sup>39</sup> Windy Brown & Laura Grenfell, The International Crime of Gender-based Persecution and the Taliban, 4 MELB. J. INT'L L., 347 (2003), <http://classic.austlii.edu.au/au/journals/MelbJIL/2003/1.html#Heading49>.

<sup>40</sup> Human Rights Watch, Humanity Denied: Systematic Violations of Women's Rights in Afghanistan, 2001, p. 8, <https://www.hrw.org/reports/2001/afghan3/afgwr1001.pdf>

<sup>41</sup> BBC, Afghanistan: Taliban tell working women to stay home, 24 August 2021, <https://www.bbc.com/news/world-asia-58315413>.

<sup>42</sup> Tweet. TOLONews. @TOLONews. 28 August 2021. 2:14 AM. <https://twitter.com/TOLONews/status/1431356930191249411>. News18. 27 August 2021.

<sup>43</sup> "Worsening Health Crisis in Afghanistan: Taliban Urge Female Staff of Public Health Dept to Return to Work". <https://www.news18.com/news/world/facing-desperate-health-crisis-taliban-asks-female-staff-of-public-health-dept-to-return-to-work-4135634.html>.

<sup>44</sup> Tweet. BILAL SARWARY. @bsarwary11 September 2021. 12:02 AM. [https://twitter.com/bsarwary/status/1436397079681699871\\_](https://twitter.com/bsarwary/status/1436397079681699871_)

<sup>44</sup> Abdul. Interview response sent via email. 8 September 2021. Amnesty International.



were ordered to leave their offices at Azizi Bank; they were escorted home and told that they would be replaced by their male relatives.<sup>45</sup> The same scenario repeated itself at Bank Milli in Herat a few days later.<sup>46</sup>

In Herat, soon after the Taliban claimed the city on 12 August, many women were barred from their workplace, including some from their jobs at the Industrial Park, where 300 factories producing food and construction supplies have employed many local women in recent years.<sup>47</sup> On 2 September 2021, dozens of women protested in Herat against the Taliban's policies regarding women, including over the right to work.<sup>48</sup>

While it appears that a number of women journalists and other media workers have stayed home preemptively, either of their own volition, or as a result of cautious editors and publishers, there have been a number of verified incidents of Taliban fighters either stopping women journalists from entering their offices or allowing them to report in the field. These are dealt with in detail below, under threats faced by journalists.

## 4.2 DENIAL OF THE RIGHT TO EDUCATION

Shortly after returning to power, Taliban leaders announced that although women and girls would not be forbidden from attending schools, there would be a ban on co-education. On 29 August 2021, the Taliban's "acting higher education minister", Abdul Baqi Haqqani, stated the "people of Afghanistan will continue their higher education in the light of Sharia law in safety without being in a mixed male and female environment."<sup>49</sup>

On 5 September 2021, the Education Ministry, now controlled by the Taliban, issued a decree imposing that all female students, teachers and staff at colleges and universities wear an Islamic black *abaya* robe and *niqab* covering the hair, body, and most of the face, as well as gloves.<sup>50</sup> The decree also formalized the minister's 29 August announcement regarding the ban on co-education, specifying that classes must be segregated by gender, and female students only taught by women when possible, or separated by a curtain.<sup>51</sup> As universities reopened on 6 September, photographs circulated on social media showing male and female students segregated by a curtain erected in the middle of classrooms. The lack of female teachers has been a significant concern in Afghanistan in the past.<sup>52</sup> On 17 September the Taliban announced that boys would begin secondary, high school and religious school from Saturday the 18 of September but made no mention of when girls would begin school.<sup>53</sup>

Due to the Taliban's policies of forbidding girls from attending schools past the age of eight, in the 1990's, it remains unclear what policies they will implement for primary and middle school education. Although images of girls returning to school in Herat just a few days after the Taliban's return to power flooded

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<sup>45</sup> Reuters, Afghan women forced from banking jobs as Taliban take control, 15 August 2021, <https://www.reuters.com/world/asia-pacific/afghan-women-bankers-forced-roles-taliban-takes-control-2021-08-13/>.

<sup>46</sup> Reuters, Afghan women forced from banking jobs as Taliban take control, 15 August 2021, <https://www.reuters.com/world/asia-pacific/afghan-women-bankers-forced-roles-taliban-takes-control-2021-08-13/>.

<sup>47</sup> Confidential communication. Phone interview. 2 September 2021. FIDH.

<sup>48</sup> Al Jazeera English, Herat women protest against Taliban over right to work, 2 September 2021, <https://www.aljazeera.com/news/2021/9/2/women-in-herat-protest-outside-governors>.

<sup>49</sup> France24, Women allowed to attend university under Taliban rule: acting minister, 29 August 2021, <https://www.france24.com/en/live-news/20210829-women-allowed-to-attend-university-under-taliban-rule-acting-minister>.

<sup>50</sup> Gandhara/RFEL, Taliban Imposes New Dress Code, Segregation of Women at Afghan Universities, 6 September 2021, <https://gandhara.rferl.org/a/taliban-dress-code-segregation-women/31446726.html>.

<sup>51</sup> Gandhara/RFEL, Taliban Imposes New Dress Code, Segregation of Women at Afghan Universities, 6 September 2021, <https://gandhara.rferl.org/a/taliban-dress-code-segregation-women/31446726.html>. whip

<sup>52</sup> UNICEF. "Afghanistan- Education". <https://www.unicef.org/afghanistan/education>.

<sup>53</sup> The Times of India. 18 September 2021. "Taliban resume boys-only schools, makes no mention of girls". <https://timesofindia.indiatimes.com/world/south-asia/taliban-resume-boys-only-schools-makes-no-mention-of-girls/articleshow/86311733.cms>. Al Jazeera. 17 September 2021. "Taliban says classes resume for Afghan boys, no mention of girls". <https://www.aljazeera.com/news/2021/9/17/taliban-says-classes-resume-afghan-boys-no-mention-girls>.

news<sup>54</sup> and social media, there have also been isolated reports of schools closing, particularly in rural areas.<sup>55</sup> It should also be noted that in areas that were already under Taliban control prior to 15 August, many schools were either destroyed by the Taliban, or girls were prohibited from attending school past grade four.<sup>56</sup>

### 4.3 EXCLUSION OF WOMEN FROM POLITICS

When asked if women (and ethnic minorities) would be included in the new Afghan government during an interview with BBC Pashto, the deputy head of the Taliban political office in Qatar stated that there “may not” be a woman in top posts of the “government”, including the “Cabinet”.<sup>57</sup> This was proven a reality on 7 September, when the Taliban announced their “caretaker government”, without a single woman in a cabinet post. This is a regression from the previous cabinet and undermines women’s rights to political participation. The Women’s Affairs Ministry no longer exists in the “government” appointed by the Taliban, despite the important role it played in improving women’s rights in Afghanistan in previous years.

The Ministry of Propagation of Virtue and Prevention of Vice has also been re-established, which is particularly worrying because of the role of this Ministry in curtailing the rights of women in the past.<sup>58</sup> Representation of ethnic and religious minorities is also absent from all leadership positions that have been appointed, which is of grave concern given the past attacks targeting the rights of women and girls, and ethnic and religious minorities.

### 4.4 REPRISALS AGAINST WOMEN POLITICIANS AND CIVIL SERVANTS

Women who were in government prior to the Taliban’s takeover have by and large fled the country; however, there have already been several instances of reprisals against their employees, colleagues, and family members who have stayed in Afghanistan.<sup>59</sup> As mentioned previously, Zarifa Ghafari, the female mayor of Maidan Shar in Wardak Province, told the BBC, that the Taliban had confiscated her car and beat up her guards.<sup>60</sup>

There have also been reports of reprisals against, including executions, of women police officers. As mentioned previously, a former police officer Banu Negar was killed in Firozkoh, Ghor Province- her case is detailed below under reprisals against government workers.<sup>61</sup>

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<sup>54</sup> See France24, Afghan girls return to school in Herat after Taliban takeover, 18 August 2021, <https://www.france24.com/en/live-news/20210818-afghan-girls-return-to-school-in-herat-after-taliban-takeover>.

<sup>55</sup> News18. 16 August 2021. “Photo of Afghan Children Showing Up to Closed School Shows Impending Doom:.” <https://www.news18.com/news/buzz/photo-of-afghan-children-showing-up-to-closed-school-shows-impending-doom-4091588.html/>. The Economic Times. 17 August 2021. “Shops, markets, schools remain closed in Kabul amid chaos”. <https://economictimes.indiatimes.com/news/international/world-news/shops-markets-schools-remain-closed-in-kabul-amid-chaos/articleshow/85390636.cms>.

<sup>56</sup> Human Rights Watch, “I Won’t Be a Doctor, and One Day You’ll Be Sick”: Girls’ Access to Education in Afghanistan, 17 October 2017, <https://www.hrw.org/report/2017/10/17/i-wont-be-doctor-and-one-day-youll-be-sick/girls-access-education-afghanistan>.

<sup>57</sup> BBC. 1 September 2021. “Afghanistan : Taliban asked if there will be a place for women in new government”. <https://www.bbc.com/news/av/world-asia-58407424>.

<sup>58</sup> Foreign Policy. 9 September 2021. “In Afghanistan, It’s Back to the Future—of Taliban Tyranny”. <https://foreignpolicy.com/2021/09/09/taliban-afghanistan-government-future-tyranny/>. France 24. 11 September 2021. “Sports ban, segregated education: Afghanistan women worried by first Taliban measures”. <https://www.france24.com/en/asia-pacific/20210911-sports-ban-segregated-education-afghanistan-women-worried-by-first-taliban-measures>. The Washington Post. 8 September 2021. “The Taliban is bringing back its feared ministry of ‘vice’ and ‘virtue’”. <https://www.washingtonpost.com/world/2021/09/08/afghan-vice-virtue-ministry/>.

<sup>59</sup> Information obtained in writing from human rights defenders based in Afghanistan. Private communication. 8 September 2021. Also see, Philip Oltermann. The Guardian. 20 August 2021. “Relative of Deutsche Welle journalist killed by Taliban”. <https://www.theguardian.com/world/2021/aug/20/relative-deutsche-welle-journalist-killed-taliban-german-broadcaster-afghans-media>. Hindustan Times. 20 August 2021. “Relative of DW journalist in Afghanistan killed by Taliban: broadcaster”. <https://www.hindustantimes.com/world-news/relative-of-dw-journalist-in-afghanistan-killed-by-taliban-broadcaster-101629441598419.html>.

<sup>60</sup> BBC. 31 August 2021. “Amid violent reprisals, Afghans fear the Taliban’s ‘amnesty’ was empty”. <https://www.bbc.com/news/world-asia-58395954>.

<sup>61</sup> BBC. 5 September 2021. “Afghanistan: Taliban accused of killing pregnant police officer”. <https://www.bbc.com/news/world-asia-58455826.amp>.

Others have reported the intimidation they face, and that the Taliban are asking for their home addresses. A former Afghan policewoman reported to the BBC that other former policewomen had received phone calls from the Taliban, asking them to come to work and demanding their home addresses.<sup>62</sup>

Female judges<sup>63</sup> and prosecutors have also come under threat, not just from the Taliban, but also from men who had been convicted and imprisoned on charges of murder or domestic violence and freed from prison by the Taliban since 15 August. There have been reports of both ex-prisoners and Taliban fighters ransacking the homes of female judges.<sup>64</sup>

## 4.5 REPRESSION OF WOMEN'S PROTESTS

As a result, many Afghan women have donned the Burka, refrained from leaving the house without a male guardian, and stopped other activities, to avoid violence and reprisals primarily from the Taliban. However, despite the myriad threats now presented to women's rights, women across the country have been holding protests to demand that the Taliban respect women's rights and implement a more inclusive government that reflects the country's diversity.<sup>65</sup> According to a source, the organised demonstration started in several cities of the country after Taliban intensified attacks in Panjshir.<sup>66</sup> Protests have been held in Herat, Kabul, Badakhshan, Balkh, and other cities throughout Afghanistan.<sup>67</sup>

While some protests were allowed to continue peacefully, some were violently repressed by the Taliban using force that was not necessary or proportionate in the circumstances. Protests were violently dispersed using unlawful and disproportionate force against peaceful protestors by the Taliban in several cities including the capital Kabul where they beat protestors with batons,<sup>68</sup> used tear gas,<sup>69</sup> threatened them with guns and aerial firings.

