



HUMAN RIGHTS SITUATION IN AFGHANISTAN:

Mid-year Report

1 January to 30 June 2023

August 2023



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.

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INTRODUCTION

This report has been prepared to examine and analyse the human rights situation in Afghanistan, with a focus on significant events related to the violation of civil and political rights and the status of women's human rights in the first six months of 2023. Based on the findings of this report, terrorist attacks and armed conflicts have decreased compared to previous years, resulting in fewer civilian casualties. However, other forms of human rights violations, especially targeted, and extrajudicial killings continue to be widespread and carried out by the Taliban as well as by unknown individuals.

Furthermore, increasing restrictions have been imposed on various aspects of citizens' lives including political, social, economic, and cultural lives, particularly affecting women. During this period, the Taliban, have continued to suppress peaceful protests and gatherings with violence, and have conducted arbitrary and unlawful arrests of former government employees, protesters, human rights activists, journalists, and Taliban's perceived political opponents. The widespread imposition of restrictions by the Taliban and the enforcement through force and violence has intensified an environment of repression and suffocation across the country. The Taliban have further shrunk existing space for any form of individual and collective civil efforts and criticism compared to the same period in 2022.

In addition, torture and mistreatment of prisoners and the implementation of cruel and inhumane punishments are among other serious instances of human rights violations by the Taliban during the first six months of 2023, that have been documented by Rawadari and reflected in this report.

The gravity of these findings, as well as the consequent recommendations, demands serious attention from the international community, the United Nations, human rights organizations, de facto authorities and relevant stakeholders. The dire human rights situation in Afghanistan, particularly the continued systemic and widespread violations of the rights of women and girls require urgent attention and coordinated international, regional and local action and response.

DATA COLLECTION METHODOLOGY

From 1st January to 30th June 2023, Rawadari conducted phone and face to face interviews with 353 individuals, including 52 women in 28 provinces¹ across Afghanistan and documented human rights violations. Those interviewed included human rights activists, victims and their families, eyewitnesses, defence lawyers, former and current judicial and legal officials, released prisoners, local journalists, local representatives or wakeel-e- guzar, healthcare personnel, and educators. The new and increasing limitations on women's work in NGOs and the UN as well as limitations on women's movement has also had implications for Rawadari's access to women activists, professionals and other potential women interviewees. Through these interviews, data and information related to human rights violations has been documented and analysed within the framework of international human rights standards.

Rawadari conducted phone and face to face interviews with 353 individuals, including 52 women in 28 provinces across Afghanistan and documented human rights violations.



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Furthermore, findings from previous Rawadari reports and other related reports published by human rights organizations and entities have also been utilized in the drafting of this report. In addition, documents, decrees, and official letters issued by the Taliban during the first six months of 2023, and available to Rawadari's documentation team are among other sources of information included in this report.

Collecting information and documenting human rights violations in Afghanistan has been problematic and challenging due to extensive restrictions on access to information imposed by the Taliban. The findings of Rawadari indicate that the Taliban have imposed even stricter limitations on accessing information during the first six months of 2023. Due to these limitations, the report only includes information on human rights violations that the Rawadari team has been able to document considering these limitations.

It is worth mentioning that some details regarding the identity of the interviewees, as well as specific dates and locations of certain human rights violations have been deliberately withheld in the report to protect the security of the sources and victims.

¹ Kabul, Ghazni, Maidan Wardak, Nangarhar, Herat, Balkh, Bamiyan, Badakhshan, Paktia, Paktika, Khost, Kunar, Kunduz, Takhar, Samangan, Sar-e pul, Daikundi, Jawzjan, Helmand, Uruzgan, Farah, Ghor, Nimruz, Panjshir, Parwan, Baghlan, Laghman and Nuristan

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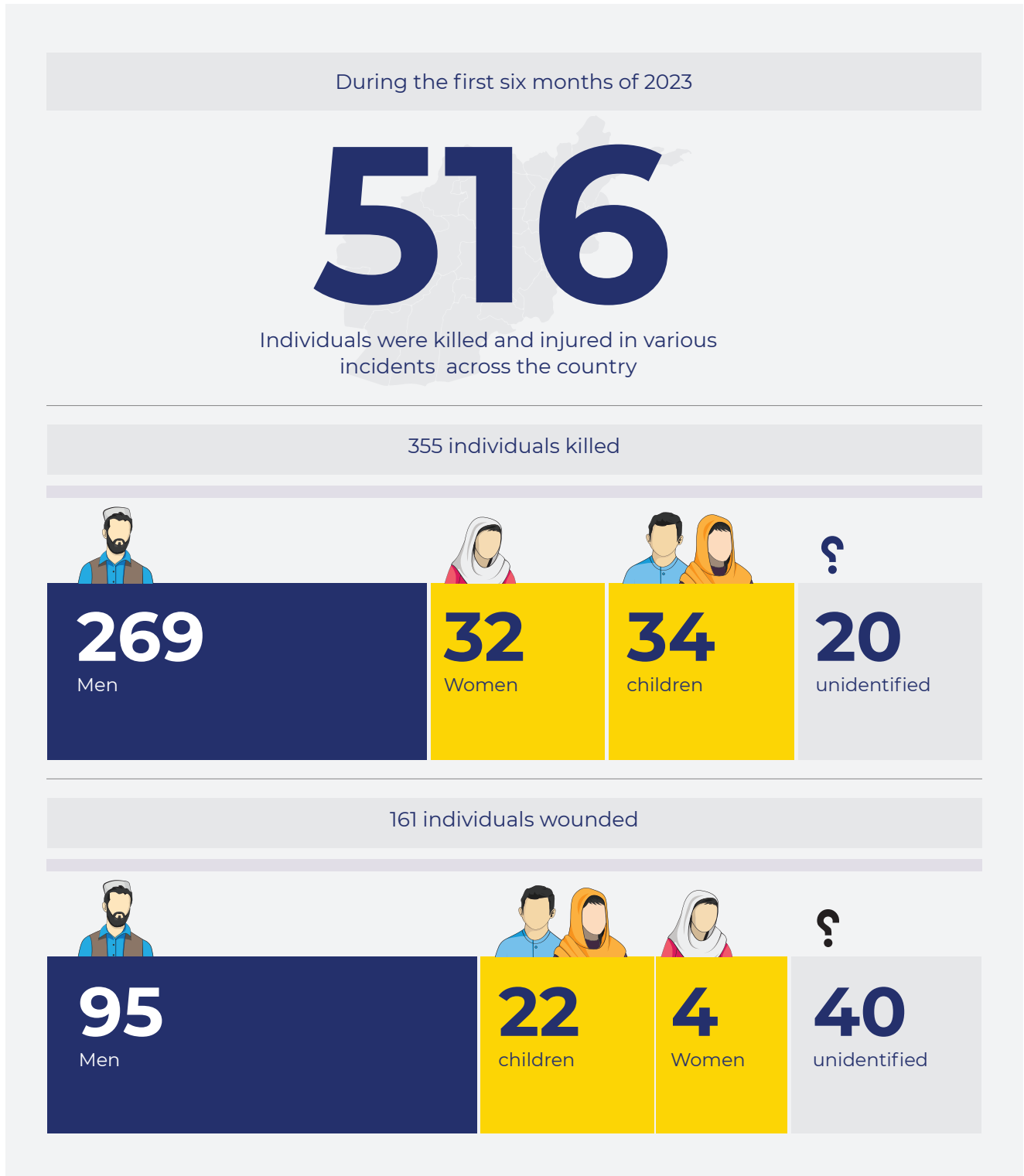
FINDINGS AND DESCRIPTION OF THE REPORT

The findings of this report primarily describe incidents of civil and political rights violations that occurred during the first half of 2023 and have been documented by Rawadari. The report specifically examines violations of the right to life, the right to liberty and personal security, the right to human dignity, the right to peaceful gatherings, as well as the status of women's human rights.



