



RAWADARI رواداری

Report no. 3 | 23 January 2023

Arbitrary and Illegal Detentions in Taliban-Ruled Afghanistan

15 August 2021 – 15 November 2022

ravadari.org

Contents

Introduction	3
Report Description	5
Arbitrary and illegal detention of employees of former government	5
Arbitrary and Illegal Detention of Civil Society Activists, Human Rights Defenders and Journalists	6
Arbitrary and Illegal Detention of Women	6
Illegal Arrest of Persons accused of association with National Resistance Front (NRF)	6
Other cases of Arbitrary and Illegal Detention:	7
Torture and Enforced Disappearance of detainees	7
Conclusion:	8
Recommendations:	9



Introduction

Violation of the right to liberty and security of person is one of the main challenges and concerns in Afghanistan under the de facto rule of Taliban. These detentions have led to an environment of terror and fear among Afghan citizens.

According to the findings of Rawadari, Taliban have arbitrarily detained hundreds of Afghan citizens since August 2021. Many of these individuals were employees of the previous government, especially employees of security and defense institutions. Taliban have also arrested dozens of civil society activists, journalists and human rights defenders for demanding justice and criticizing the existing situation. Taliban have further subjected some of the detainees to violence & abuse. Taliban have also arrested and detained hundreds of other individuals on the charges of “collaboration with and membership of the National Resistance Front” along with dozens of protesting women & some members of the Salafi sect.

The findings of Rawadari indicate that Taliban have arbitrarily and illegally arrested and detained officials of the previous government as well as protestors and critics to either exert revenge or suppress any civil opposition.

The deterrent legal mechanisms that prevent such abuses and hold its perpetrators accountable are not in practice and have lost effectiveness in Afghanistan.

Methodology

The data included in this report cover the period of 15 August 2021 to 15 November 2022, based on Rawadari’s monitoring and documentation in 29 provinces of Afghanistan. The provinces covered are the following: Kabul, Kandahar, Herat, Nangarhar, Bamiyan, Kunar, Uruzgan, Helmand, Badakhshan, Kunduz, Daikundi, Sar-e-pol, Takhar, Ghor, Maidan Wardak, Ghazni, Panjshir, Parwan, Baghlan, Khost, Paktia, Paktika, Farah, Nimruz, Badghis, Kapisa, Nuristan, Laghman and Balkh.

Prohibition of Arbitrary and Illegal Detention in International Human Rights Treaties

International Human Rights Treaties recognizes and guarantees the Right to Liberty and Security of Person to all individuals. Article 9 of the Universal Declaration of Human Rights adopted by the United Nations on the 10th December 1948 stipulates “No one shall be subjected to arbitrary arrest, detention or exile”

Similarly, it is stated in sub article 1 of Article 9 of the International Convention on Civil and Political Rights adopted by the United Nations General Assembly on 16th December 1966 that “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his/her liberty except on such grounds and in accordance with such procedure as are established by law”.

Depriving individuals from the Right to Liberty is only legitimate when it takes place in accordance to law and authorized by competent authorities. Any illegal and arbitrary action in this regard is considered violation of the provisions of the mentioned laws and clear violation of human rights. The current report examines these violations from 15 August 2021 to 15 November 2022 in Afghanistan.



Report Description

Based on our findings, Taliban have illegally and arbitrarily arrested and detained at least 1976 persons in 29 provinces of Afghanistan between 15 August 2021 and 15 November 2022, including 1836 men, 136 women and 4 children. Those detained mainly include previous government's employees, women protestors, human rights defenders, civil society activists, journalists, religious scholars, members of Salafi sect, tribal elders and civilians accused of being associated with National Resistance Front (NRF).

The absolute majority of these arrests were made by the Directorate of Intelligence of Taliban, however, other departments and individuals such as municipalities and police units, and the Department of Promotion of Virtue and Prevention of Vice and district governors have also played a role in arresting and detaining individuals.

The Taliban illegally and arbitrarily detained at least 1976 persons across Afghanistan, 136 women and 4 children.

These arbitrary detentions are happening in a legal vacuum where the citizens are not aware which previous laws (laws in effect during the Republic) are being upheld and what laws have been permanently abolished. This in addition to sweeping replacements in judges and attorneys across the country from the previous cadre to Taliban members has contributed to a major legal vacuum and a sense of lawlessness.

To our knowledge currently no human rights organization has regular, unannounced monitoring access to places of detention in Afghanistan. Thus, Rawadari is extremely concerned about the current situation in prisons and treatment of detainees.

We also acknowledge that due to the restrictions in access to information, the

number of individuals in arbitrary detention might be higher compared to the data included in this report.

Arbitrary and illegal detention of employees of former government

Rawadari's findings indicate that between 15 August 2021 and 15 November 2022 Taliban have arrested and detained a total of 248 employees of the former government and members of security and defense institutions and former 'people's uprisings' members. These arrests have occurred despite repeated assurances of "general amnesty" for those who worked with the former government.