On 4 September, approximately 100 women had held a protest in Kabul to demand the inclusion of women in the new "government", and for the Taliban to respect women's rights more broadly; the protest was dispersed by Taliban special forces, who fired into the air and reportedly fired tear gas.<sup>70</sup> When the protest was violently dispersed by the Taliban at least one protester suffered a head injury, with a video showing an injury on her forehead above her right eye.<sup>71</sup> Others were beaten by the Taliban.<sup>72</sup>

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<sup>62</sup> BBC. 31 August 2021. "Amid violent reprisals, Afghans fear the Taliban's 'amnesty' was empty". <https://www.bbc.com/news/world-asia-58395954>.

<sup>63</sup> There are about 270 female judges in Afghanistan. Female judges have faced threats from the Taliban and other armed groups since before 15 August; in January 2021, two female judges at the Supreme Court were shot dead in Kabul – The Guardian. 17 January 2021. "Two female judges shot dead in Kabul as wave of killings continues". <https://www.theguardian.com/world/2021/jan/17/two-female-judges-shot-dead-in-kabul-as-wave-of-killings-continues>.

<sup>64</sup> Washington Post. 28 August 2021. "Judges from around the world work to save female Afghan colleagues amid waning hope". [https://www.washingtonpost.com/local/afghan-women-judges-rescue/2021/08/28/ccd94798-075c-11ec-a654-900a78538242\\_story.html](https://www.washingtonpost.com/local/afghan-women-judges-rescue/2021/08/28/ccd94798-075c-11ec-a654-900a78538242_story.html).

<sup>65</sup> Tweet. Ahmad Mukhtar @AhMukhtar. 7 September 2021. <https://twitter.com/AhMukhtar/status/1435186104790134787>. Tweet. Fazila Baloch. @IFazilaBaloch. 5 September 2021. [https://twitter.com/search?q=Fazila%20Baloch&src=typed\\_query](https://twitter.com/search?q=Fazila%20Baloch&src=typed_query).

<sup>66</sup> Confidential communication. September 2021. World Organisation Against Torture (OMCT).

<sup>67</sup> Al Jazeera English, Herat women protest against Taliban over right to work, 2 September 2021, <https://www.aljazeera.com/news/2021/9/2/women-in-herat-protest-outside-governors>. France24. 5 September 2021. "Taliban use gunfire to break up women's protest in Kabul". <https://www.france24.com/en/asia-pacific/20210905-taliban-fire-into-air-use-tear-gas-to-break-up-afghan-women-s-protest-in-kabul>. Times of India. 9 September 2021. "Taliban put 'conditions' to restrict protest in Afghanistan". <https://timesofindia.indiatimes.com/world/south-asia/taliban-put-conditions-to-restrict-protest-in-afghanistan/articleshow/86053405.cms>.

<sup>68</sup> Tweet. Bilal Sarwary. @bsarwary. 7 September 2021. 3:38 PM. <https://twitter.com/bsarwary/status/1435183233042354182>. Tweet. Obaidullah Baheer. @ObaidullaBaheer. 3:47 PM. <https://twitter.com/ObaidullaBaheer/status/1435185479750651905>. Tweet. Qasim. @QTawhedi. 7 September 2021. 5:18 PM. <https://twitter.com/QTawhedi/status/1435208294050709506>.

<sup>69</sup> Tweet. Andrew Quilty. @andrewquilty. 7 September 2021. 1:12 PM. <https://twitter.com/andrewquilty/status/1435146521771749382>.

<sup>70</sup> France24. 5 September 2021. "Taliban use gunfire to break up women's protest in Kabul". <https://www.france24.com/en/asia-pacific/20210905-taliban-fire-into-air-use-tear-gas-to-break-up-afghan-women-s-protest-in-kabul>.

<sup>71</sup> Tweet. Zaki Daryabi. @ZDaryabi. 4 September 2021. 12:44 PM. <https://twitter.com/ZDaryabi/status/1434052243909644288>. NDTV. 4 September 2021. "Afghan Woman Activist Beaten Up By Taliban During Kabul Protest: Report". <https://www.ndtv.com/world-news/afghan-woman-activist-thrashed-by-taliban-during-kabul-protest-2529829>.

<sup>72</sup> Information obtained in writing from human rights defenders based in Afghanistan. Private communication. 8 September 2021. Also, Tweet. Ziar Khan Yaad. @ziaryaad. 4 September 2021. 1:00 PM. <https://twitter.com/ziaryaad/status/1434056376553197568>. BBC. 5 September 2021. "Afghanistan: Taliban break up women's rights protest in Kabul". <https://www.bbc.com/news/world-asia-58450230>

Videos verified by Amnesty International corroborate media reports that the Taliban have used tear gas and electric tasers and hit women on the head with the magazines of guns in Kabul.<sup>73</sup> Protestors and journalists have been injured as a result. Amnesty International verified videos from 7 September, showing Taliban firing shots to disperse protestors in Kabul.<sup>74</sup> Amnesty International's Crisis Evidence Lab verified two videos from 4 September, from national news outlets reporting that tear gas was used, and showing a group of protesting women clearly coughing.<sup>75</sup> On 7 September, following a protest in Kabul, female protestors were allegedly illegally detained in a basement carpark in order to prevent them from joining a protest.<sup>76</sup>

A video, reportedly from a protest held on 8 September in Badakhshan, showed Taliban fighters using whips against women protesters asking for the rights to work and to education to be upheld.<sup>77</sup> These incidents and others are discussed in more detail below under threats faced by civil society.

## 4.6 LGBTI PEOPLE IN AFGHANISTAN AFRAID FOR THEIR LIVES

LGBTI people and groups are at high risk of being harmed in Afghanistan under the Taliban rule. Many are now in hiding according to media reports.<sup>78</sup> In 2018, the Afghanistan government adopted a new penal code that explicitly criminalized consensual same sex relations.<sup>79</sup> Under the domestic law, engaging in same sex relations could attract long jail terms, but Amnesty International, FIDH and OMCT are concerned that under the strict interpretation of Sharia law by the Taliban, anyone accused of same sex relations could face the death sentence or extra judicial executions. In September, one person had reported to the media that his boyfriend was beheaded by the Taliban after they came into Kabul.<sup>80</sup> Reports have emerged of the fear under which LGBTI people are now living in Afghanistan, with many afraid to reveal their sexual orientation to anyone, fearing being found by the Taliban.<sup>81</sup> Significantly, while the Taliban has made verbal overtures to protect women's rights and a free press, they have made no mention of protecting the rights of LGBTI people.

In Afghanistan, same sex conduct is a taboo subject. Those who are suspected of sodomy or sex outside of heterosexual marriage, could attract social condemnation, prison sentences, or even the death penalty. In the 1990's, the Taliban have punished such people by stoning them or allowing a stone wall to fall on them.<sup>82</sup> The death penalty has not been implemented on those accused of same sex relations since 2001.<sup>83</sup>

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<sup>73</sup> France 24. 5 September 2021. "Taliban fire into air, use tear gas to break up Afghan women's protest in Kabul". <https://www.youtube.com/watch?v=eBep8nD7NCQ>. Tweet. Farhan Amiri Official. خبر های تازه. @FarhanAmiree. 4 September 2021. 6:06 PM. <https://twitter.com/FarhanAmiree/status/1434133338122596357>.

<sup>74</sup> Tweet. Zahra Rahimi. @ZahraSRahimi. 7 September 2021. 1:07 PM. <https://twitter.com/ZahraSRahimi/status/1435145228873342980>.

<sup>75</sup> Tweet. Zaki Daryabi. @ZDaryabi. 4 September 2021. 12:44 PM. <https://twitter.com/ZDaryabi/status/1434052243909644288>. Tweet. Farhan Amiri Official. خبر های تازه. @FarhanAmiree. 4 September 2021. 6:06 PM. <https://twitter.com/FarhanAmiree/status/1434133338122596357>. France 24. 5 September 2021. "Taliban fire into air, use tear gas to break up Afghan women's protest in Kabul". <https://www.youtube.com/watch?v=eBep8nD7NCQ>.

<sup>76</sup> Tweet. Zahara Rahimi. @ZaharaSRahimi. 7 September 2021. <https://twitter.com/ZaharaSRahimi/status/1435156607273521152>.

<sup>77</sup> Twitter. Rukhshana Media. 8 September 2021. <https://twitter.com/RukhshanaMedia/status/1435615521731383298>.

<sup>78</sup> Rachel Savage. Thomson Reuters Foundation. 19 August 2021. <https://www.reuters.com/article/us-afghanistan-lgbt-hiding-idUSKBN2FK1UP>. Also see Tracey Shelton. ABC. 2 September 2021. "LGBT Afghans are on the run, afraid they could be stoned to death under Taliban law". <https://www.abc.net.au/news/2021-09-02/afghans-lgbt-community-face-stoning-under-taliban-law/100412330>.

<sup>79</sup> Article 427. Penal Code of Afghanistan. 2018. Also see Human Rights Watch. 2020. World Report 2020. "Afghanistan". <https://www.hrw.org/video-photos/interactive/2020/06/22/human-rights-watch-country-profiles-sexual-orientation-and#afghanistan>

<sup>80</sup> Tracey Shelton. ABC. 2 September 2021. "LGBT Afghans are on the run, afraid they could be stoned to death under Taliban law". <https://www.abc.net.au/news/2021-09-02/afghans-lgbt-community-face-stoning-under-taliban-law/100412330>.

<sup>81</sup> Kirsty Grant. BBC. 20 August 2021. "LGBT in Afghanistan: 'I could be killed on the spot'". <https://www.bbc.com/news/newsbeat-58271187>

<sup>82</sup> The New York Times. "Execution By Taliban: Crushed Under Wall". 16 January 1999. <https://www.nytimes.com/1999/01/16/world/execution-by-taliban-crushed-under-wall.html>.

<sup>83</sup> Rachel Savage. Reuters. 19 August 2021. "LGBT+ Afghans in hiding, fearing death under Taliban". <https://www.reuters.com/article/us-afghanistan-lgbt-hiding-idUSKBN2FK1UP>.

## 5. AFGHAN HUMAN RIGHTS DEFENDERS AT GREATER RISK THAN EVER

Systematic death threats, attacks, and killings of human rights defenders have been rampant across Afghanistan even prior to the withdrawal of US troops. This includes those working in civil society organizations or NGOs- that is, anyone who individually or with others act to promote or protect human rights in a peaceful manner.<sup>84</sup> Since the capture of Kabul by the Taliban on 15 August 2021, the lives of thousands of women and men who had risked their safety to promote and defend human rights, gender equality, rule of law, and democratic freedoms in their country are now, more than ever, hanging by a thread.

While it is now almost impossible to carry out any human rights work, attacks on human rights defenders have reportedly been on the rise without any sign of abating. Since 15 August, the Taliban and armed groups have engaged in large-scale door-to-door searches, forcing human rights defenders into hiding, and moving clandestinely from one place to another.<sup>85</sup> Meanwhile, escalating violence in the provinces has forced a large number of defenders to leave their home and internally relocate to Kabul.<sup>86</sup> Human rights defenders were also beaten up by the Taliban.<sup>87</sup> Yet very few are willing to publicly denounce the attacks for fear of further reprisals. This demonstrates the climate of fear under which Afghan defenders are now forced to live and are trying to escape.

On 7 September, a staff member of a Kabul-based NGO was arrested by the Taliban, whipped, and severely beaten.<sup>88</sup> On 11 September, the Taliban forces allegedly broke into the house of Fahima Rahmati, a local female activist in Kandahar Province, dragged her family members out, beat them, and took them to an unknown location.<sup>89</sup> From September 2020 until May 2021, a total of 17 human rights defenders were killed, including nine journalists, as per information compiled by the Afghan Human Rights Defenders Committee (AHRDC).<sup>90</sup> During this period, over 200 human rights defenders and media representatives reported that they were receiving serious threats to the AHRDC and the Afghanistan Journalists Safety Committee. A report published by the United Nations Assistance Mission in Afghanistan (UNAMA) in February 2021, noted that 65 media practitioners and human rights defenders have been killed since 2018.<sup>91</sup> In most of these cases, no perpetrators were held to account. These attacks aimed at silencing those working on human rights, especially women's rights, as well as those seeking justice and accountability for human rights violations. As a result, many defenders had to relocate within Afghanistan and, in some cases, even temporarily leave the country with their families for safety concerns.