VIOLATION OF THE RIGHT TO LIFE

During the first six months of 2023, based on our findings, at least 516 individuals were killed and injured in various incidents across the country, with 355 individuals killed and 161 wounded. From this data, the deceased include 269 men, 34 children, and 32 women and 20 individuals of unidentified sex. The injured include 95 men, 22 children, 4 women, and 40 individuals of unidentified sex. The victims included former government employees, prominent ethnic leaders, Taliban opponents, and other non-combatant civilians.



The incidents of the violation of the right to life addressed in this section include targeted, mysterious, and extrajudicial killings, suicide attacks, and explosions caused by mines and explosive materials.

1- Casualties resulting from suicide attacks

During the first six months of 2023, due to 3 suicide attacks in Kabul and Badakhshan provinces, at least 111 civilians were killed or injured. Among them, 41 individuals, including 21 men and 20 individuals of unidentified sex were killed and 30 men and 40 individuals of unidentified sex were wounded.

On 11 January 2023, as a result of a suicide attack in Kabul city, at least 20 civilians were killed, and 40 others were injured. Similarly, in two suicide attacks on the 6th and 8th of June 2023, in the center of Badakhshan province, at least 21 individuals were killed, and 30 others injured.



The responsibility for all 3 suicide attacks noted above has been officially claimed by the Islamic State in Khorasan Province (ISKP), and the Taliban also confirmed the ISKP statement of responsibility.

2- Civilian casualties resulting from mines and explosive remnants of war

Rawadari's findings indicate that during the first six months of 2023, at least 63 individuals were killed or injured as a result of explosions caused by planted mines, unexploded ordnance, and other remnants of armed conflicts. Among them, 31 individuals, including 26 children, 4 men, and 1 woman, were killed, and 32 individuals, including 20 children, 10 men, and 2 women, injured. As the report's findings have shown, the majority of the victims of these explosions are children.



The International Committee of the Red Cross has also reported that from January 2022 to June 2023, a total of 640 children in Afghanistan were killed or injured in 541 mine explosion incidents and ordnance remnant detonations. These figures account for 60 percent of the total civilian casualties resulting from explosions of leftover explosive materials from the war².

Mines and other remnants of explosive materials from previous wars are now the most significant challenge and the primary factor in civilian casualties, especially in the southern and eastern provinces of Afghanistan. Currently, there are 4,158 identified hazards spread across 1,200 square kilometres in Afghanistan. These hazards pose a significant threat to approximately 1,537 locations in the country, impeding safe passage for civilians.”³

Mines and explosive materials are usually planted in heavily trafficked areas such as public roads, pilgrimage sites, agricultural fields, and even people's homes, resulting in casualties among non-combatant individuals, fundamentally violative of the right to life. One victim stated in an interview to Rawadari on 8 June 2023, that, “I lost both my legs due to a mine explosion planted by the Taliban on a roadside in Arghandab District, Kandahar Province⁴.” In another case, on 2 April 2023, the death of a brother and sister was the result of the

² International Red Cross Committee: Children are the main victims of unexploded and leftover munitions. 18 July 2023. <https://blogs.icrc.org/afghanistan/prs/2023/07/206/>

³ BBC Farsi, 4 April 2023. <https://www.bbc.com/persian/articles/c04vx0r25nyo>

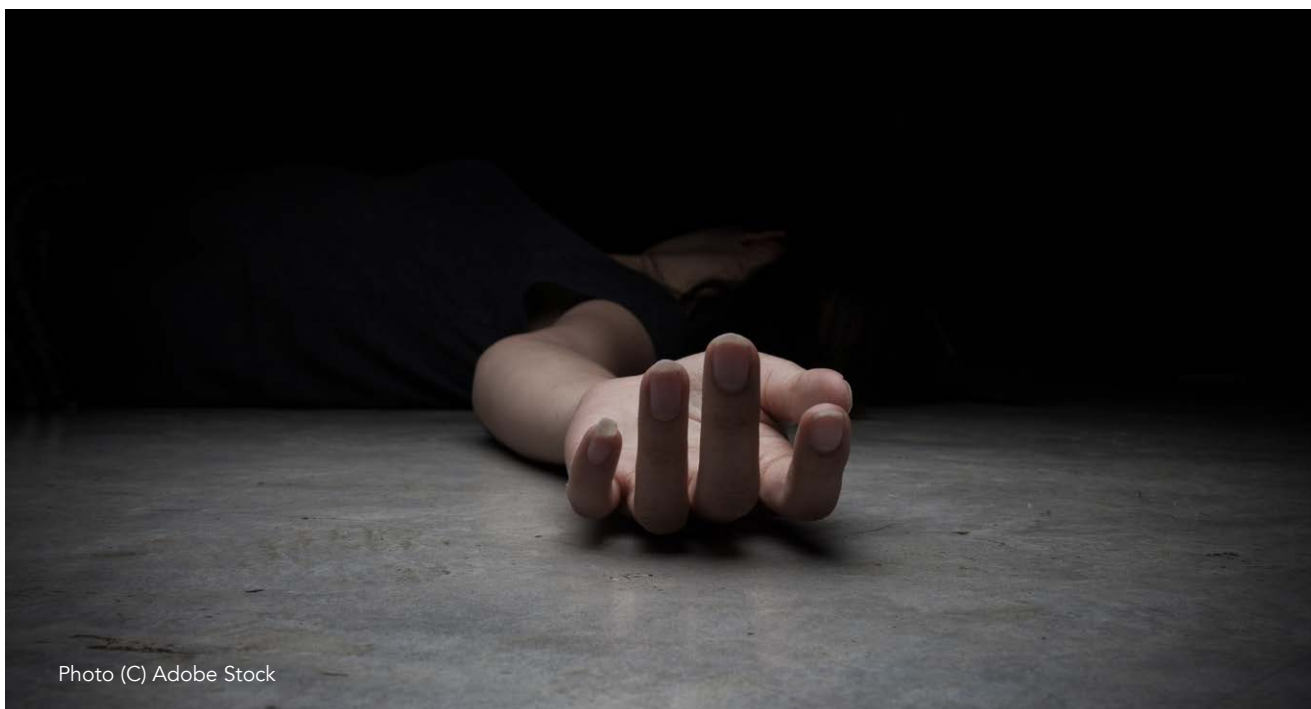
⁴ Local sources have told Rawadari that after the Taliban gained control of Arghandab district in Kandahar province during the war with the forces of the Islamic Republic of Afghanistan, they planted mines in various parts of this district.

detonation of an unexploded shell in “Dar-e Tangi” area of Sayed Abad District of Maidan Wardak Province. In an all too familiar scenario, these children had found the unexploded shell on a nearby mountain close to their home.

