

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# AFGHANISTAN: THE UN HUMAN RIGHTS COUNCIL MUST END TALIBAN IMPUNITY

The United Nations Human Rights Council must urgently establish an independent investigative mechanism in Afghanistan, with a mandate to establish the facts and circumstances relating to allegations of crimes under international law, to identify potential perpetrators, and to collect, consolidate, preserve, and analyse evidence for future international justice. The international investigative mechanism would complement the crucial mission of the UN Special Rapporteur on the Situation of Human Rights in Afghanistan, and the monitoring role of the United Nations Assistance Mission in Afghanistan (UNAMA).

The Taliban have consistently and blatantly demonstrated that they are unwilling to conduct impartial, independent, and effective investigations into human rights violations carried out by their members. As such, it is now time for the international community to follow up repeated public statements with concrete action. Since their takeover on 15 August 2021, and despite their public commitments to the contrary, the Taliban have systematically violated the rights of women and girls, conduct that the UN Special Rapporteur has already said may amount to crimes against humanity. Amnesty International has conducted three investigations on mass killings of Hazaras by Taliban forces, and in all three cases the de facto authorities in Afghanistan have failed to investigate and bring suspected perpetrators to justice.

The establishment of this mechanism is urgent due to the ongoing nature of human rights violations and abuses. In November 2022, the Taliban resumed their deplorable practice of public floggings, and in December they restarted public executions. As armed conflict between the Taliban and the National Resistance Front (NRF) continues in Panjshir, so too do reports of arbitrary arrests, detentions, unlawful killings, and other violations.

Amnesty International is calling for the creation of a Fact-Finding Mission, or similar independent investigative mechanism, with a multi-year mandate and resources to investigate, and collect and preserve evidence of, human rights violations and abuses committed across the country. Such a mechanism is crucial to ensure that gross violations of human rights law and humanitarian law do not escape scrutiny, and to ensure that those suspected of criminal responsibility will be held accountable in fair trials through international justice mechanisms. Such investigations also allow UN member states to be fully informed of the situation on the ground as they make important decisions on how to respond to the crisis, how to help protect the rights and lives of the people of Afghanistan, and how to prevent further crimes. The current accountability gap helps fuel grave violations and abuses across the country, and it must be closed.

## A HISTORY OF IMPUNITY

The record is clear. Over the past eighteen months, while the Taliban have been the de facto authorities in Afghanistan, they have demonstrated neither the will nor the ability to investigate actions by their members that grossly violate the human rights of at-risk populations, including women, girls, and religious and ethnic minorities. The current situation builds on longstanding impunity in Afghanistan for crimes under international law and other human rights violations and abuses committed by all parties during decades of conflict, as Amnesty International, UNAMA, and others have documented.

In 2021, before it was dismantled by the Taliban, the Afghanistan Independent Human Rights Commission first called for the establishment of a UN-mandated fact finding mission, specifically to investigate targeted killings, attacks on Hazaras and other religious minorities, and other violence against civilians, particularly women and girls. This call was endorsed by the High Commissioner for Human Rights, the Special Procedures, the Ambassador of Afghanistan to the United Nations in Geneva, and a broad constellation of national, regional, and international civil society organizations, who have all been consistent and clear on this requirement.

Unfortunately, the efforts taken by the Human Rights Council to date have not proven sufficient to collect evidence for future prosecution, and in that gap impunity has prevailed, including under the Taliban.

On 19 August 2021, [Amnesty International published evidence](#) of a massacre of nine ethnic Hazara men in the village of Mundarakht, in Malistan district. Six of the men were shot, and three were tortured to death by Taliban fighters when they seized the town in early July. The killings may amount to war crimes.

At the time, the Taliban did not respond to [official requests by Amnesty International](#) to address this allegation, and have since failed to conduct any credible investigation into the matter.

On 5 October 2021, [Amnesty International published evidence](#) that on 30 August, Taliban fighters executed 13 ethnic Hazaras, including a 17-year-old girl, in Daykundi province. Most of those killed were former members of the Afghan National Defense Security Forces who had surrendered to the Taliban. The killings may amount to war crimes.

On 15 October, the Taliban Ministry of Interior [dismissed the report](#) as one sided, but have so far failed to conduct any credible investigation of their own.

On 15 September 2022, Amnesty International [published evidence](#) that in Ghor province, on 26 June, Taliban forces killed six ethnic Hazaras, including a 12-year-old girl, following a night raid on the home of a former security official who had worked in the previous government. Four men were detained and executed, and the body of at least one of the men showed signs of torture. The extrajudicial executions are unlawful.