Kobra, a woman human rights defender who spoke with Amnesty International, said that she lived in an area in Kabul where there were many Taliban sympathizers. She said that in the weeks before the city fell, shopkeepers and even police officers asked her about her occupation. "I was answering

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<sup>84</sup> OHCHR. "About Human Rights Defenders". <https://www.ohchr.org/en/issues/srhrdefenders/pages/defender.aspx>.

<sup>85</sup> BBC. 20 August 2021. "Afghanistan: Taliban carrying out door-to-door manhunt, report says". <https://www.bbc.com/news/world-asia-58271797>.

<sup>86</sup> BBC. 13 August 2021. "Afghanistan: Desperation as thousands flee the Taliban". <https://www.bbc.com/news/av/world-asia-58191043>.

<sup>87</sup> UN. 10 September 2021. "Taliban response to protests increasingly violent, warns OHCHR". <https://news.un.org/en/story/2021/09/1099552>.

<sup>88</sup> Confidential communication sent by email. 13 September 2021. World Organisation Against Torture (OMCT).

<sup>89</sup> Pajhwok Afghan News. 12 September 2021. "Taliban attack Fahima house, arrest family members". <https://pajhwok.com/2021/09/12/taliban-attack-fahima-house-arrest-family-members/>. Haste Sobh. 8AM News. 12 September 2021. "The Taliban Have Allegedly Arrested Two Brothers and a Brother-in-Law of a Civil Activist in Kandahar, Afghanistan". <https://8am.af/eng/the-taliban-have-allegedly-arrested-two-brothers-and-a-brother-in-law-of-a-civil-activist-in-kandahar-afghanistan/>.

<sup>90</sup> Amnesty International, FIDH, CIVICUS and others. ReliefWeb. 19 May 2021. "Afghanistan: Joint call for an immediate end to attacks against human rights defenders and need for protection and accountability". <https://reliefweb.int/report/afghanistan/afghanistan-joint-call-immediate-end-attacks-against-human-rights-defenders-and>.

<sup>91</sup> UNAMA. 2021. "Special Report: Killing of Human Rights Defenders, Journalists and Media Workers in Afghanistan. 2018-2021." [https://eur02.safelinks.protection.outlook.com?url=https%3A%2F%2Funama.unmissions.org%2Fsites%2Fdefault%2Ffiles%2Funama\\_special\\_report\\_killing\\_of\\_human\\_rights\\_defenders\\_and\\_journalists\\_in\\_afghanistan\\_2018-2021\\_february\\_2021.pdf&data=04|01|samira.hamidi@amnesty.org|6f7a7bb3f4004513573208d9193e17c9|c2dbf829378d44c1b47a1c043924ddf3|0|1|637568576751667554|Unknown|TWfPbGZsb3d8eyJWjoiMCAwLjAwMDAiLCQjoiV2luMzliLCBTiI6I1haWwiLCXVCI6Mn0%3D|1000&sdata=oxZgOVRAZSCNFeRhWAI9dRSApp%2Ffh7enMQ2SpyEYkl%3D&reserved=0](https://eur02.safelinks.protection.outlook.com?url=https%3A%2F%2Funama.unmissions.org%2Fsites%2Fdefault%2Ffiles%2Funama_special_report_killing_of_human_rights_defenders_and_journalists_in_afghanistan_2018-2021_february_2021.pdf&data=04|01|samira.hamidi@amnesty.org|6f7a7bb3f4004513573208d9193e17c9|c2dbf829378d44c1b47a1c043924ddf3|0|1|637568576751667554|Unknown|TWfPbGZsb3d8eyJWjoiMCAwLjAwMDAiLCQjoiV2luMzliLCBTiI6I1haWwiLCXVCI6Mn0%3D|1000&sdata=oxZgOVRAZSCNFeRhWAI9dRSApp%2Ffh7enMQ2SpyEYkl%3D&reserved=0)

“I am a teacher”- they laughed and said no, I saw you in TV channels. I was wondering why I was asked the same question by different people of the area”.<sup>92</sup> She fled the country on 19 August. After she left her home, the Taliban came looking for her and asking her neighbours about her whereabouts.

Kobra shared that she was a vocal human rights defender in Afghanistan, often travelling to the provinces and appearing on television, speaking for women’s rights. She said that she covered her face when passing Taliban checkpoints to the airport to escape attention. Despite having left the country, Kobra said she still fears for her family left behind, since the Taliban were enquiring about her in her neighbourhood. She said, “women’s rights activists who raise their voices, people who were working with foreigners, journalists, and Afghan government army” are at high risk of reprisals.<sup>93</sup> These fears are corroborated by the number of incidents that are documented in this report.

Kobra said: “As an Afghan woman, I worked in difficult situations with grassroots women in different provinces of Afghanistan, to create awareness and educate them about their rights according to Islamic perspective, and create awareness for them to stand on their own and educate their children to live in peace and rebuild Afghanistan. Today, for what sin did we have to leave our homeland, our loved ones, and our life and for which sin we suffered such hardship at the gates to enter the Kabul airport.”<sup>94</sup>

Mahmud, a male human rights defender, also described to Amnesty International, how even before the Taliban had taken over the country, he and his colleagues had faced death threats and had to relocate temporarily.<sup>95</sup> He recounted that a female colleague who was a project manager had in the past received calls from the Taliban informing her that their human rights work was not aligned with Islamic values. The day the Taliban entered Kabul, he had received a call asking him to hand over his organizations’ vehicles, equipment, and money- he says the Taliban fighter who spoke to him, knew his name, and said he had no choice but to cooperate with the Taliban. He says “A few days later another person contacted me from [name of province withheld] and asked for my home address and came to the area close to our house. [He] called me, [but] I did not [go]”.<sup>96</sup>

After Mahmud managed to leave the country, the Taliban beat one of his staff members badly. Images shared with Amnesty International shows injuries suffered as a result of the beating.<sup>97</sup> Amnesty International and an independent forensic pathologist analysed images of these injuries. The images show classical assaultive ‘whip marks’ to the back. An additional image shows yellowing bruising to the back of the victim’s left arm, likely reflecting deep bruising of the underlying tissues from injury which occurred several days prior to the capture of the images. “They are searching for me. They found another colleague who was beaten by them. Other than that, all my staff members are under ground. I hope with the assistance of the international organizations, we will be able to take my team members and my family [out of Afghanistan]”.<sup>98</sup>

Nazir, another human rights defender who spoke with Amnesty International, said that he faced the risk of reprisals from the Taliban because of his work in human rights, his previous work as a journalist, and because of his ethnic and religious identity as a Shia-Hazara.<sup>99</sup> He said he was under scrutiny by the Taliban on social media- “I was personally bullied and trolled by the Taliban sympathizers on social media until I had to resort to self-censoring and deleted some of my twitter

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<sup>92</sup> Kobra. Interview response received via email. 10 September 2021. Amnesty International.

<sup>93</sup> Kobra. Interview response received via email. 10 September 2021. Amnesty International.

<sup>94</sup> Kobra. Interview response received via email. 10 September 2021. Amnesty International.

<sup>95</sup> Mahmud. Interview response received via email. 10 September 2021. Amnesty International.

<sup>96</sup> Mahmud. Interview response received via email. 10 September 2021. Amnesty International.

<sup>97</sup> Images received from Mahmud. Interview response sent via email. 10 September 2021. Amnesty International.

<sup>98</sup> Mahmud. Interview response sent via email. 10 September 2021. Amnesty International.

<sup>99</sup> Nazir. Interview response sent via email. 9 September 2021. Amnesty International.

posts. Also, several friends who were journalists and activists were savagely beaten by the Taliban.”<sup>100</sup> He said that if he had not left Afghanistan, he would have undoubtedly faced their retribution. He added that, “journalists, activists and anti-Taliban intellectuals, writers/artists, female journalists, former police, army, and intelligence officers, as well as female athletes, judges, advocates and singers are all at immediate risk”.<sup>101</sup>

Nazir also described how a friend, Parwiz, who was a male Afghan intellectual and academic, was arrested and beaten by the Taliban when participating in a protest. “Parwiz was detained during the women’s protests on September 8 [location withheld]. He was severely tortured. He had his arm broken by the group fighters [Taliban]. He was taken inside the Police district [district number withheld]. When Taliban released him, they made him wear new clothes because his clothes had become wet from his blood. It happened as part of the groups suppression policy to silence any opposition voice and those who question them”.<sup>102</sup>

Nazir had faced threats from the Taliban for his work, even before 15 August. He had already changed his work routines and was living partially underground because of threats by the Taliban. Nazir’s colleagues had received messages asking the organization to register with the Taliban. “One of our local coordinators in one district [name withheld] had to cancel an event because of Taliban threatening him that they ‘will kill him and his sister’ if they were not going to cancel their event. They cancelled the event late evening before the day it was scheduled for,” he said.<sup>103</sup> Nazir added that many of his friends who were women human rights defenders had left the country, but many also remained in Kabul, some of whom were participating in the protests. He said others had gone under-ground, fearing for their lives.

Hundreds of defenders who tried to access Kabul airport during the evacuation period faced huge obstacles, like a woman human rights defender who was on an evacuation list from a European country but was not allowed to enter the airport because of lack of coordination between the forces on the ground. Instead, she got injured while waiting at the entry gate, and ended up at the hospital.<sup>104</sup> Another human rights defender echoed the distress: “We couldn't make it to the airport. I was beaten up several times on the way. My son disappeared in the crowd (he was found later with an injured leg) and my wife had a heart attack. It was the worst day of my life.”<sup>105</sup> Further, many human rights defenders who managed to leave the country are now stranded in military camps or in neighbouring countries, without knowing their final destination or how they will be able to rebuild their lives that have been shattered overnight.

The right to freedom of association and peaceful assembly has also been seriously curtailed. Several NGO offices were raided and searched by the Taliban, and their accounts frozen, pending “future assessment” by the Taliban.<sup>106</sup> NGOs have also stopped their women’s rights programmes, with most of the offices remaining closed due to fear of reprisals.<sup>107</sup> This puts human rights defenders in a dire financial situation, with many not having received a salary since July, with little prospect of receiving one, or of resuming their human rights work, soon. Many human rights defenders report that they are fast running out of money and food.<sup>108</sup>

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<sup>100</sup> Nazir. Interview response sent via email. 9 September 2021. Amnesty International.

<sup>101</sup> Nazir. Interview response sent via email. 9 September 2021. Amnesty International.

<sup>102</sup> Nazir. Interview response sent via email. 9 September 2021. Amnesty International.

<sup>103</sup> Nazir. Interview response sent via email. 9 September 2021. Amnesty International.

<sup>104</sup> Confidential communication. 25 August 2021. World Organisation Against Torture (OMCT).

<sup>105</sup> Confidential communication. 23 August 2021. World Organisation Against Torture (OMCT).

<sup>106</sup> Confidential communication. Phone interview, 6 September 2021. World Organisation Against Torture (OMCT).

<sup>107</sup> Confidential communication. Phone interview, 6 September 2021. World Organisation Against Torture (OMCT).

<sup>108</sup> Confidential communication. Phone interview, 6 September 2021. World Organisation Against Torture (OMCT).