Similarly, on 29 April 2023, because of an explosion of an unexploded shell in Dasht-e-Toop Village, Sayed Abad District, Maidan Wardak Province, 5 children were killed, and 2 other children were injured. ***One resident of Kandahar Province said, “I lost one of my legs and became disabled due to a roadside mine explosion. My life has now completely changed as I have lost the ability to work.”***

3 -Targeted, mysterious, and extrajudicial killings

Based on Rawadari’s findings, from the 1st January to 30th June 2023, at least 342 individuals, including 299 men, 33 women, and 10 children, were killed or injured in targeted, mysterious, and extrajudicial incidents by the Taliban and unknown individuals. Among them, 283 people were killed, and 59 others were injured.



The results of investigations demonstrate that the Taliban and unknown individuals are responsible for targeted and unlawful killings of individuals during the first six months of the year. The victims of these events are mainly former government employees, human rights activists, critics, opponents of the Taliban, and other civilians.

It is worth mentioning that due to the challenges and difficulties as well as the restrictions imposed by the Taliban on accessing information, the statistics of targeted and extrajudicial killings are most likely higher than those reflected in this report.

A-Targeted killings of former government employees

Among the individuals who have been killed and injured in targeted and extrajudicial incidents during the first six months of 2023, 55 were former government employees, including both civilian and military personnel. Out of this group, 54 were killed, and 1 person was injured. The victims include 45 former military personnel and 10 other individuals who worked in various civilian departments of the previous government.



The findings of this research indicate that the Taliban, while changing their approach from the past year, have continued their deadly revenge against former government employees. This is in direct contradiction to their purported ‘amnesty’ policy. Over the past two years, multiple reports of targeted and extrajudicial killings of former government employees by the Taliban have been published by human rights organizations and independent media, leading to widespread concerns and strong international condemnation. In light of this, the Taliban seem to have modified their tactics of extrajudicial killings and revenge against former government employees. Recently, there have been instances where the Taliban, particularly their intelligence agency, target and kill former government employees and then claim that these individuals were affiliated with Islamic State (IS) or committed suicide.

For instance, in March 2023, Taliban forces killed a former official from the National Directorate of Security (NDS) in Herat city and later announced that they had eliminated an IS member. Similarly, on 10th April 2023, a former NDS official was killed outside his home in Kabul. The Taliban denied any involvement in this incident, but relatives and family members of the victim told Rawadari that he was killed by the Taliban.

In another similar incident, a former commander of the People’s Uprising Forces was abducted by unknown individuals in a district in Badakhshan province but later found dead in Baharak district of the same province. During an interview with Rawadari, one of his relatives stated that although the Taliban denied their involvement in the killing of this former commander of the People’s Uprising Forces, the family have no doubt that the Taliban were responsible for his death, as he had fought against the Taliban until the fall of the Republic.

Furthermore, on 26th January 2023, an individual who was a former employee of the National

Directorate of Security (NDS) was killed in his home by unknown armed individuals in a district in Nangarhar province. However, while the victim's family refrained from providing details about the incident, multiple local sources informed Rawadari that this person was killed by the Taliban due to his association with the previous government.

An eyewitness told Rawadari: ***“On 12th March 2023, in the eighth district of the city of Mazar-i-Sharif, unknown armed individuals opened fire on a former soldier in front of his family members and children in the middle of the night”. The eyewitness stated that the Taliban had previously searched this person’s house on two occasions.***

On 18th February a former police officer was killed by unknown armed individuals in a district of Ghazni province. A family member of the victim claimed that Taliban were responsible, as they had warned the victim on multiple occasions that “You should be killed because you were a member of the security and defense forces of the Republic”.

Rawadari's findings during the reporting period indicate that the Taliban have also killed family members and relatives of some former government employees. ***For instance, on 15th March 2023, in Takhar province, the Taliban killed the wife of a former army soldier after torturing her. The victim’s husband told Rawadari that he had previously left Afghanistan, but the Taliban, unexpectedly one night, entered their house under the pretext of searching for weapons and beat and tortured his wife before shooting her three times, resulting in her death.***



Photo (C) Phillip Walter Wellman/Stars and Stripes

B - Targeted killings of civilians on charges of collaboration with opposing groups



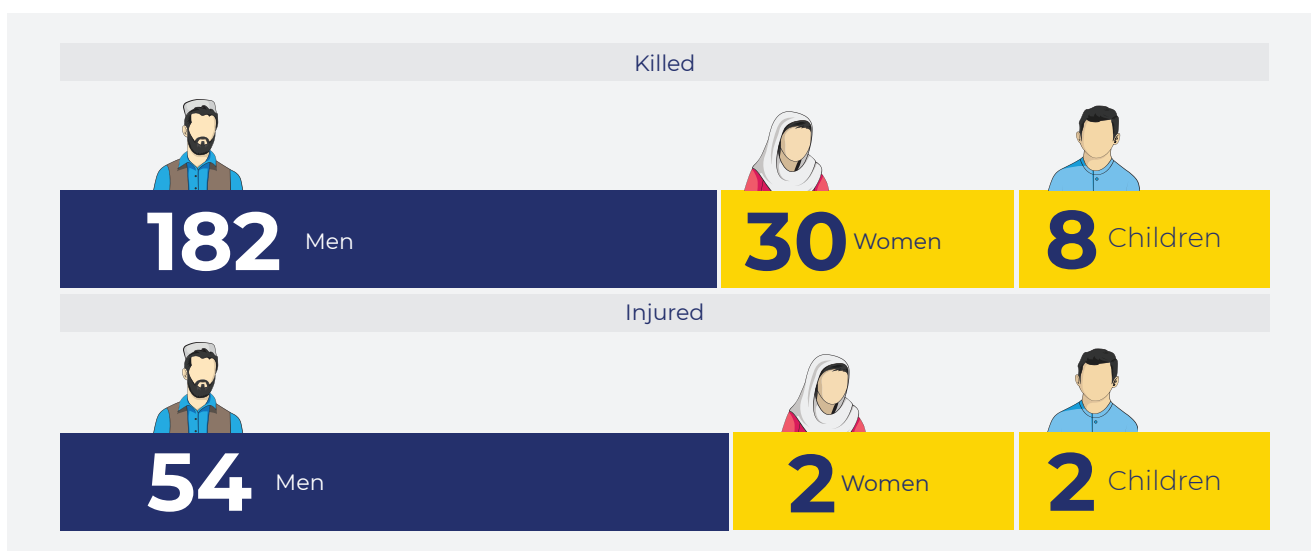
9 Civilians killed on charges of collaboration with or membership of Taliban's opposing groups

Evidence obtained by Rawadari indicates that during the first six months of 2023, the Taliban have killed at least 9 civilians on allegations or charges of collaboration with or membership of their opposing groups. The victims were accused of affiliations with the National Resistance Front (NRF) and other opposition groups. For example, on 5th April 2023, the Taliban detained and subsequently killed a young man in Takhar province on charges of being a member of the NRF. The victim's family stated, "The Taliban arrested him 13 days before and after torturing him, they killed him and handed over his body to us. He had recently returned from Iran to Afghanistan and had no affiliation with any group".