In Kandahar province, between August 2021 and 15 November 2022, Taliban arrested and imprisoned 72 former soldiers (56 police officers and 16 National Directorate of Security officers). We have not been able to obtain any information about their whereabouts or their release following the arrests. In October 2022, the Intelligence Department of Taliban arrested 13 former soldiers from Ghor Province.

In addition to this, Taliban have detained close family members & relatives of former soldiers and subjected them to torture and ill-treatment. For instance, 32 family members and close relatives of former soldiers were arrested and tortured by the Taliban in Daikundi province alone. Among them are two children.

In Daikundi province, the Taliban arrested and tortured 32 family members and close relatives of former soldiers, including two children.

On 2 March 2022 Taliban arrested two children aged 12 and 15 on the allegation that their father who was a member of the former

Provincial Council of Daikundi province had weapons in his possession. Taliban tortured the children and the family claims that one of them has developed a severe mental health condition.

In another case on 4 September 2022, Taliban arrested the son of a former commander of people's uprisings in Badakhshan province. Local sources said that he was arrested by the Taliban while returning from Iran and was later taken to an unknown destination.

Arbitrary and Illegal Detention of Civil Society Activists, Human Rights Defenders and Journalists

Taliban do not tolerate any type of criticism or protest and consider any criticism of their government as conspiracy and destroying the reputation of the "Islamic Emirate".

Rawadari has obtained reliable information of Taliban illegally detaining 421 civil activists, journalists, social media users/activists, university professors and religious scholars between 15 August 2021 to 15 November 2022.

These individuals were arrested on the charges of criticizing strict policies of Taliban and in some cases only due to publishing critical posts on social media. They were subjected to violence and ill-treatment in the process of or following the arrest.

Taliban illegally detaining 421 civil activists, journalists, social media users/activists, university professors and religious scholars.

For example; a journalist and a social activist in Paktia province and a university professor, five journalists and one social media (Facebook) user in Kandahar were imprisoned for sharing critical posts against Taliban on social media. In another case, a civil society activist in one of the districts of Helmand province was arrested by the local municipality authorities for publishing a critical post on Facebook.

Arbitrary and Illegal Detention of Women

According to the findings of Rawadari, between 15 August 2021 and 15 November 2022 total 136 women were arbitrarily arrested and imprisoned in Kabul, Ghazni, Badakhshan, Takhar, Daikundi, Bamyan, Herat and Balkh provinces.

These women were detained for reasons such as working with the previous government, organizing advocacy sessions and for criticizing strict policies of Taliban against women. Fleeing from home with the intention of getting married and not wearing Hijab were among some of the other charges that led to detention of women.

The Taliban arrested and imprisoned 136 women in Kabul, Ghazni, Badakhshan, Takhar, Daikundi, Bamyan, Herat and Balkh provinces.

In the first six months of Taliban rule, the arrests of women were made by the male employees of Department of Promotion of Virtue and Prevention of Vice and Intelligence Department of Taliban in the absence of female employees/police officers.

On 11 February 2022, Taliban attacked a house of seven protesting women at midnight in Kabul and arrested them and in this incident a number of family members of these women including seven children were also arrested.

Illegal Arrest of Persons accused of association with National Resistance Front (NRF)

According to the findings of Rawadari, Taliban have arrested and imprisoned a total of 768 residents of Panjshir, Baghlan, Takhar and Badakhshan provinces between 15 August 2021 and 15 November 2022 on the charges of supporting, collaborating with or being a member of the National Resistance Front (NRF). Among them, 355 individuals were arrested from Panjshir province, 124 from Badakhshan province, 189 from Baghlan province and the remaining 100 from Takhar province.

Rawadari emphasizes that due to limited access to the information in Afghanistan it is difficult to document cases of human rights violations, especially violations happening in Panjshir province, therefore the number of persons detained may be higher compared to the data presented in this report.

The Taliban arrested 768 residents of Panjshir, Baghlan, Takhar and Badakhshan provinces on charges of supporting, collaborating with or being a member of the National Resistance Front (NRF).

Other cases of Arbitrary and Illegal Detention

Findings of this report indicate that between 15 August 2021 and 15 November 2022 Taliban have arbitrarily and illegally arrested and detained at least 403 Afghan citizens on a variety of charges. These individuals include followers of Salafism, students, artists and other civilians who were arrested and imprisoned on the charges of “possessing weapons”, not paying “Ushr” (one/tenth tax on agricultural products), listening to music and playing musical instruments, cutting beards and hair contrary to the standards set by Taliban.

For example on 6 July 2022 a resident of Helmand province, who had not paid Zakat (tax according to sharia) to a Mullah Imam (Prayer leader) of a mosque and instead he had paid it to a poor person, was arrested from his home by the district security officials and detained for several days by Taliban.