On 25 August, a number of national NGO premises were searched by the Taliban in Kabul city. The Taliban asked questions regarding the vehicles, assets, and names of Directors and senior staff members of the NGOs.<sup>109</sup>

On 12 September, about 30 Taliban members came to an NGO office [location withheld], asking about the organization, its director, and its activities, and wrongly accusing it of organizing the recent demonstrations on women's rights and holding a women's shelter. As they could not find any staff member present, they arrested the guard before releasing him shortly after.<sup>110</sup>

On 7 September 2021, Taliban shot Omid Sharifi, a civil society activist, and Bashir Ahmad Bayat, a schoolteacher at Herat Revolution High School, as they were protesting against the Taliban in Herat province.<sup>111</sup> Both died as a result of their injuries.<sup>112</sup>

On 8 September 2021, a women rights' protester was whipped several times in Kabul while she and other protesters were chanting "freedom, freedom".<sup>113</sup> On 8 September, 2021, the Ministry of Interior of Taliban issued an order banning all demonstrations and gatherings across Afghanistan "until a policy of demonstration is codified".<sup>114</sup>

## 6. FREEDOM OF EXPRESSION, DISSENT, AND JOURNALISTS

**"IT IS THE DEATH OF FREEDOM OF EXPRESSION IN AFGHANISTAN. WE HAVE BUILT AND WORKED OVER THE PAST 20 YEARS. WE BUILT A CAREER; WE BUILT A LIFE. ALL OF A SUDDEN, EVERYTHING IS GONE."**<sup>115</sup>

In the weeks before the Taliban entered Kabul city, there were already incidents of attacks on journalists.<sup>116</sup> Days after taking over the city, Taliban leaders attempted to portray their support for a free press and the right of women to work, by having a Taliban leader interviewed on live TV by a female anchor.<sup>117</sup> Given the previous record of the Taliban when television and cinema were banned,<sup>118</sup> and women were not permitted to leave their homes without a *maharam* (male guardian), the early press conferences appeared to present a Taliban that was keen to assure the west and the Afghans that they would respect freedom of expression. However, subsequent incidents where journalists have been

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<sup>109</sup> Confidential communication sent via email, 13 September 2021. World Organisation Against Torture (OMCT).

<sup>110</sup> Confidential communication. Phone interview, 12 September 2021. World Organisation Against Torture (OMCT).

<sup>111</sup> Tweet. Tajuden Soroush. @TajudenSoroush. 8 September 2021. 2.13 AM. <https://twitter.com/TajudenSoroush/status/1435343099262345226>. Facebook. 8am News. 8 September 2021. 2:09 PM. <https://www.facebook.com/201295459914347/posts/4416835368360314/?d=n>.

<sup>112</sup> Facebook. 8am News. 8 September 2021. 2:09 PM. <https://www.facebook.com/201295459914347/posts/4416835368360314/?d=n>

<sup>113</sup> Facebook. BBC News. 8 September 2021. 1:52 PM. [https://www.facebook.com/bbcpersian/videos/422043235955325/?extid=NS-UNK-UNK-UNK-IO5\\_GK0T-GK1C](https://www.facebook.com/bbcpersian/videos/422043235955325/?extid=NS-UNK-UNK-UNK-IO5_GK0T-GK1C)

<sup>114</sup> Facebook. 8AM News. 9 September 2021. 12:45 PM. <https://www.facebook.com/201295459914347/posts/4419840398059811/?d=n>. Gandhara. 8 September 2021. "Afghan Protest Ban Stokes Fears Of Taliban Government Quickly Shedding Pledges". <https://gandhara.rferl.org/a/afghan-protest-ban-taliban-/31450759.html>

<sup>115</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

<sup>116</sup> On 8 August, even before the Taliban reached Kabul, Toofan Omar, a journalist at Paktia Ghah Radio was killed by unknown assailants while he was traveling from Parwan province to Kabul. Reuters has reported that he was killed by suspected Taliban fighters and that another journalist was also abducted in the incident. UNESCO. 12 August 2021. "Director-General denounces killing of radio manager Toofan Omar in Afghanistan". <https://en.unesco.org/news/director-general-denounces-killing-radio-manager-toofan-omar-afghanistan>. Reuters. "Taliban kill Afghan radio station manager, kidnap journalist – officials". 9 August 2021. <https://www.reuters.com/world/asia-pacific/taliban-kill-afghan-radio-station-manager-kidnap-journalist-officials-2021-08-09/>. Reuters. "Taliban kill Afghan radio station manager, kidnap journalist – officials". 9 August 2021. <https://www.reuters.com/world/asia-pacific/taliban-kill-afghan-radio-station-manager-kidnap-journalist-officials-2021-08-09/>.

<sup>117</sup> Jim Waterson. The Guardian. 17 August 2021. "Female presenter interviews Taliban spokesman on Afghanistan television". <https://www.theguardian.com/world/2021/aug/17/female-presenter-interviews-taliban-spokesman-on-afghanistan-television>.

<sup>118</sup> Sayed Salahuddin. Reuters. "Taliban ban TV in Afghan province". <https://www.reuters.com/article/us-afghan-tv-idUSISL32262220080513>. DW. 17 August 2021. "The Taliban will ban all art: An Afghan female filmmaker's plea". <https://www.dw.com/en/the-taliban-will-ban-all-art-an-afghan-female-filmmakers-plea/a-58877655>.



beaten, obstructed from carrying out their duties, and their homes searched, show a very different ground reality.

Two women journalists that Amnesty International spoke to, shared the threats and intimidation they faced in Kabul after the Taliban took over. Ayesha, a woman journalist, had to leave Kabul when she was informed by the organization she worked for, that her life was at risk.<sup>119</sup> In the first few days, women journalists had been asked by their employers not to come in to work, due to fear of a crackdown by the Taliban. However, thereafter, Ayesha and her female colleagues had returned to their offices and conducted interviews with some Taliban fighters.

Ayesha described that when she was interviewing a Taliban fighter at a government Ministry building, he had refused to look at her, although she was wearing *hijab* and a head scarf. "I had the clothes, *Hijab* and head scarf according to Islam, but still he was not looking at me. Instead, he had looked at the cameraman", she said. Ayesha's organization had later informed all the female employees that if they wanted to continue working, they would have to dress according to Taliban requirements. She described further how people continued to contact her and tell her how the Taliban were searching homes, confiscating vehicles and property, and beating people; but they were afraid to come on record because the Taliban had threatened to kill them.<sup>120</sup> She described how journalists who had been arrested and detained by the Taliban while covering protests, were beaten brutally, so much so that they were unable to walk.<sup>121</sup>

After Ayesha left Afghanistan, the Taliban visited her family and threatened and harassed a relative, when they could not find her.<sup>122</sup>

Aadila, another woman journalist and human rights defender, described the first two weeks of Taliban rule as a time of fear and uncertainty. She had decided to stay in Afghanistan and continue her work, until one night when the Taliban came to her home and hammered on the door asking for her. Aadila said they did not open the door out of fear, following which, upon the insistence of relatives, she left the country on 29 August.<sup>123</sup>

According to the Committee to Protect Journalists (CPJ), two female journalists at Radio Television Afghanistan were taken off air by the Taliban and banned from entering their offices, shortly after the fall of Kabul.<sup>124</sup> CPJ, advised the journalists to stay at home for a few days, until the group informed them on when they could return.<sup>125</sup>

Abdul, a male journalist, said that every editor, journalist, and media worker in Afghanistan had received instructions from the Taliban that they could work only under Sharia law, and Islamic rules and regulations.<sup>126</sup> "I have not reported to my job since the fall of the republic. Taliban came to my house several times, but I hid myself. From the time of the collapse, our office is closed," he said.<sup>127</sup> Abdul shared that he had been on the Taliban's "terror list" [hit list] for several years; a list they use to target journalists and others.<sup>128</sup> Abdul, who managed to leave Afghanistan, said that many journalists have faced reprisals since the Taliban took over the capital.<sup>129</sup> "Since the fall of the republic, a countless

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<sup>119</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

<sup>120</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

<sup>121</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

<sup>122</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

<sup>123</sup> Interview with Aadila. Phone conversation. 9 September 2021. Amnesty International.

<sup>124</sup> Tolo News, Afghan Female Journalists Ask Taliban for Right to Work, 19 August 2021, <https://tolonews.com/afghanistan/attack-mediajournalists-174315>.

<sup>125</sup> Committee to Protect Journalists. 19 August 2021. "Taliban take 2 female state TV anchors off-air in Afghanistan, beat at least 2 journalists". <https://cpj.org/2021/08/taliban-take-2-female-state-tv-anchors-off-air-in-afghanistan-beat-at-least-2-journalists/>.

<sup>126</sup> Abdul. Interview responses sent via email. 8 September 2021. Amnesty International.

<sup>127</sup> Abdul. Interview response sent via email. 8 September 2021. Amnesty International.

<sup>128</sup> Abdul. Interview responses sent via email. 8 September 2021. Amnesty International.

<sup>129</sup> Abdul. Interview responses sent via email. 8 September 2021. Amnesty International.

number of journalists have been threatened and harassed, and in some cases beaten, including four cases in Balkh and 14 cases in Kabul,” he said.<sup>130</sup> In Kabul, Balkh and Herat, Abdul said that the Taliban had warned journalists before arresting or beating them, corroborating other reports to this effect. After Abdul left Kabul, the Taliban had come to his home looking for him twice, but when they realized he was not there, they did not return.

Journalists were arrested, beaten, and then released by the Taliban, particularly when covering protests. In videos shared on social media, a witness described the manner in which protestors and journalists were arrested by the Taliban.<sup>131</sup> Other journalists were shoved to the ground, beaten with the butts of rifles, and kicked while covering a demonstration.<sup>132</sup>

Ziar Khan Yaad, a journalist working for TOLONews, was beaten by the Taliban on 26 August, while covering a news story.<sup>133</sup> On 5 September, 14 journalists covering the protests were arrested, beaten, and injured according to human rights defenders in country.<sup>134</sup> One had remained in custody while others were released.

On 7 September, a cameraman of TOLO news was also arrested and detained for several hours by the Taliban in Kabul.<sup>135</sup> His camera and the footage of protests that he had been covering were eventually returned to him.<sup>136</sup> At a protest in Herat on 7 September, videos show protestors running as reports emerge that two people were killed, and eight others injured when the Taliban opened fire on protestors.<sup>137</sup>

On 8 September, five journalists working for Etilaatroz in Kabul were arrested by the Taliban while covering protests in the city.<sup>138</sup> They were beaten to the extent that when released four hours later, at least two of them were hospitalized for treatment, with visible blood and bruising on their faces.<sup>139</sup> One of the journalists remained in custody as of 8 September.<sup>140</sup> Videos show one of the journalists appearing to walk with great difficulty, after being released by the Taliban.<sup>141</sup> Images of the torsos of the journalists Nemat Naqdi and Taqi Daryabi appear to show bruising on their upper body, legs and thighs, stomach, and back, with whip-like marks, indicating that they may have been beaten while in detention.<sup>142</sup> The following image shows the injuries, and may be distressing to some people.

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<sup>130</sup> Abdul. Interview responses sent via email. 8 September 2021. Amnesty International.

<sup>131</sup> Tweet. Zahra Rahimi. @ZahraSRahimi. 8 September 2021. 5:20 PM. <https://twitter.com/ZahraSRahimi/status/1435571259769819141>.

<sup>132</sup> Committee to Protect Journalists. 19 August 2021. “Taliban take 2 female state TV anchors off-air in Afghanistan, beat at least 2 journalists”. <https://cpj.org/2021/08/taliban-take-2-female-state-tv-anchors-off-air-in-afghanistan-beat-at-least-2-journalists/>.

<sup>133</sup> ABP News Bureau. 27 August 2021. “Ziar Yaad narrates how Talibani beat him up while reporting from Afghanistan”. <https://news.abplive.com/videos/news/india-ziar-yaad-narrates-how-talibani-beat-him-up-while-reporting-from-afghanistan-1478670>. Hindustan Times. 26 August 2021. “Tolo News reporter beaten up by Taliban is alive”. <https://www.hindustantimes.com/world-news/tolo-news-reporter-beaten-up-by-taliban-is-alive-101629958120687.html>. Al Jazeera. 26 August 2021. “Attack on Afghan reporter tests Taliban’s media freedom pledge”. <https://www.aljazeera.com/news/2021/8/26/attack-on-afghan-reporter-tests-talibans-pledge-on-media-freedom>.

<sup>134</sup> Information obtained in writing from human rights defenders based in Afghanistan. Private communication. 8 September 2021.

<sup>135</sup> Tweet. Ziar Khan Yaad. @ziaryaad. 7 September 2021. <https://twitter.com/ziaryaad/status/1435194497735041026>. Tweet. TOLONews. @TOLONews. 7 September 2021. <https://twitter.com/TOLONews/status/1435168898169593864>.