In another case, the **Taliban killed a resident of Chemtal district, Balkh province, in a night raid along with 6 members of his family. Relatives of the victim told Rawadari that the Taliban entered his house at night with the intention of conducting a search, and then killed him based on allegations of having connections with "Mawlawi Mahdi" a dissident Taliban commander. During this attack, 6 members of the victim's family were also killed.**

C- Targeted killings of other civilians

Based on Rawadari's findings, during the first six months of 2023, at least 278 individuals in various parts of the country were killed and injured mysteriously by unknown assailants. From this total, 220 individuals, including 182 men, 30 women and 8 children were killed, and 58 individuals including 54 men, 2 women and 2 children were injured. The victims include family members and relations of former government employees, tribal elders and local supporters of the former government, social and cultural activists and members of the business community.



Rawadari has been unable to document the exact reasons and motives behind some of these killings. The family members and relatives of the victims are not aware of the circumstances, and some families have refrained from sharing information or expressing their opinions due to security concerns and the threats they have received from the Taliban.

A significant number of mysterious killings of civilians by unknown individuals has occurred, and to date, the Taliban have taken no action to identify and arrest perpetrators, nor have they provided any reports or information regarding the identity of these individuals. The evidence indicates that the Taliban have hidden information about these types of events and threatened families of victims to refrain from providing any information to human rights organizations and media. This raises serious questions about the involvement of Taliban members in such killings. Despite the significant number (over 200 killings in 6 months as documented by Rawadari) of mysterious and targeted killings of civilians by unknown individuals, no perpetrators have been detained or held legally accountable. This has created an atmosphere of fear and serious concern among citizens. They question who these unknown individuals are and why they are not being arrested. Another question pertains to the Taliban's efforts to conceal information about such cases and their threats to the families of victims. ***In some cases of targeted killings recorded by Rawadari in Kandahar province, the affected families abandoned their homes and relocated to unknown locations following warnings and threats from the Taliban to not provide information to the media.***

In addition, there are also cases where civilians were killed due to internal discord and disputes within the Taliban. For example, in Bamiyan province the Taliban is divided into two rival factions, the first belonging to the Governor, and the second group supporting the Police Chief. Based on evidence and information obtained, the second, less powerful group illegally detains, tortures, and kills civilians to discredit the first group, which holds more power. An example of this behavior took place on 17 February 2023, when three employees of a coal mine were killed by the Taliban in the Saighan district, Bamiyan province. These individuals were first abducted, and then their bodies were found in a valley in "Kotal-e-Dandan Shekan". Multiple local sources informed Rawadari that the primary motive behind this incident related to the rivalries among local Taliban officials.



ENFORCED DISAPPEARANCES



11 Individuals have been forcibly disappeared

During the first six months of 2023, based on credible evidence gathered by Rawadari, at least 11 individuals have been forcibly disappeared by the Taliban after their detention. International human rights law defines enforced disappearance as the arrest, detention, or abduction of individuals by government officials or individuals and groups acting with the government’s authorization, support, or acquiescence, followed by a refusal to acknowledge the deprivation of liberty or to reveal the fate or whereabouts of the disappeared persons⁵. International

human rights recognize enforced disappearance as one of the most severe violations of human rights and considers it a crime against humanity⁶.

The victims reported to Rawadari are former government employees and civilians who have been detained by the Taliban and subsequently disappeared. Based on information obtained from relatives and close associates of the victims, the Taliban detained these individuals and refused to provide any information about their fate and whereabouts. For example, on 8th February 2023, the Taliban arrested and forcibly disappeared a resident of Herat province

5 Article 2 of the international convention for the protection of all persons from enforced disappearance, adopted in 2010 by the UN General Assembly.

6 Article 7, paragraph (1) and subparagraph (i) of the statute of the International criminal court, adopted in 1998 by the UNGA

due to his affiliation to a former soldier. This individual had in the previous government provided a guarantee document or Zamanat Khat to personally attest to the integrity of a soldier as part of the recruitment procedure under the Republic. His testimony was found from the personal files of the former soldier and Taliban decided to punish him on this basis. For several months the family of this individual made efforts to obtain information about his fate, and finally, after providing bribes, one Taliban member handed over documents such as his passport and identification card, informing the family that he had been killed and buried in an unknown location. After learning about this incident, the victim's family was threatened by the Taliban not to share the information with anyone else. The Taliban even detained and imprisoned one of the victim's family members for several days.

On 23rd January 2023, a group of Taliban attacked the home of an individual in Beshood district, Nangarhar province, in the evening and abducted him to an unknown location. The family of the abducted person repeatedly approached the Taliban's government offices, but they have not received any information about the fate of the detained individual.

In early April 2023, an ex-army officer was detained by unidentified armed individuals in Khost province, and since then, there has been no information available about his fate. A relative of the victim told Rawadari that the individual was arrested by the Taliban's intelligence officers and is currently in prison. However, the interviewee indicated that the Taliban have denied detaining the individual.

Furthermore, in March 2023, an individual from Bamiyan province who was a former employee of the National Security Directorate, was detained by the Taliban on allegations of possessing weapons. Since that time no information has been obtained about his fate. The victim's father told Rawadari that he paid five hundred thousand Afghanis (equivalent of 5715 USD) to Taliban judicial and legal institutions and approached them multiple times, but no information was provided regarding his son's fate. ***On 28th February 2023, the Taliban's intelligence department in Takhar province detained an individual on charges of expressing critical views on Facebook, and since then, no information has been available about his whereabouts.***

Due to extensive limitations and obstacles that the Taliban has imposed on accessing information, it is challenging to collect data and document cases of forced disappearances. Many families of victims have been threatened to not share any information with human rights organizations or other individuals. Therefore, Rawadari emphasizes that the number of cases of forced disappearances in Afghanistan could be much higher than the figures presented in this report.

ARBITRARY AND UNLAWFUL DETENTION

The findings of this report illustrate that during the first six months of 2023, at least 222 individuals, including 23 women have been arbitrarily and unlawfully detained by the Taliban in 16 provinces⁷. The detained individuals include former government employees (both civilian and military), members of the previous “People’s Uprising” forces, human rights activists, journalists, prominent tribal figures, and critics and opponents of the Taliban.



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Women have been arbitrarily and unlawfully detained

While international human rights standards guarantee personal freedom and security and emphasize the prohibition of arbitrary and unlawful deprivation of individuals’ freedom, the Taliban have engaged in widespread arbitrary and unlawful detention of former government employees and other civilians without any regard for legal standards and due process.