In a different incident in October 2022 the Directorate of Promotion of Virtue and Prevention of Vice arrested around 25 hairdressers from the capital of Kandahar province for “not complying with guidance on haircuts”. Several of these individuals were severely beaten and tortured.

In addition to this, Taliban have arbitrarily arrested and imprisoned 19 Salafists in Badakhshan and Nangarhar provinces due to

their ideological difference with Taliban and with charges of supporting Islamic State of Khorasan Province (ISKP).

Torture and Enforced Disappearances of detainees

According to the findings of Rawadari, in the period of 15 August 2021 to 15 November 2022 at least 34 individuals, mostly former military personnel, were forcibly disappeared in Herat, Ghazni, Ghor, Farah, Panjshir, Badakhshan, Herat, Bamyan and Balkh provinces.

These individuals were initially arrested and then transferred to an unknown place by the Taliban. In one instance, two individuals were arrested by the Taliban on 10th October 2022 in Badakhshan province and in a different case, four men were arrested on the 17th October 2022 from Panjshir province. Family members of all these individuals have said that they still have no information about their fate.

In this period, 13 former military personnel were arrested by Taliban from Ghazni province but Rawadari was unable to obtain information about their fate.

At least 34 individuals, mostly former military personnel, were forcibly disappeared in Herat, Ghazni, Ghor, Farah, Panjshir, Badakhshan, Herat, Bamyan and Balkh provinces.

In another incident on 10th October 2022, a resident of “Dare-i-Bala Sar Ghilan” village of Shuhada District of Badakhshan province was arrested and taken to unknown place by the Taliban. His family said that he was not linked with any group and they are still not aware of his whereabouts and wellbeing.

Also on 3rd October 2022, Taliban arrested a local elder and his son from Ghor province and there is no information about their location. Additionally, nine individuals including former military personnel were killed in Daikundi and Nangarhar provinces in detention as a result of extreme torture by Taliban.

In another case, on 20th July 2022, a former employee of the National Security Directorate

of Kandahar province was admitted to Mirwais Hospital due to severe torture. In Ghor province a detainee was tortured by the Taliban and his genitals were burned by a lighter.

The information obtained indicates that torture and ill-treatment are carried out in the detention centers of the Intelligence Department of the Taliban, but Rawadari does not have access to places of detention, we are not in a position to provide full and accurate statistics on victims of torture.

Conclusion

Based on the findings of Rawadari, since regaining power the Taliban have extensively violated the right to liberty and security of Afghan citizens and have used arbitrary and

illegal detentions as a tool for creating an environment of terror and fear among their critics and opponents.

The cases of illegal and arbitrary detention are not isolated. This has become a usual procedure and routine for the Taliban. Their members and institutions including district governors, municipalities and even an ordinary fighter of the Taliban arrests, detains and tortures protesters, critics and opponents without taking into account the principles and requirements stipulated by law.

Despite international engagement on human rights in Afghanistan, the Taliban continue to act with impunity in violating the fundamental rights and freedoms of citizens of Afghanistan. Continued culture of impunity can lead to ongoing violence and instability in Afghanistan.

Recommendations:

To prevent the continuation of arbitrary and illegal arrests as one of the most important human rights violations in Afghanistan, we put the following recommendations forward:

To the de-facto Taliban Authorities in Afghanistan

1. We demand the Taliban to abide by all international human rights conventions and laws to which Afghanistan is party and take all necessary measures to prevent further human rights violations.
2. We demand the Taliban to act according to the legal standards especially according to the specified principles and requirements of a fair trial and refrain from any arbitrary and illegal deprivation of liberty of Afghan citizens.
3. Respecting international human rights laws, compliance with the principles of fair trial and respecting fundamental rights of an accused person are the legal obligations of Taliban. Therefore, we demand from the Taliban authorities to respect the aforementioned principles and additionally allow unannounced visits and regular monitoring of places of detention by human rights organizations.

To the International Community:

1. We demand the international community to play an active and effective role in preventing the continuation of the extensive and widespread violations of human rights in Afghanistan.
2. We demand from the United Nations especially the human rights mandate of the United Nations Assistance Mission to Afghanistan (UNAMA) to regularly monitor detentions centers to ensure the absence of torture and compliance with other fundamental rights of suspects and accused persons in Afghanistan.
3. We demand from the international community especially the United Nations to investigate all allegations of arbitrary detention, illegal arrests, torture and mistreatment since Taliban takeover and make the findings of the investigation public.



رواداری · RAWADARI

ABOUT RAWAARI

Rawadari is an Afghan human rights organisation that aims to deepen and grow the human rights culture of Afghanistan, ultimately reducing the suffering of all Afghans, especially women and girls.

Rawadari helps build an Afghan human rights movement, monitors human rights violations, and pursues justice and accountability for violations. Rawadari works with individuals and collectives inside and outside Afghanistan.