<sup>136</sup> Tweet. Ziar Khan Yaad. @ziaryaad. 7 September 2021. <https://twitter.com/ziaryaad/status/1435194497735041026>. Tweet. TOLONews. @TOLONews. 7 September 2021. <https://twitter.com/TOLONews/status/1435168898169593864>.

<sup>137</sup> Tweet. Aamaj News. @AamajN. 7 September 2021. 9:33 PM. <https://twitter.com/AamajN/status/1435272640730648578>. Hindustan Times. 8 September 2021. “Taliban disperse protesters in Kabul; two killed in Herat”. <https://www.hindustantimes.com/world-news/taliban-disperse-protesters-in-kabul-two-killed-in-herat-101631050885067.html>. NDTV. 7 September 2021. “Two Dead In Anti-Taliban Protest In Afghanistan: Report”. <https://www.ndtv.com/world-news/two-dead-in-anti-taliban-protest-in-afghanistans-herat-report-2533231>.

<sup>138</sup> Hindustan Times. 8 September 2021. “Taliban arrests five journalists working with Kabul daily: Report”. <https://www.hindustantimes.com/world-news/taliban-arrests-five-journalists-working-with-kabul-daily-101631092871502.html>.

<sup>139</sup> BBC. 9 September 2021. “Afghanistan: Journalists tell of beatings by Taliban”. <https://www.bbc.com/news/world-asia-58500579>.

<sup>140</sup> Tweet. Zahra Rahimi. @ZahraSRahimi. 8 September 2021. 5:21 PM. <https://twitter.com/ZahraSRahimi/status/1435572514802044929>. Reuters. 9 September 2021. “Afghan journalists beaten in Taliban detention, editor says”. <https://www.reuters.com/world/asia-pacific/afghan-journalists-beaten-taliban-detention-editor-says-2021-09-09/>.

<sup>141</sup> Tweet. Zahra Rahimi. @ZahraSRahimi. 8 September 2021. 3:59 PM. <https://twitter.com/ZahraSRahimi/status/1435550974953799680>.

<sup>142</sup> Tweet. Marcus Yam 文火. @yamphoto. 9 September 2021. 4:25 AM. <https://twitter.com/yamphoto/status/1435738713452158979>. Los Angeles Times. 8 September 2021. “Taliban beats protesters and arrests journalists at women’s rally in Kabul”. <https://www.latimes.com/world-nation/story/2021-09-08/women-protest-against-taliban-responds-with-force>.



*KABUL, AFGHANISTAN -- SEPTEMBER 8, 2021: Journalists from the Etilaatroz newspaper, Nemat Naqdi, 28, a video journalist, left and Taqi Daryabi, 22, video editor undress to show their wounds sustained after Taliban fighters tortured and beat them while in custody after they were arrested for reporting on a women's rights protest in Kabul, Afghanistan, Wednesday, Sept. 8, 2021. (MARCUS YAM / LOS ANGELES TIMES)- Getty Images.*

On 9 September, the Taliban asked telecom operators to shut down internet connectivity in several districts in Kabul, including areas like Dasht-e-Barchi where protests had taken place in the previous days.<sup>143</sup> This comes in the wake of similar shutdowns in other provinces that Amnesty International had previously reported on.<sup>144</sup>

Videos also emerged on social media of intimidation of the press by Taliban fighters. During a live TV interview with Taliban officials, a TV anchor was surrounded by armed Taliban fighters, indicating the intimidating circumstances under which journalists continue to work in Afghanistan.<sup>145</sup>

Several media reports and interviews by Amnesty International confirm that the Taliban are conducting house-to-house searches for journalists, particularly those working for western media outlets. Both Aadila and Ayesha who spoke to Amnesty International, described how the Taliban had come looking for them in their homes. Taliban members broke into the home and searched for a journalist working for the German media outlet Deutsche Welle (DW) on 20 August; but the journalist had already been evacuated to Germany.<sup>146</sup> They then killed a member of his family and injured another.<sup>147</sup>

Freedom of expression has remained fragile in Afghanistan for decades. According to a survey conducted by Reporters Sans Frontiers, less than 100 of Afghanistan's 700 journalists are currently working.<sup>148</sup> Amnesty International has raised concerns for years on the attacks against journalists, which has

<sup>143</sup> Tweet. BILAL SARWARY. @bsarwary. 9 September 2021. 8:28 AM. <https://twitter.com/bsarwary/status/1435799866156982286>. Tweet. Hizbullah Khan. @HizbkKhan. 9 September 2021. 5:47 AM. <https://twitter.com/HizbkKhan/status/1435759344067489800>. India Today. 9 September 2021. "Taliban cut internet services in parts of Kabul following massive protests". <https://www.indiatoday.in/world/story/taliban-internet-services-kabul-massive-protests-1850849-2021-09-09>.

<sup>144</sup> Amnesty International. 19 August 2021. <https://www.amnesty.org/en/latest/news/2021/08/afghanistan-taliban-responsible-for-brutal-massacre-of-hazara-men-new-investigation/>.

<sup>145</sup> Tweet. Ziar Khan Yaad. @ziaryaad. 30 August 2021. 11:22 AM. <https://twitter.com/ziaryaad/status/1432054905930387459>.

<sup>146</sup> Information obtained in writing from human rights defenders based in Afghanistan. Private communication. 8 September 2021. Also see, Philip Oltermann. The Guardian. 20 August 2021. "Relative of Deutsche Welle journalist killed by Taliban". <https://www.theguardian.com/world/2021/aug/20/relative-deutsche-welle-journalist-killed-taliban-german-broadcaster-afghans-media>. Hindustan Times. 20 August 2021. "Relative of DW journalist in Afghanistan killed by Taliban: broadcaster". <https://www.hindustantimes.com/world-news/relative-of-dw-journalist-in-afghanistan-killed-by-taliban-broadcaster-101629441598419.html>.

<sup>147</sup> Information obtained in writing from human rights defenders based in Afghanistan. Private communication. 8 September 2021. Also see, Philip Oltermann. The Guardian. 20 August 2021. "Relative of Deutsche Welle journalist killed by Taliban". <https://www.theguardian.com/world/2021/aug/20/relative-deutsche-welle-journalist-killed-taliban-german-broadcaster-afghans-media>. Hindustan Times. 20 August 2021. "Relative of DW journalist in Afghanistan killed by Taliban: broadcaster". <https://www.hindustantimes.com/world-news/relative-of-dw-journalist-in-afghanistan-killed-by-taliban-broadcaster-101629441598419.html>.

<sup>148</sup> RSF. 31 August 2021. "Fewer than 100 of Kabul's 700 women journalists still working". <https://rsf.org/en/news/fewer-100-kabuls-700-women-journalists-still-working>.

impacted media freedom and freedom of expression in the country.<sup>149</sup> Taliban's conduct since 15 August makes it clear that a fresh assault on journalists and freedom of expression has just started. Freedom of expression is protected by Article 19 of the International Covenant on Civil and Political Rights which Afghanistan is party to.<sup>150</sup> It is also protected by Article 34 of the Constitution of Afghanistan.

## 6.1 REPRISALS AGAINST FORMER GOVERNMENT WORKERS AND CIVILIANS

A popular comedian Nazar Mohammed, who had formerly worked for the police force, was abducted from his home and killed by the Taliban on or about 28 July 2021.<sup>151</sup> A video has emerged of Mohammed, seated between two Taliban fighters in the back of car, where he is slapped by the fighters and appears dazed.<sup>152</sup>

Folk singer Fawad Andarabi was killed in the last week of August by the Taliban, who dragged him out of his home in Kishnabad village of Andarab and shot him in the head.<sup>153</sup>

In an attack on 4 September, the Taliban were accused of killing Banu Negar, a former woman police officer, in front of her children. She was eight months pregnant at the time. She had worked for the police force in Ghor for 15 years. The incident took place in the night, at 10 PM local time, in her home.<sup>154</sup>

Civilians have also borne the brunt of Taliban violence. 10 people died on 29 August 2021, after a US drone strike hit the car of a civilian.<sup>155</sup> Seven out of the 10 people killed were children.<sup>156</sup> The United States initially claimed that the car was laden with explosives which they claimed belonged to the Islamic State - Khorasan Province (ISKP).<sup>157</sup> A report by the New York Times on 10 September revealed that the car had no explosives, but only water containers for the family of the man who was targeted.<sup>158</sup> Heart-breaking images of the children and adults who died in this attack, were shared by a reporter.<sup>159</sup> Evidence established by the New York Times suggests that the children got into the car of the NGO worker as he

<sup>149</sup> Amnesty International. 3 May 2021. "Afghanistan: Authorities must protect journalists and journalism amid spiralling violence". <https://www.amnesty.org/en/latest/press-release/2021/05/afghanistan-authorities-must-protect-journalists-and-journalism-amid-spiralling-violence/>.

<sup>150</sup> Article 19, International Covenant on Civil and Political Rights. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>151</sup> Alex Horton and Ezzatullah Mehrdad. The Washington Post. 28 July 2021. "After 'comedian' is killed by Taliban, videos of his treatment spark outrage across Afghanistan". <https://www.washingtonpost.com/world/2021/07/28/nazar-khasha-afghanistan-comedian/>. ANI. "Popular Afghan comedian killed by gunmen, family blames Taliban". <https://www.aninews.in/news/world/asia/popular-afghan-comedian-killed-by-gunmen-family-blames-taliban20210723165601/><https://www.aninews.in/news/world/asia/popular-afghan-comedian-killed-by-gunmen-family-blames-taliban20210723165601/>

<sup>152</sup> Tweet. Bilal Sarwary. @bsarwary. 27 July 2021. 3:04 PM. <https://twitter.com/bsarwary/status/1419954440421916682?lang=en>.

<sup>153</sup> Gandhara. "Taliban Accused Of Slaying Afghan Folk Singer". 29 August 2021. <https://gandhara.rferl.org/a/taliban-afghan-folk-singer-killing/31433717.html>. Tweet. Sami Mahdi. @Samiullah\_mahdi. 30 August 2021. 9 :30 PM. [https://twitter.com/Samiullah\\_mahdi/status/1431647857883459594](https://twitter.com/Samiullah_mahdi/status/1431647857883459594). The Times of India. 29 August 2021. "Folk singer Fawad Andarabi killed by Taliban fighters in Afghanistan". <https://timesofindia.indiatimes.com/videos/international/folk-singer-fawad-andarabi-killed-by-taliban-fighters-in-afghanistan/vidoeshow/85731070.cms>. Tweet. The Associated Press. @AP. 29 August 2021. 4:26 PM. <https://twitter.com/AP/status/1431933704239210499>.

<sup>154</sup> Information obtained in writing from human rights defenders based in Afghanistan. Private communication. 8 September 2021. BBC. 5 September 2021. "Afghanistan: Taliban accused of killing pregnant police officer". <https://www.bbc.com/news/world-asia-58455826>.

<sup>155</sup> BBC. 30 August 2021. "Afghanistan: US investigates civilian deaths in Kabul strike". <https://www.bbc.com/news/world-asia-58380791>. The Hindu. 30 August 2021. "U.S. probing if civilians were killed in strike". <https://www.thehindu.com/news/international/us-probing-if-civilians-were-killed-in-strike/article36191336.ece>.

<sup>156</sup> The New York Times. 10 September 2021. "Times Investigation: In U.S. Drone Strike, Evidence Suggests No ISIS Bomb". <https://www.nytimes.com/2021/09/10/world/asia/us-air-strike-drone-kabul-afghanistan-isis.html>.

<sup>157</sup> BBC. 30 August 2021. "Afghanistan: US drone strike 'eliminates airport bomb threat'". <https://www.bbc.com/news/world-asia-58372458>.

<sup>158</sup> BBC. 30 August 2021. "Afghanistan: US drone strike 'eliminates airport bomb threat'". <https://www.bbc.com/news/world-asia-58372458>.