The findings of Rawadari indicate that revenge, suppression of human rights activists and dissenters, lack of deterrent legal mechanisms, the Taliban’s non-compliance with human rights standards and fair trial principles, widespread corruption and disorder at both high and low levels of Taliban-controlled administration are the main reasons for arbitrary and unlawful detention.

Based on the information obtained, it is evident that not only the intelligence agency, police, and the judiciary but also other agencies operating beyond their authority, and even ordinary Taliban soldiers, are involved in the arrest and detention of individuals. These detentions occur without observing basic legal principles and procedures, adding to the alarming situation of arbitrary arrests and detentions in Afghanistan. For example, in Ghor province, besides the police and members of the intelligence agency, employees of Department for Promotion of Virtue and Prevention of Vice and the Municipality also arrest and detain individuals. In Kandahar province, some victims told Rawadari that they were arrested and imprisoned by officials from the Traffic Department, the Statistical Office, the Public Health Department, or the Regional Hospital. It has been documented that the Taliban detain and torture individuals in private, secret and unlawful prisons in various parts of the country.⁷

1 - Unlawful detention of former government employees

Based on the information obtained, out of the total 222 individuals who were arbitrarily and unlawfully detained by the Taliban during the first six months of 2023, at least 73 of them are former government employees and their family members, comprising 47 military personnel, 5 employees of civil departments of the previous government, and 21 relatives and family members of former government employees.

Since the Taliban has imposed strict restrictions on access to information and in some cases prohibited victims from providing any information to human rights organizations and media after their release from detention, it is more than likely that the actual number of unlawful and arbitrary detentions of former government employees is much higher than the figures presented in this report.

During the nearly two years of Taliban rule in Afghanistan and due to security challenges and threats, thousands of individuals who worked in various military and civilian sectors of the previous government have left the country. Those who have been unable to escape or have chosen to stay in Afghanistan are now exposed to various forms of harassment, detention, torture, and even killings. For example, on 10 February 2023, the Taliban detained a former army commando in Panjshir province. He had no affiliation with any faction after the fall of the Republic, and the Taliban arrested him solely based on his past activities. Similarly, on 4 April 2023, the Taliban detained a former National Security officer in Takhar province.

As mentioned above, the Taliban have even detained and imprisoned relatives of former military personnel. ***For instance, on 14 April 2023, the Taliban detained a 17-year-old boy in Panjshir province because he would not disclose the whereabouts of his father. In another case, on 2 February 2023, the Taliban detained a civilian because his son had served in the security forces of the previous government. The son of this individual had fled to one of the neighboring countries after the fall of the Republic.***

2- Unlawful detention of civil activists, human rights defenders and journalists

The findings of Rawadari indicate that in this reporting period, the Taliban have unlawfully and arbitrarily detained at least 48 human rights defenders, civil activists, and journalists, accusing them of protesting, criticizing, and propagating against the “Islamic Emirate”. For instance, on 11 February, the Taliban detained a female protester along with her brother in Takhar province. This woman had been arrested for protesting against the discriminatory policies and actions of the Taliban against women. ***Similarly, on 8th March 2023, some women’s rights activists protested in front of the Governor’s office in Ghor against the repression of women’s rights to education and work. The Taliban arrested one of these women, who played a role in organizing the protest, and later released her on bail. She was released on the condition that she refrain from speaking to the media and participating in further protest activities.***

On 8th May 2023, the Taliban’s Department for the Promotion of Virtue and Prevention of Vice detained one journalist and three local media heads

in Khost province. These individuals were released after two days upon providing reassurances of avoiding future criticism to the Taliban.

These cases among others indicate that the Taliban do not tolerate any form of dissent or criticism of their policies. There are even instances where individuals have been detained for expressing criticism of the Taliban on social media. For example, a cultural activist in Faryab province was arrested for criticizing the Taliban's governance methods on Facebook. He was held in Taliban's prison for two days. In another similar case, on 1 May 2023, a resident of Nawah Mish district in Daykundi province was detained and subjected to torture on charges of criticizing the "Islamic Emirate" on Facebook.

Photo (C) Bulent Kilic AFP via Getty Images



3 - Arbitrary arrest of individuals accused of collaborating with anti-Taliban groups

The available statistics indicate that in the first half of 2023, the Taliban have illegally arrested and imprisoned at least 53 individuals on charges of being members of the NRF and other opposition groups. For instance, on ***4th January 2023, the Taliban arrested 15 men from the village of "Ab-e-Barik" in the Anaba district, Panjshir province, on charges of collaborating with the National Resistance Front and transferred them to an undisclosed location. These individuals included civil activists, students, university professors, drivers, and farmers. It was not possible for Rawadari to verify whether these individuals were released from Taliban custody or remain in detention.***

On 29 April 2023, another individual was arrested in Kabul on charges of having connections and collaborating with the NRF. His family claims he was living in Kabul after the fall of

the Republic and had no affiliation with any political group. In another incident, the Taliban arrested ten young men in Ghazni province for wearing a Pakol hats and having a picture of Ahmad Shah Massoud on their mobile phones, accusing them of collaborating with the NRF. They were released from Taliban custody after periods ranging from three days to twenty days.

4 - Other cases of arbitrary and unlawful arrests

The findings of this report indicate that among the civilians who have been arbitrarily and unlawfully detained and imprisoned by the Taliban during the reporting period, 49 were individuals accused of various charges, including carrying weapons, disobeying Taliban's rules such as trimming beards and hair, listening to music; and for detained women, not wearing hijab, and not having a male guardian (Mahram). These individuals were primarily arrested by the officials of the Taliban's Department for the Promotion of Virtue and Prevention of Vice. They were detained simply for not following certain 'rules' promoted by the Virtue and Vice Department.

VIOLATION OF HUMAN DIGNITY

Human dignity is an inherent and inalienable right of individuals that has been recognized and acknowledged without any condition in international human rights documents, including the Universal Declaration of Human Rights⁷. According to the provisions outlined in these documents, no one should be subjected to torture, cruelty, or inhumane treatment under any circumstances⁸. However, the evidence and documentation available indicate that the Taliban have extensively engaged in torture and ill-treatment of prisoners and have also punished many individuals without regard for principles of fair trial.

1 - Torture and ill-treatment of prisoners

Rawadari does not have access to prisons and detention centers, and given the Taliban strict restrictions on access to information, it is not possible to provide an accurate and specific number of incidents of torture and ill-treatment. However, during the first half of this year, Rawadari observers conducted numerous interviews with defense lawyers and victims of torture, documenting that the majority of detainees have been subjected to torture and ill-treatment by the Taliban.

Currently, there is no existing legal mechanism to protect citizens from vicious actions of the Taliban, including torture. As a result, perpetrators of torture and ill-treatment now act with impunity, knowing that they will not be held accountable or face any legal consequences. The findings of Rawadari illustrate that torture is used as a tool by the Taliban to obtain

7 UNGA, Universal Declaration of Human Rights, adopted in 1978, preamble and Article 1

8 UNGA, International covenant on Civil and Political rights, adopted in 1966, article 7. UNGA Convention against torture and other cruel, inhuman or degrading treatment or punishment, adopted in 1984, Article 1.

forced confessions and admissions from the accused.