<sup>159</sup> Tweet. Mathieu Aikins. @mattaikins. 10 September 2021. <https://twitter.com/mattaikins/status/1436742075354075139>.

backed into the driveway just before the drone attack targeted the vehicle.<sup>160</sup> On 17 September the US took responsibility for the killings.<sup>161</sup>

With ongoing fighting between the Taliban and armed resistance fighters in Panjshir, reports have emerged that as of 24 August, food, fuel, and essential supplies were not being allowed into the Panjshir valley by the Taliban.<sup>162</sup> Sources interviewed by Amnesty International have confirmed reports that the Taliban have discontinued electricity supply and essential supplies to the region,<sup>163</sup> which hosts a population of around 170,000 people.<sup>164</sup>

Cutting off essential supplies to civilians<sup>165</sup> is a serious violation of international humanitarian law (IHL) and a war crime. These incidents if proved, would amount to war crimes, and other serious violations and abuses of international human rights law, and must be investigated. Those reasonably suspected of criminal responsibility must be brought to justice through fair trials without recourse to the death penalty.

Reports have also emerged of forced displacement of people in Panjshir- Vatan today, an online news portal in Afghanistan shared a video of people travelling along a mountain road, vehicles packed with items, and the caption states “Forced and mass migration of Panjshir people!”<sup>166</sup> The man speaking in the video says that he and others were forced to leave Panjshir.<sup>167</sup>

A video shared by BBC Persian shows armed fighters, allegedly Taliban, shooting an unarmed man in semi-military clothing on the side of a road in Panjshir- allegations which the Taliban have denied.<sup>168</sup> In the same video, another civilian appears to be arrested by the Taliban, and is heard begging to be released, saying he is a civilian. According to BBC, Abdul Haq Vasiq, a spokesperson for the Taliban, has denied targeting civilians.<sup>169</sup> The BBC has established the Taliban killings of civilians in the Panjshir valley and found that at least 20 civilians were killed recently.<sup>170</sup>

While it is not established whether the man wearing military gear was a surrendered soldier, the military trousers and boots suggest he may have been a former combatant. The male depicted in the video is wearing military fatigues consistent with widely circulated media pictures of ANDF combatants. All persons taking no active part in hostilities, including members of armed forces who have laid down their arms and surrendered, are protected persons under international humanitarian law.<sup>171</sup> They must be treated humanely and “violence to life and person, in particular murder of all kinds, mutilation, cruel

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<sup>160</sup> The New York Times. 10 September 2021. “Times Investigation: In U.S. Drone Strike, Evidence Suggests No ISIS Bomb”. <https://www.nytimes.com/2021/09/10/world/asia/us-air-strike-drone-kabul-afghanistan-isis.html>.

<sup>161</sup> The New York Times. 17 September 2021. “Pentagon acknowledges Aug. 29 drone strike in Afghanistan was a tragic mistake that killed 10 civilians”. <https://www.nytimes.com/2021/09/17/us/politics/pentagon-drone-strike-afghanistan.html>. Al Jazeera. 17 September 2021. “Drone attack killed 10 civilians in Kabul, US acknowledges”. <https://www.aljazeera.com/news/2021/9/17/drone-strike-killed-10-civilians-in-kabul-us-acknowledges>.

<sup>162</sup> NDTV. 24 August 2021. “Taliban Have Stopped Food, Andarab Valley Situation Dire: Amrullah Saleh”. <https://www.ndtv.com/world-news/taliban-not-allowing-food-fuel-to-get-into-andarab-valley-amrullah-saleh-2517095>. Hindustan Times. 3 September 2021. “Panjshir: Taliban cuts electricity, medicine supply; Karzai for end to fighting”. <https://www.hindustantimes.com/videos/world-news/panjshir-taliban-cuts-electricity-medicine-supply-karzai-for-end-to-fighting-101630684113814.html>.

<sup>163</sup> Hindustan Times. 3 September 2021. “Panjshir: Taliban cuts electricity, medicine supply; Karzai for end to fighting”. <https://www.hindustantimes.com/videos/world-news/panjshir-taliban-cuts-electricity-medicine-supply-karzai-for-end-to-fighting-101630684113814.html>. NDTV. 24 August 2021. “Taliban Have Stopped Food, Andarab Valley Situation Dire: Amrullah Saleh”. <https://www.ndtv.com/world-news/taliban-not-allowing-food-fuel-to-get-into-andarab-valley-amrullah-saleh-2517095>.

<sup>164</sup> European Asylum Support Office. Country Guidance Afghanistan. <https://easo.europa.eu/country-guidance-afghanistan-2020/panjshir>.

<sup>165</sup> ICRC, Customary International Humanitarian Law: Volume 1: Rules, rule 55. Starvation as a method of warfare would also constitute a war crime, see ICRC, Customary International Humanitarian Law: Volume 1: Rules, rule 53.

<sup>166</sup> Tweet. Vatan Today. @vatantoday. 10 September 2021. 6:48 PM. <https://mobile.twitter.com/vatantoday/status/1436318143157317667>.

<sup>167</sup> Tweet. Natiq Malikzada. @natiqmalikzada. 12:06 PM. <https://twitter.com/natiqmalikzada/status/1436217054672064516>. See also Instagram. BBC Persian. 10 September 2021. [https://www.instagram.com/p/CTpNBSshokyh/?utm\\_medium=copy\\_link](https://www.instagram.com/p/CTpNBSshokyh/?utm_medium=copy_link).

<sup>168</sup> Instagram. BBC Persian. 12 September 2021. [https://www.instagram.com/tv/CTR8tooo\\_SH/?utm\\_medium=copy\\_link](https://www.instagram.com/tv/CTR8tooo_SH/?utm_medium=copy_link). See also Instagram. BBC Persian. 12 September 2021. <https://www.instagram.com/p/CTsTpfKlnS4/>. and Facebook. Asar Hakimi. 10 September 2021.

<https://www.facebook.com/1136554729/posts/10220296521459963/?d=n>. Tweet. Sami Mahdi. @Samiullah\_mahdi. [https://twitter.com/Samiullah\\_mahdi/status/1436612543838052356](https://twitter.com/Samiullah_mahdi/status/1436612543838052356).

<sup>169</sup> Instagram. BBC Persian. 12 September 2021. <https://www.instagram.com/p/CTsTpfKlnS4/>.

<sup>170</sup> BBC News. 12 September 2021. “Afghanistan crisis: Taliban kill civilians in resistance stronghold”. <https://www.bbc.com/news/world-asia-58545892>.

<sup>171</sup> See for example article 3 common to the four Geneva Conventions of 12 and article 8 (2) (C) of the Rome Statute.

treatment and torture” is a serious violation of IHL and a war crime.<sup>172</sup>

The Taliban must put an end to crimes under international law and remove from its ranks those responsible for committing these crimes. Those reasonably suspected of criminal responsibility must be brought to justice through fair trials without recourse to the death penalty.

## 7. OBSTACLES TO FLEEING THE COUNTRY

Afghan people have been prevented from fleeing and seeking asylum abroad either because the Taliban prevented people from accessing Kabul airport, or because land borders have been closed. Some men and women have even been tortured or ill-treated when they attempted to leave the country.<sup>173</sup>

Four people interviewed by Amnesty International described how during the last two weeks of August, the Taliban, who manned checkpoints at the entrance of the airport, barred them or their friends from entering the facility, and beat people at the airport entrance or inside the airport. Habiba, who was on an evacuation list, told Amnesty International that on 17 August, Taliban beat people inside the airport after a looting took place. “The Taliban wanted everyone to leave the airport. We were waiting outside the waiting hall, near the runway. They [the Taliban] whipped me three times on my legs with a cable. There were thousands of people and I saw many people being beaten as they were trying to escape,” Habiba said.<sup>174</sup> She recounted that two of her male friends were beaten separately and barred from entering the airport.

She said when her friend Ahmad arrived at a checkpoint close to the airport and said that he wanted to enter, Taliban beat him and told him “Where are you escaping to?”. Similarly, she said when Shakeeb, another of Habiba’s friends, came to the airport gate with travel documents, Taliban beat him heavily without looking at his documents.

### 7.1 DIFFICULT CONDITIONS IN ACCESSING THE AIRPORT

Speaking to Amnesty International, Aadila described how, for five days, she repeatedly went to the Kabul airport, but could not gain entry.<sup>175</sup> Even after she did gain entry, she described how she and her family were forced to throw away all their belongings, retaining only cash and jewellery.<sup>176</sup> Ayesha, another journalist who managed to escape, recalled how Taliban had gotten into the vehicle that she and other journalists were transported in, and said, “If I have the power, I would not allow any of you to leave- I would kill you all”.<sup>177</sup> She described how a sea of people, many without valid travel documents, were trying to enter the airport, consequently preventing those with valid documents from getting in. It is only after several days, and after following a complex pre-prepared evacuation plan, that Ayesha was able to gain entry into the airport.<sup>178</sup>

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<sup>172</sup> See for example article 3 common to the four Geneva Conventions of 12 and article 8 (2) (C) of the Rome Statute.

<sup>173</sup> Phone interviews on 2 and 3 September 2021. Kabul. Amnesty International.

<sup>174</sup> Phone interview. 3 September 2021. Kabul. Amnesty International.

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<sup>176</sup> Interview with Aadila. Phone conversation. 8 September 2021. Amnesty International.

<sup>177</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

<sup>178</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

Abdul, another journalist who managed to leave Afghanistan, described his experience as a nightmare. “It was really difficult to enter into the airport, I together with my children and the children of another family made a circle and put the children and women inside the circle. We entered into the crowd at 11:00 PM and came out at 02:00 AM from other sides of the crowd without any shoes, and with bloody feet. We were warmly welcomed by the international military forces and flew following the ten hours wait at the airport. Entering into the airport was a nightmare and I will never forget it”.<sup>179</sup> Abdul had come to the airport three times and it is only on the third attempt that he was able to enter the airport. He was able to carry only a change of clothes, some cash, his passport, and mobile phone.<sup>180</sup>

Kobra, a woman human rights defender who fled Afghanistan on 19 August, along with her son and her pregnant daughter-in-law, said that she would never forget the scenes at the airport.<sup>181</sup> She described how she arrived at the airport on multiple days and was pushed back by the soldiers who threw water on the crowd, fired shots, and threw a smoke grenade into the crowd. After two days of trying to reach the airport gate, even with a visa to Canada, she said she only managed to enter the airport on the third day. “When we reached the door, the American army pushed the crowd of people back. It was [a] bad moment [in my] life. There was my son and his wife with me who is 6 months pregnant. I tried to save her from that crowd and I suffered a lot”.<sup>182</sup> Kobra waited for two nights at the airport, before being able to board her flight.

Mahmud, a human rights defender, managed to enter the airport after spending one night outside the gates, but had long wait times.<sup>183</sup> He describes his ordeal as unforgettable saying, “It took me around 30 hours to be boarded on a plane. We left for Doha, in Doha around 600 people were kept in the plane for around six hours. The weather was very hot, in the plane many fainted and were given oxygen”.<sup>184</sup> He described how for six days during his travel he could not take a shower- a situation that impacts human dignity.

## 7.2 PREVENTED FROM CROSSING THE BORDER

Afghans who tried to cross land borders, an Afghan researcher, and the UN agency in charge of refugees (UNHCR), all told Amnesty International that the Afghan people were also prevented from seeking refuge abroad because most of the land border crossings were closed for asylum seekers.<sup>185</sup>

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<sup>179</sup> Interview with Abdul. Interview response sent via email. 8 September 2021. Amnesty International.

<sup>180</sup> Interview with Abdul. Interview response sent via email. 8 September 2021. Amnesty International.

<sup>181</sup> Interview with Kobra. Interview response sent via email. 10 September 2021. Amnesty International.

<sup>182</sup> Interview with Kobra. Interview response sent via email. 10 September 2021. Amnesty International.

<sup>183</sup> Interview with Mahmud. Interview response sent via email. 10 September 2021. Amnesty International.

<sup>184</sup> Interview with Mahmud. Interview response sent via email. 10 September 2021. Amnesty International.

<sup>185</sup> Phone interviews on 1 and 2 September 2021. Kabul. Amnesty International; UNHCR, Afghanistan situation, 1 September 2021. [reporting.unhcr.org/sites/default/files/Afghanistan%20Situation%20Emergency%20Update%201%20September%202021.pdf](https://reporting.unhcr.org/sites/default/files/Afghanistan%20Situation%20Emergency%20Update%201%20September%202021.pdf)



*Spin Boldak border crossing. 2 August 2021. Planet Labs.*



*Spin Boldak-Chaman crossing. 24 August 2021. Planet Labs.*

For instance, according to UNHCR, Pakistan closed its border with Afghanistan, except for people in need of medical treatment, or with a proof of residency.<sup>186</sup> Despite that, at the Spin Boldak-Chaman border crossing in Kandahar, people with Tazkira (National ID Card) from Kandahar, Helmand, Zabul, and Uruzgan were allowed to cross the border. Between 2 August 2021 and 24 August 2021, the crowds attempting to cross the border to Pakistan via the Spin Boldak crossing increased exponentially, as documented via satellite imagery (see above) and video analysed by Amnesty International.

An Afghan researcher told Amnesty International that the only option left for people who wanted to flee the country was to use smugglers, which was both costly and risky.<sup>187</sup> Samad, an Afghan man who fled to Islamabad with his family told Amnesty International that he was afraid of being arrested by Pakistani security forces, because he did not have any legal documents allowing him to stay in Pakistan.<sup>188</sup> Interviewees further added that travelling to Pakistan border by road entailed risks, as the Taliban had set up checkpoints on the route, and were searching vehicles for government employees.<sup>189</sup>

<sup>186</sup> UNHCR, The Refugee brief, 3 September 2021. <https://www.unhcr.org/refugeebrief/the-refugee-brief-3-september-2021/>

<sup>187</sup> Phone interview, 2 September, Kabul. Amnesty International.

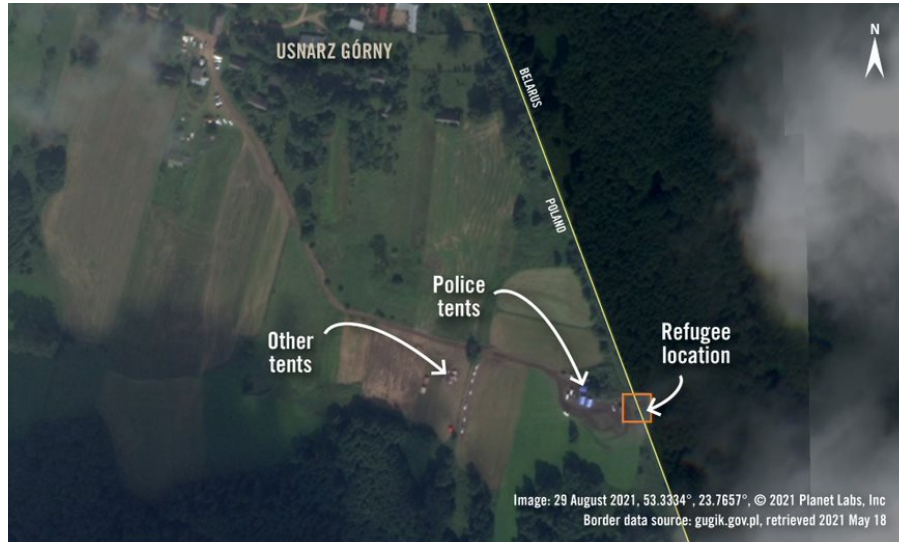
<sup>188</sup> Phone interview. 1 September 2021. Islamabad. Amnesty International.

<sup>189</sup> Phone interviews. 2 and 3 September 2021. Kabul. Amnesty International.



After announcing on 24 August 2021 that Afghans will no longer be able to leave the country, the Taliban later said that they will allow citizens with travel authorisation from another country to leave.<sup>190</sup>

## 7.3 REFUGEES AND THE RIGHT TO SEEK ASYLUM



*Poland-Belarus Border. 29 August 2021. Planet Labs.*

**“NOW WE ARE IN A COUNTRY WHERE WE DON'T KNOW THE LANGUAGE. DO WE HAVE THE ENERGY TO START FROM ZERO? NO ONE WANTED TO LEAVE- BUT WE ARE FORCED TO GO”<sup>191</sup>**

On 18 August 2021, Iranian authorities announced that they will deny entry to Afghan refugees.<sup>192</sup> In the north, as of 31 August, borders with Tajikistan, Uzbekistan, and Turkmenistan have been closed.<sup>193</sup> Uzbekistan closed its main crossing point with Afghanistan as of 31 August to “ensure security”.<sup>194</sup> Even though Tajikistan initially announced it will accept thousands of Afghan asylum seekers, it has kept its border closed. As of 1 September, 80 families seeking entry, were waiting at the border.<sup>195</sup> Similarly, Turkmenistan has not allowed Afghan asylum seekers in since the Taliban took control of districts on the Afghanistan-Turkmenistan border in July 2021.<sup>196</sup> New construction is visible along the Turkey border with Iran.<sup>197</sup> It will hinder crossing of Afghan refugees coming from Iran. At the Poland-Belarus border, 32 Afghan nationals are among refugees who are at risk of push back by Polish authorities.<sup>198</sup>

<sup>190</sup> MSN, Taliban spokesman says Afghans will no longer be allowed to leave their country, 24 August 2021, [www.msn.com/en-us/news/world/taliban-spokesman-says-afghans-will-no-longer-be-allowed-to-leave-their-country/ar-AANGU0T](https://www.msn.com/en-us/news/world/taliban-spokesman-says-afghans-will-no-longer-be-allowed-to-leave-their-country/ar-AANGU0T). Reuters. 29 August 2021. “Taliban agrees to allow Afghans to leave, international statement says”. <https://www.reuters.com/world/asia-pacific/taliban-agrees-allow-afghans-leave-international-statement-says-2021-08-29/>.

<sup>191</sup> Interview with Ayesha. Phone conversation. 8 September 2021. Amnesty International.

<sup>192</sup> The Hill. 18 August 2021. “Iran closes border to fleeing Afghans”. <https://thehill.com/policy/international/568421-iran-closes-border-to-fleeing-afghans?rl=1>.

<sup>193</sup> BBC. 31 August 2021. “How many Afghan refugees are there and where will they go?”. <https://www.bbc.com/news/world-asia-58283177>.

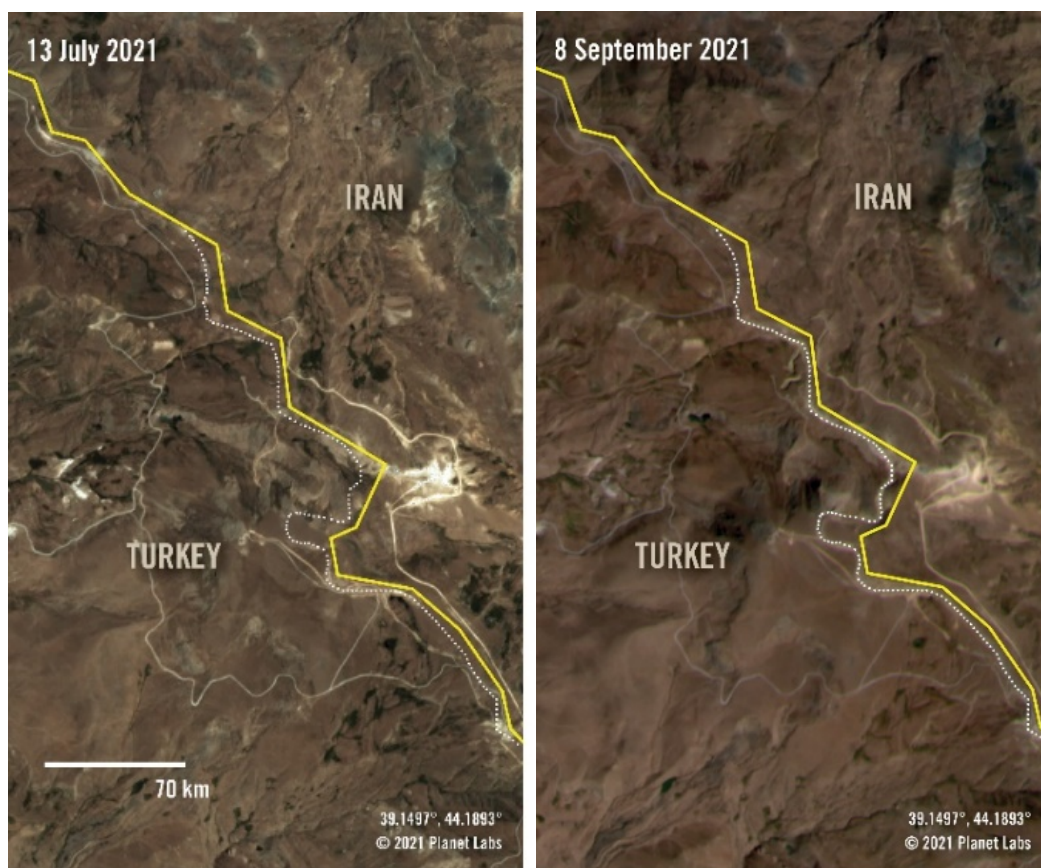
<sup>194</sup> BBC. 31 August 2021. “How many Afghan refugees are there and where will they go?”. <https://www.bbc.com/news/world-asia-58283177>.

<sup>195</sup> Reuters. 2 September 2021. “Tajikistan can't afford to take in Afghan refugees without help – police chief”. <https://www.reuters.com/world/asia-pacific/tajikistan-cant-afford-to-afghan-refugees-without-help-police-chief-2021-09-02/>.

<sup>196</sup> The Diplomat. 19 July 2021. “Greater coordination in Central Asian responses to border troubles”. <https://thediplomat.com/2021/07/greater-coordination-in-central-asian-responses-to-afghan-border-troubles/>.

<sup>197</sup> Planet Labs. 2021. Image on 7.27.2021 compared with image on 9.7.2021. [https://www.planet.com/stories/caldiran\\_turkey-vc28KNSng](https://www.planet.com/stories/caldiran_turkey-vc28KNSng).

<sup>198</sup> Amnesty International. 25 August 2021. “Protect Afghans stuck at border”. <https://www.amnesty.org/en/latest/news/2021/08/poland-belarus-protect-afghans-stuck-at-border/>. HRW. 2 September 2021. “Afghans Stuck at Poland's Border Need Protection”. <https://www.hrw.org/news/2021/09/02/afghans-stuck-polands-border-need-protection>.



*New Construction along the Turkey-Iran border between 13 July and 8 September, 2021. Planet Labs.*

An additional obstacle for Afghan people seeking to flee abroad seems to be the lack of passports. According to the Afghan researcher who spoke to Amnesty International, Afghan authorities currently do not deliver passports and Afghan people are not allowed to cross border without passports.<sup>199</sup>

The right to seek and enjoy asylum from persecution in other countries is enshrined in international law.<sup>200</sup> Therefore, closing borders to asylum seekers violates neighbouring countries' legal obligations.

## 8. CONCLUSIONS

The current situation in Afghanistan is a moment of reckoning – a moment when the human rights gains that the Afghan people have built over two decades is at risk of collapse. In this report, Amnesty International, OMCT, and FIDH have outlined some of the immediate human rights concerns that have arisen following the Taliban's takeover. The incidents of human rights violations documented in this report are merely a small selection of incidents taking place in Afghanistan, given the fear of reporting, lack of mobile phone connectivity in many provinces, and in recent days, the shutdown of internet connectivity in parts of Kabul.

The human rights situation in Afghanistan is dire. Despite the image the Taliban tried to portray of themselves as a reformed group that will protect the rights of women and guarantee freedom of expression, it has becoming increasingly clear that those guarantees are already failing, merely weeks into their takeover of the country. Reports of killings, torture, and the cutting off of essential

<sup>199</sup> Phone interview, 2 September, Kabul. Amnesty International.

<sup>200</sup> Art. 14, Universal Declaration of Human Rights; Convention relating to the status of refugees. 1951. Protocol relating to the status of refugees of. 1967.

supplies to civilians in Panjshir where active conflict is ongoing, are evidence of war crimes committed by the Taliban. Women's rights are already being infringed upon, with women being barred from working (some are refraining from working out of fear) and given no place in the new "government" announced by the Taliban. Crackdowns on protestors have left several people injured and dead. Journalists are facing significant intimidation and home searches, and are prevented from working through arbitrary arrest, detention, and ill-treatment. Human rights defenders are in hiding, afraid for their lives and those of their families, while some have already faced reprisals.