Beating and striking, exposure to extreme heat, suffocation using plastic bags, waterboarding, genital torture, sleep deprivation, force feedings, mock executions, use of cages and other inhuman surroundings, electric shocks, hanging from limbs, and other forms of torture are examples of commonly used methods in Taliban detention centers.⁹

A resident of Nawa Mish district, Daykundi province, shared his experience of torture by the Taliban: “The Taliban threw us into a dark pit, and at midnight, three men would come, put a blanket over my mouth, and sit on it while the other two would take turns beating me with wet sticks until I passed out. They would repeat the torture every night.” A resident of Kandahar province, who is a hairdresser by profession, told Rawadari: **“On 4 April 2023, a member of the staff from the Taliban’s Department for the Promotion of Virtue came to my shop and, after warning and threatening us, took me and three of my colleagues to the police station on accusations of trimming beards and cutting hair short. They imprisoned us in a foul-smelling container for three days, during which they provided insufficient and inadequate food and subjected us to beatings and physical torture.”**

Due to the threats made by the Taliban to victims and their families, warning them against expressing any opinions or providing information to human rights organizations and media, many Afghans are afraid to speak about their experiences in Taliban prisons.

- **Killing of prisoners**

Findings of Rawadari indicate that a number of the detained have been killed as a result of severe torture by the Taliban in prisons. During the first six months of 2023, Rawadari documented at least 10 incidents of torture leading to death in Taliban prisons. The victims include civilians who were arrested on various charges, tortured, and then killed. For example, on **6 May 2023, the Taliban arrested a prominent local elder in Nahrin district of Baghlan province. One of his relatives told Rawadari, “We made several attempts to have him released from Taliban custody, but after a few days, we learned he had lost his life under Taliban torture.”** On 23 March 2023, in Tala wa Barfak district of Baghlan province, a schoolteacher was arrested by the Taliban. His relatives went to visit him multiple times, but the Taliban did not allow any meetings, and after a few days, they left his dead body in the city of Pol-e Khomri.

⁹ Rawadari. Justice Denied: An examination of the legal and judicial system in Taliban-controlled Afghanistan <https://rawadari.org/040620231635.htm/>

2 - Enforcing cruel and inhumane punishments

The findings of Rawadari indicate that in the first six months of this year, Taliban courts have publicly flogged at least 69 individuals, including 53 men and 16 women, in 8 provinces¹⁰. Additionally, they have issued stoning sentences for two individuals in Bamiyan province. These statistics only include incidents where the victims were publicly flogged. There are many more cases of this kind of punishment, especially in cases of tazir punishments that the Taliban do not publicize¹¹.

The findings of this report indicate that the Taliban, upon immediate arrest of individuals accused of hudood crimes¹² have punished them with lashings without conducting any form of investigation or gathering evidence to prove their crime. For example, **on 6th January 2023, in a district of Badakhshan province, Taliban publicly flogged a young woman and a young man with 39 lashes on accusations of having an illicit sexual relationship. These individuals were punished without any opportunity for legal defense.** In another similar case on 8 February 2023, in a district of Daikundi province, Taliban publicly flogged two young women and a young man on accusations of having an illicit sexual relationship, giving them 20, 25, and 39 lashes respectively. Furthermore, on 6 May 2023, the Taliban's court sentenced a man and a woman in Bamiyan province to stoning on accusations of having an extramarital relationship. This sentence was confirmed by the Taliban's Supreme Court in Kabul and sent for enforcement to the Provincial Court in Bamiyan.

The current landscape of law and legal proceedings in Afghanistan given the total repeal or abrogation of all law and procedures implemented prior to August 15, 2021, has resulted in a situation wherein Taliban handle criminal cases based on strict interpretations of Islamic jurisprudence and, in some cases, based on directives from their leader. The majority of Taliban judges are non-legal scholars and graduates of religious schools with little familiarity with modern secular laws and principles governing fair trials¹³. The implementation of such punishments can be seen as a blatant violation of human dignity and examples of cruel and inhumane punishment.

10 Bamiyan, Badakhshan, Kandahar, Daikundi, Ghor, Jawzjan, Zabul and Sar-e-pul

11 The Taliban publicly announce and enforce physical punishments such as flogging and other forms of corporal punishments to certain crimes (Hudood Crimes) but for certain other offences where the punishment is at the discretion of the judge (Tazir) they usually carry them out in a non-public or discreet manner. These punishments may also include elements that are cruel and inhumane.

12 Hudood crimes, in Islamic law, refer to specific offenses that are considered to be violations against God's laws. These crimes are deemed more severe and carry fixed punishments prescribed in the Quran and Hadith

13 Rawadari. Justice Denied: An examination of the legal and judicial system in Taliban-controlled Afghanistan <https://rawadari.org/040620231635.htm/>

SUPPRESSION OF PEACEFUL PROTESTS AND GATHERINGS

According to the findings of this report, during the first six months of 2023, as compared to the same period in 2022, there have been limited public protests. Most of these gatherings and programs, organized in protest against discriminatory policies of the Taliban and particularly their increased restrictions against women, were held in hidden locations in the past 6 months. The main reason for the decline in public protest and other open advocacy efforts in Afghanistan is the creation of an atmosphere of terror and fear by the Taliban. Over the past two years and after gradually removing Afghan women from various social, political, and economic spheres, multiple protests were held in different parts of the country by women's rights activists. However, the Taliban violently suppressed all of these protests and campaigns and the violent suppression is increasing.¹⁴ Taliban have arrested and tortured protesters, subjected some of the female protesters to sexual abuse, and even killed some protesters.¹⁵ As a result, many men and women who played a role in organizing and leading these advocacy efforts have left Afghanistan and sought refuge in other countries, both in the region and beyond. Currently there is less or no space in country to express criticism and opposition to the discriminatory policies of the Taliban openly. In this regard, Taliban policies and actions have violated fundamental principles of human rights related to freedom of expression and freedom of assembly.

Expressing demand for human rights through civil activism and protests have currently become difficult and, in some cases, quite impossible in Afghanistan. This is a direct result of the impunity the Taliban enjoy as they resort to any and all violent means and methods without fear of legal consequences. Dissenting voices and legitimate demands made publicly have been effectively silenced in Afghanistan.



Photo (C) Social Media

¹⁴ <https://www.npr.org/2022/08/13/1117344779/women-protest-kabul-taliban-violence>

¹⁵ Rawadari. Repression, Regression and Reversals: One Year of Taliban Rule & Human Rights in Afghanistan <https://rawadari.org/10122022196.htm/>

2

THE HUMAN RIGHTS SITUATION OF WOMEN

Since the re-establishment of Taliban rule in Afghanistan, systematic and targeted measures have been taken to exclude women from all social, economic, political, and cultural spheres. During this time, the Taliban have shown a complete disregard for their legal commitments to respect international human rights commitments¹⁶. Women and girls in Afghanistan have been deprived of their fundamental human rights and freedoms, including the right to education, the right to work and participate in public affairs, and the right to freedom of movement.