The UNHRC convened a special session on 24 August, in recognition of the urgent need to address the human rights situation in Afghanistan.<sup>201</sup> While the resolution adopted stressed, "the need for transparent and prompt investigation into reports of all violations and abuses of human rights and violations of international humanitarian law, committed by all parties to the conflict, and to hold those responsible to account," it fell short of creating a mechanism to do this, despite clear and consistent calls from the Afghanistan Independent Human Rights Commission, the UN High Commissioner for Human Rights, Special Procedures, and civil society. Instead, it simply mandated further updates by the High Commissioner for Human Rights.

It is essential that the UNHRC proceed to establish an independent investigative mechanism during its 48<sup>th</sup> regular session without delay, building on the initial responses delivered by the UNHRC special session and UNSC urgent resolution.

On 30 August, the UN Security Council (UNSC) adopted an urgent resolution on Afghanistan.<sup>202</sup> The Council must monitor compliance with its resolution, including through reporting by the Human Rights Unit in the UN Assistance Mission in Afghanistan (UNAMA),<sup>203</sup> and be ready to implement and enforce its resolution through further measures. The UN must supply UNAMA with the resources and on-the-ground staff necessary for robust human rights monitoring. On 17 September the UNSC unanimously adopted Resolution 2596,<sup>204</sup> providing UNAMA with an extended mandate for six months until 17 March 2022. This means that the provisions in UNSC Resolution 2543 of 2020<sup>205</sup> regarding the role of the OHCHR to monitor human rights and support the rule of law continues to apply.

The authorities in Afghanistan must respect and protect human rights, especially those of women, children, and minorities' ensure the right to full, equal, and meaningful participation of women; adhere to the rule of law; allow Afghans to leave Afghanistan; and respect international humanitarian law. It is apparent that these minimum safeguards are not being met at this time, by the Taliban and other armed groups such as the ISKP, as they continue to perpetrate violations and abuses with impunity.

This poses a huge responsibility for the international community to take a strong stance before the UN Human Rights Council and the UN Security Council (UNSC), to ensure that the human rights situation in Afghanistan is closely monitored, and that the authorities are held to the human rights standards set out in international human rights law and in UNSC Resolution 2593.<sup>206</sup> Engagements with the authorities in Afghanistan to ensure respect for international human rights law must commence immediately, and human rights violations and abuses must be independently

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<sup>201</sup> Amnesty International. August 24, 2021 3:54 pm "Afghanistan: Shameful failure of UNHRC special session to address escalating human rights crisis". <https://www.amnesty.org/en/latest/news/2021/08/afghanistan-shameful-failure-of-unhrc-special-session-to-address-escalating-human-rights-and-humanitarian-crisis/>.

<sup>202</sup> UN Security Council Resolution 2593. <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s%20res%202593.pdf>.

<sup>203</sup> Human Rights Unit. UNAMA. <https://unama.unmissions.org/human-rights>.

<sup>204</sup> UN Security Council Resolution 2596. [https://undocs.org/en/S/RES/2596\(2021\)](https://undocs.org/en/S/RES/2596(2021)). Also see UN. Meetings Coverage and Press Releases. 2021. "Unanimously Adopting Resolution 2596 (2021), Security Council Extends United Nations Mission in Afghanistan for Six Months, as Taliban Establishes Rule across Country". <https://www.un.org/press/en/2021/sc14639.doc.htm>.

<sup>205</sup> UN Security Council Resolution 2543. [https://undocs.org/s/res/2543%20\(2020\)](https://undocs.org/s/res/2543%20(2020)).

<sup>206</sup> UN Security Council. Resolution 2593. 30 August 2021. S/Res/2593. [https://undocs.org/S/RES/2593\(2021\)](https://undocs.org/S/RES/2593(2021)).

monitored, verified, and documented. It is therefore imperative that a robust international mechanism is established for that purpose.

## 9. RECOMMENDATIONS

### TO ALL UN MEMBER STATES AND STATES THAT HAVE FOR THE PAST 20 YEARS FINANCIALLY SUPPORTED AFGHAN CIVIL SOCIETY; AND

Countries that have already pledged support for at-risk Afghans, as well as those who are yet to make these commitments, should protect and respect the rights of all refugees and asylum seekers, *including by:-*

1. Immediately halting all deportations and forced returns; and ensuring the protection of all Afghans in their territories, through granting refugee status or other forms of international protection.
2. In particular, States should consider all Afghan women and girls as *prima facie* refugees, on the grounds of high risk of gender-based persecution upon return to Afghanistan.
3. Suspending visa requirements and/or expediting humanitarian visas to at-risk groups – including journalists, members of civil society, human rights defenders, in particular, women human rights defenders, and other women who worked in security, justice and judicial sectors, and members of minority ethnic and religious groups.  
Visa requirements should be suspended at least until embassies and consulates reopen in Afghanistan, and visa-granting processes function in a prompt, effective, and transparent way. Those countries whose visa-granting processes for Afghans are still functioning in a prompt, transparent, and effective way, should expedite humanitarian visas and/or grant minimal documentation requirements for these groups.
4. Neighbouring countries should commit to maintaining open borders for refugees and implementing measures to ensure that border crossings are safe.
5. States with resources to do so, should open or increase safe pathways to protection, such as resettlement and community sponsorship, offering places proportionate to the scale of the crisis, while considering the particular situation of women.
6. The United States of America, European Union and its members, UK, Switzerland, Canada, and Australia must work to ensure those who are at risk in Afghanistan, particularly those working for them, are granted safe passage and resettlement in one of these countries.
7. All states party to the Rome Statute must cooperate, and press Afghanistan's government to cooperate with the International Criminal Court (ICC) and its investigation into war crimes and crimes against humanity, including crimes committed by the Taliban and affiliated forces.
8. While welcoming the continuous engagement towards humanitarian aid for the suffering population in Afghanistan, states supporting development and humanitarian aid and engaging the Taliban authorities should demand a commitment to uphold human rights treaties, ratified and binding upon Afghanistan.

## RESPONSIBILITY OF THE INTERNATIONAL COMMUNITY, PARTICULARLY VIA THE UNITED NATIONS TO:-

1. **Ensure safe passage for all people trying to leave Afghanistan.**
  - a. **Ensure that access to the airports is permitted to everyone by the Taliban.** The United Nations and the international community via the UNAMA, or through a specially appointed mandate holder, or through bi-lateral engagements by state parties, must commence negotiations with the authorities in Afghanistan and the authorities of neighbouring countries to ensure safe passage for refugees to countries sharing land-borders with Afghanistan.
2. **Protection and safe evacuation for human rights defenders and other at-risk groups**
  - a. The United Nations and the international community via the UNAMA, or through a specially appointed mandate holder, must commence negotiations with the authorities in Afghanistan to ensure safety for individuals at risk who remain in Afghanistan
  - b. Post-negotiations, mechanisms for protection should also be developed. The international community must engage collectively to hold the authorities in Afghanistan to international human rights standards and ensure the safety of human rights defenders, journalists, and other groups at high risk.
3. **Securing commitment to human rights guarantees from the authorities in Afghanistan**

## UN SECURITY COUNCIL

- a. Following up on its Resolution 2593 and Resolution 2596, the UN Security Council must press the authorities in Afghanistan to honour international human rights principles, especially with respect to women's rights and minority rights.
- b. The UN Security Council must monitor compliance with the minimum standards on human rights contained in UNSC Resolution 2593 and Resolution 2596, by receiving regular briefings on the human rights situation from the UN Assistance Mission in Afghanistan (UNAMA).
- c. The UN must provide the Human Rights Unit of UNAMA with sufficient on-the-ground staff (whilst assuring their safety) and resources (including from additional voluntary contributions by member states) to carry out robust and independent human rights monitoring.
- d. The UN Security Council must appoint a special mandate holder or other special mechanism to negotiate with the authorities in Afghanistan and increase international pressure on the authorities to end all human rights violations and abuses that are being reported from various parts of the country, via mechanisms available through the United Nations and multilateral negotiations.
- e. All efforts must be taken to pressure the Taliban and other armed groups in Panjshir valley to adhere to international human rights law and humanitarian law, protect civilians, civilian objects, and prisoners of war, and ensure uninterrupted access to essential supplies and humanitarian aid.
- f. The United Nations through a special mandate holder or other mechanism, must put in place a mechanism to negotiate with the authorities in Afghanistan, to ensure commercial and civilian aircrafts are able to operate safely at the international airports, and are provided the security needed for such operations.

- g. Negotiations must commence by the United Nations with the authorities in Afghanistan, either through a special mandate holder or through an existing mechanism, to support evacuations from Kabul airport and other international airports in Afghanistan by securing safety for civilians at the airport and ensure safe travel for civilians to the airport.

## UN HUMAN RIGHTS COUNCIL

The UN Human Rights Council must establish a fact-finding mission or similar independent investigative mechanism, with a **multi-year mandate** to:

1. Investigate all alleged violations and abuses of international human rights law, international humanitarian law, and other serious human rights violations and abuses, including any gendered dimensions of such violations and abuses, by all parties to the conflict in Afghanistan.
2. Contribute to efforts to bring all those suspected of criminal responsibility for crimes under international law to justice in fair trials before ordinary civilian courts and without recourse to death penalty, including by identifying those suspected of criminal responsibility, collecting and preserving evidence for future prosecutions, and making recommendations on necessary measures to end impunity and ensure accountability for serious crimes.
3. Make recommendations for concrete action to protect the rights of the people of Afghanistan, to ensure access to justice, truth and reparations for victims and survivors, and to prevent further atrocities.
4. Report regularly, including inter-sessionally, to the HRC, as well as to the General Assembly, the UNSC, and other relevant UN organs and bodies.

## THE INTERNATIONAL CRIMINAL COURT

1. The ICC should make a public decision regarding the request filed by the Afghan government in 2020 to defer the investigation under Article 18 of the Rome Statute, taking into consideration that (a) crimes are ongoing; and (b) the new de facto authorities in Afghanistan are unlikely to be willing or able to investigate and prosecute criminal acts that may fall under the ICC's jurisdiction.

## TO THE AUTHORITIES IN AFGHANISTAN

1. On ending human rights violations
  1. End all human rights violations that are taking place in Afghanistan including reprisal killings; attacks on members of ethnic and religious minorities, women and girls, LGBTI people, human rights defenders, civil society members, judges, lawyers, former government officials, journalists and others; and attacks on protests, torture, and ill treatment of those arrested; and the exclusion of women and girls from public life, including work and education.
  2. Ensure the human rights of everyone in Afghanistan.
  3. Adhere to international human rights law and humanitarian law, protect civilians and civilian objects, end murders and other violations targeted at surrendered soldiers and other former government officials, and ensure uninterrupted access to essential supplies and humanitarian aid.
2. On accountability for crimes under international law and other serious human rights violations

1. Ensure investigations into all reliable allegations of crimes under international law and other serious human rights violations and abuses and where individuals are suspected of criminal responsibility, and ensure they are brought to trial in accordance with international human rights law and without recourse to the death penalty.
  2. Pending investigation and trial of those reasonably suspected of crimes under international law, remove them from the ranks of the Taliban or any other forces under their control.
  3. Agree to and support the establishment of a UN special mandate holder, a fact-finding mission, or other special mechanism, to independently monitor human rights in Afghanistan.
  4. Ensure cooperation with the Office of the Prosecutor of the ICC in investigating Rome Statute crimes committed in Afghanistan.
  5. Ensure the safety of survivors, witnesses, HRDs, and civil society members who have contributed to the investigative and outreach efforts of the ICC.
3. On the right to leave the country:-
    1. Ensure that access to the airports is permitted to everyone, and end checkpoints where at-risk individuals are screened by the Taliban, preventing most at-risk groups from accessing the airports for evacuation flights.
    2. Ensure open borders with countries sharing land-borders with Afghanistan.
  4. Respect and protect the rights of at-risk individuals including human rights defenders, civil society members, women and girls, LGBTI people, politicians, local government and mayors, members of minority ethnic and religious groups, journalists, entertainers, former government workers and other at-risk groups.
  5. On humanitarian aid
    1. Ensure safe passage for humanitarian aid workers delivering critical services to Afghans across the country to ensure humanitarian aid can continue without interference.

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