¹⁶ Afghanistan has acceded to nine binding international human rights treaties and as the de-facto authorities, the Taliban is obligated to uphold the commitments outlined in these documents

During this period, international efforts to compel the Taliban to respect the rights and dignity of women in Afghanistan have not only yielded no results but, on the contrary, women have faced increasing discrimination and harsher restrictions with each passing day. Both the “UN Working Group on Discrimination against Women and Girls” and the UN Special Rapporteur on Human Rights for Afghanistan have stated in a published report that since coming to power, the Taliban have engaged in widespread and systematic discrimination against women and gender apartheid could be an accurate description of the current situation in Afghanistan.¹⁷

1 - Violation of women's right to education

The right to education is among the most important human rights, emphasized by international human rights documents for the necessity of equal and uniform access to educational opportunities for all individuals¹⁸. Hence, any form of discrimination in access to education based on gender or other reasons is considered a violation of these established principles and is regarded as a violation of human rights.

However, after returning to power, the Taliban gradually and systematically prevented women and girls in Afghanistan from attending schools, universities, and other educational institutions. In the latest development, on 28 January 2023, the Taliban's Ministry of Higher Education officially issued a letter to both public and private universities, banning women and girls from participating in the entrance exam (Kankor). In this letter, all active universities across the country were instructed not to allow women to take part in the entrance exam until further notice¹⁹. As it stands, now only girls below the sixth grade and students at health training centers can attend schools,



¹⁷ Situation of women and girls in Afghanistan - Report of the Special Rapporteur on the situation of human rights in Afghanistan and the Working Group on discrimination against women and girls, June 2023 <https://www.ohchr.org/en/documents/country-reports/ahrc5321-situation-women-and-girls-afghanistan-report-special-rapporteur>

¹⁸ UNGA, Universal Declaration of human rights adopted in 1948, Article 26. International Covenant on Economic, Social and Cultural Rights adopted in 1966, Article 13

¹⁹ Ministry of Higher Education, Office of Student Affairs, Letter No 3519, 28 January 2023 (letter pictured above)

subject to strict adherence to the Taliban's rules, including wearing the full veil and other strict regulations including total segregation of males and females, imposed under their governance.

Taliban, without any flexibility or fear of legal consequences for their discriminatory behavior, have disregarded all human rights standards and continue to perpetrate discrimination, oppression, and extensive injustice against women. Over the past two years, some girls, deprived of their right to education, organized clandestine educational courses. However, these courses were identified and stopped by the Taliban. ***In Daikundi province, on 5 June 2023, Taliban intelligence forces identified and closed one such hidden educational course. A female teacher who had been running this course and providing secret education to women and girls at her home, was identified by the Taliban intelligence. The Taliban summoned the teacher to their office and, in the presence of local authorities, demanded a commitment from her to cease her educational activities.***

In addition, on 16 June 2023, the Department of Promotion of Virtue and Prevention of Vice in Ghazni province prohibited girls from learning English and computer skills. They also warned private educational centers to halt their educational activities for girls in these subjects.

2 - Deprivation of right to work and employment for women

Equal access to the right to work and employment is another fundamental human right. This right has been recognized and guaranteed in international human rights documents and treaties. Any form of discrimination and exception based on gender, ethnicity, religion, or language that hinders access to employment is legally prohibited²⁰. The International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) obliges member states to eliminate all forms of discrimination against women in employment and take effective measures to create conditions for equal opportunities in employment based on the principle of gender equality²¹.

However, during their nearly two-year rule in Afghanistan, the Taliban, through decrees, announcements, and various regulations, have banned women from working in government and non-governmental institutions, national and international organizations, embassies, media, sports, arts, and cultural sectors. Currently, only female teachers up to the sixth grade and employees in health departments, mainly in provincial centers, are allowed to continue their work, subject to observing the hijab and the accompaniment of a lawful male guardian.

20 UNGA, Universal Declaration of Human Rights, adopted in 1948m Article 23. International Covenant on Economic, Social and Cultrual rights, adopted in 1966, Article 6 and 7

21 UNGA, Convention on the elimination of all forms of discrimination against women, adopted in 1977, Article 11

On 5 April 2023, the United Nations Assistance Mission in Afghanistan (UNAMA) announced that the Taliban had informed them that women were no longer permitted to work with United Nations-related entities.²² This decree resulted in significant negative impact on the UN's ability to provide humanitarian relief and was devastating for many Afghan women who had been employed by UN agencies and offices. UN high ranking officials have decried this development and have attempted mitigation by allowing female staff to engage in remote work. That said, the overall performance of the UN agencies has been seriously compromised due to this Taliban edict. Local authorities of the Taliban are actively trying to enforce and monitor the implementation of the orders prohibiting women from working. For instance, **on 6 June 2023, the Head of the Department for Affairs of Migrants and Returnees in Kandahar province warned all relevant active non-governmental organizations in the province to comply with the Taliban leader's directive regarding the ban on women working**²³.

Taliban have openly deprived Afghan women of their human rights and, through their discriminatory policies, have denied them opportunities for work and employment in various fields. Banning women from working outside the home and deliberately excluding them from the social sphere has had severe and detrimental consequences, leading to the expansion of poverty and other devastating consequences for the country.

3 - Limiting women's access to healthcare services

Access to healthcare services and care is recognized as a human right for all individuals in international human rights documents, and deliberate deprivation of individuals of this right based on gender or other reasons is strongly prohibited²⁴. The International Covenant on Economic, Social, and Cultural Rights adopted by the United Nations General Assembly in 1966 obliges member states to take necessary actions to facilitate citizens' access to this right and implement it. However, as the ruling group in Afghanistan with political power, the Taliban has taken restrictive measures that have negatively affected women's access to healthcare services, contrary to their legal commitments. Currently, women are not allowed to leave their homes for the purpose of seeking healthcare services without being accompanied by a male guardian (mahram). There is ample evidence of mistreatment of women who have gone to healthcare centers without the accompaniment of a male guardian.

On the other hand, the number of female employees in healthcare centers has decreased

22 The UN objects to the orders of the Taliban authorities that restrict women from work within this organization in Afghanistan, 5 April 2023, Kabul . https://unama.unmissions.org/sites/default/files/2023-04-05_-_un_protests_order_from_taliban_dfa_prohibiting_afghan_women_from_working_the_un_in_afghanistan_dari_0.pdf

23 Directorate of coordination of NGOs, Office of deputy minister for finance and coordination, Ministry of economics of Taliban, Letter No 4293

24 UNGA, Universal Declaration of Human Rights adopted in 1948, Article 25, International Covenant on Civil and Political Rights adopted I 1966, Article 12

due to these strict restrictions. In many districts, including a significant number of districts in Paktia, Paktika, Khost, Nuristan, Logar, and Kunar provinces, there are no female employees in healthcare centers. In some of these districts that were previously under Taliban control, women were not allowed to work in healthcare centers. Taliban have recently refused to allow graduating female medical students sit for final examinations, which will negatively impact on the number of female doctors. Consequently, due to the absence of women in healthcare centers, lack of facilities, social restrictions imposed by the Taliban, and low levels of awareness among families, pregnant women in rural areas are unable to give birth in health facilities. In addition, sick women and girls are simply not able to access the healthcare they need and to which they are fundamentally entitled.

4 - Limiting women's right to freedom of movement

In the past nearly two years, the Taliban have restricted the freedom of movement and access of women to recreational and sports facilities, parks, and even pilgrimage sites. However, during the first six months of 2023, these restrictions have become even more severe as will be explained below. The targeted discrimination and deliberate limitation of basic freedoms for women by the Taliban have attacked their dignity and human status, depriving them of their ability to be part of the human society in this country. The capability and agency of individuals in various aspects of life require the enjoyment of freedom, which the Taliban have taken away from the women of Afghanistan. Currently, women and girls are not only deprived of the right to work and receive education but are also prohibited from leaving their homes without permission and can only do so in the company of a close male relative.



Photo (C) REUTERS Stringer

There are numerous reports of the Taliban's mistreatment of women, especially in their enforcement of policies towards women who venture into cities or public places without a male companion. Women lacking mahrams have been detained and subjected to torture. ***In Kandahar Province, on 8 May 2023, a Taliban Vice and Virtue official instructed security officials at inspection checkpoints in various districts of the province to interrogate women who leave their homes wearing makeup and having henna on their hands.*** Similarly, in Herat Province, Taliban inspect vehicles to identify and prevent women without a mahram from traveling. On 7 January 2023, Taliban Vice and Virtue officials warned ticket sellers and flight agencies in the city that they should not sell tickets to women without a mahram and should not facilitate their travel. Moreover, a female interviewee from Bamiyan Province told Rawadari that, due to not having a mahram, Taliban prevented her from traveling from Bamiyan to Kabul.

5 - Lack of access to justice for victims of violence against women

The findings of Rawadari indicate that since the Taliban came to power, various forms of harassment, abuse, and violence against women have increased across the country. This is primarily the result of the Taliban's repeal or abolishment of previous laws and dismantling specialized institutions that were established to address crimes of violence against women as well as the impact of their repressive policies emboldening misogyny and abuse against women in homes. Currently, not only is there no legal recognition and prohibition of committing violence against women, but victims of violence are also unable to seek justice. Due to the misogynistic and discriminatory approach dominating the Taliban's judicial system, women subjected to violence and mistreatment face even greater hardships. Based on the findings of Rawadari, the Taliban deal with cases related to women's personal matters in a discriminatory manner and either fail to address cases of violence against women or decide against the victims. Currently, in the Taliban's judicial institutions, no formal procedures are in place to handle complaints from women who are victims of violence. Even serious criminal cases involving women are either resolved within the Taliban's Vice and Virtue departments or referred to non-judicial mechanisms such as local councils (jirgas) ²⁵.

²⁵ Rawadari. Justice Denied: An examination of the legal and judicial system in Taliban-controlled Afghanistan <https://rawadari.org/040620231635.htm/>

3

CONCLUSION



CONCLUSION

In the first six months of 2023, numerous human rights violations have occurred extensively throughout Afghanistan. There are no signs of positive changes in the discriminatory policies and regulations of the Taliban and further restrictions have been imposed on various aspects of citizens' lives, particularly on the fundamental freedoms of women. Afghan women and girls are now deprived of their most basic human rights, such as the right to work and the right to education, and the Taliban, without any sense of responsibility and accountability, continue to perpetuate discrimination and further violate the fundamental freedoms of women.

Targeted and extrajudicial killings, torture, and mistreatment of prisoners, ongoing deadly revenge against former government employees, arbitrary and unlawful detentions of individuals, violent suppression of protest and dissent by the Taliban, and as a result, an atmosphere of terror and fear among opponents and critics, collectively demonstrate the critical human rights situation in Afghanistan.

The Taliban have not shown any accountability and have not demonstrated any commitment or obligation to uphold human rights values and standards. To the contrary, the de facto government's daily actions and attitudes display a total contempt for international human rights standards. To counter this, the international community, including leaders of regional countries and Islamic nations, must play an effective and active role in supporting the people of Afghanistan against the oppressive policies of the Taliban and putting an end to systematic and widespread human rights violations, especially the rights of women and girls in this country.

RECOMMENDATIONS

To address the difficult and challenging human rights situation in Afghanistan, Rawadari proposes the following measures to the international community and the de-facto authorities:

To the international community:

- o Putting an end to the widespread and systematic violations of human rights in Afghanistan requires combating a culture of impunity and holding the Taliban accountable as the de facto authorities in Afghanistan. Therefore, we urge the international community to take effective action using legal tools and international human rights mechanisms to ensure human rights protection and support for the citizens against the repressive policies and actions of the Taliban. All available mechanisms and strategies, including the United Nations Human Rights Council, the International Criminal Court, and other relevant bodies, should be utilized to hold the de-facto authorities accountable.

- Afghanistan will not achieve lasting peace in the absence of rights and freedoms for women. The widespread and systematic violation of women's rights in Afghanistan is best described as gender apartheid and will lead to the proliferation of poverty, extremism, and crisis in the country. The global community, including regional countries and Islamic nations, must acknowledge the gender apartheid in Afghanistan and devise appropriate and proportionate response.
- We urge the international community to take action to ensure the safety and security of former government employees and their families in Afghanistan, who are at risk of retaliation by the Taliban. In this regard, the international community should seek assurances from the de-facto authorities. Additionally, a safe and impartial mechanism should be developed to track and resolve complaints of victims and survivors about abuse and harassment.
- We request UNAMA to investigate the situation of prisons under the control of the Taliban, particularly incidents of torture and mistreatment of prisoners, as well as the existence of private and unlawful prisons. We urge them to share their findings with the people of Afghanistan and human rights organizations.

To the de facto authorities:

- We demand that the de facto authorities fulfill their legal obligations and commitments to respect & uphold Afghanistan's international human rights commitments. They must take action to prevent further violations of the human rights of the people of Afghanistan.
- We demand that the de facto authorities respect the fundamental rights of women, ethnic and religious minorities, and other social groups as integral parts of the Afghan society. They must take practical measures to uphold these rights in Afghanistan.
- We demand that the de facto authorities refrain from committing extrajudicial killings of former government employees, human rights defenders, opponents, and critics. They should take actions to ensure the safety and security of former government employees and announce and implement measures in this regard. Additionally, they should report and provide information on their efforts to investigate suspicious and targeted killings by unknown individuals.
- We demand that the de facto authorities put an end to their arbitrary and unlawful detentions, torture, and mistreatment of prisoners and facilitate regular and unannounced monitoring of prisons by human rights organizations.
- We demand that the de facto authorities pay particular attention to the clearance of areas contaminated with explosive remnants of war and take urgent effective measures in this regard to save lives.