At the time, the Taliban had declared this to be a legitimate military operation and the victims died during fighting. Evidence obtained by Amnesty International shows that this is not true. Despite calls for an independent, impartial investigation into the killings, the Taliban took no further action.

The international community is complicit in this impunity, as long as it does not establish a UN-mandated international fact finding and evidence preservation mechanism.

## **SYSTEMATIC DISCRIMINATION AGAINST WOMEN AND GIRLS**

When the Taliban took over the country in 2021, they promised to uphold the rights of women and girls. Instead, in the course of eighteen months, the Taliban have systematically decimated their rights.

As Amnesty International extensively documented in a [July 2022 report](#), the Taliban have violated women's and girls' rights to education, work and freedom of movement; dismantled structures such as the Ministry of Women's Affairs and the Afghanistan Independent Human Rights Commission; demolished the systems of protection and support for women and girls fleeing domestic violence; and contributed to a surge in the rates of child, early, and forced marriage in Afghanistan. Women who have peacefully protested the Taliban's restrictions and bans have been harassed, threatened, arbitrarily arrested, forcibly disappeared, detained, and tortured.

Since the publication of that report, the situation has only grown more dire. In November 2022, the Taliban arbitrarily arrested three prominent women human rights defenders, Zarifa Yaqoobi, Farhat Popalzai, and Humaira Yusuf, as well as their colleagues. The same month, they denied women the right to enter gyms and parks. In December, the Taliban prevented women from attending universities "until further notice", effectively denying women and girls access to both secondary and tertiary education. Days later, the Taliban ordered all local and foreign NGOs to stop their female staff members from working "until further notice" as well. [According to the UN](#) and humanitarian aid organizations, millions of women and children will be deprived of humanitarian support if the ban on NGOs is not reversed immediately.

The Taliban are violating the fundamental rights of women and girls and subjecting them to systematic gender-based discrimination. Taken together, Taliban policies form a system of repression that discriminates against women and girls in almost every aspect of their lives.

## **CONTINUED CRIMES IN PANJSHIR**

Fighting in Afghanistan did not end with the fall of Kabul in 2021, and civilians in Panjshir are bearing the brunt of the suffering. At great risk to themselves, local media have reported on a series of human rights violations committed by Taliban forces, and the Armed Conflict Location and Event Data Project (ACLED) database contains 91 cases, since 15 August 2021, of Taliban attacks against civilians in Panjshir, including abductions and forced disappearances. Amnesty International welcomed the October 2022 visit to Panjshir by the UN Special Rapporteur, and looks forward to a strong report documenting human rights violations in that region.

In their conflict with the NRF, the Taliban have sought to punish the civilian population of Panjshir. For example, Amnesty International's Evidence Lab collected and authenticated photos and videos of at least eight incidents posted to social media between May and August 2022 where large groups of men were arbitrarily arrested and detained without trial by

the Taliban in Panjshir. In total, these videos show at least 87 people, mostly with their hands bound, at various points in the detention process, including being transported in large trucks or led to walled compounds in the mountains of Panjshir. In one video, a Taliban fighter says, “If it was up to me, I would kill them here.”

In an interview with Amnesty International, one man who witnessed the Taliban detain civilians, following nearby clashes with the NRF, said, “After the fighting, the Taliban conducted a house-to-house search. They arrested and took people out of their houses and took them...Those arrested were from the nearby village.” He claimed that at least 54 men were detained and that they were all civilians. Videos related to the arrest show at least 38 of those men in detention.

Another witness, who saw arrests by the Taliban, said, “From the mosque, they called via loudspeakers that they have a meeting. When the [men] had gathered, they had bound their hands with their handkerchiefs. They were beating people with the backside of the weapon. They arrested people who even do not have a knife. The Taliban had collected their weapons a month before. The Dan-i-Rivat village has about 50 houses. All of [these men who had gathered] were arrested or taken.”

## **SCOPE OF AN INDEPENDENT INVESTIGATIVE AND ACCOUNTABILITY MECHANISM**

Any fact-finding mechanism established by the UN Human Rights Council must have two interrelated mandates: first, the ability to collect, preserve and analyse evidence for future international justice, and second, a robust investigative and documentation mechanism.

The serious nature of continuing and intensifying violations requires urgent attention, and the UN Human Rights Council has already clearly declared the need for this mechanism. Operative paragraph 8 of HRC resolution S-31/1 and operative paragraph 6 of HRC resolution 48/1 both stress the continuing need for investigations into violations of international humanitarian and human rights law in Afghanistan. An international investigative mechanism can bring a specialized focus on accountability by establishing the facts and circumstances related to violations and abuses and identifying, where possible, those responsible for such violations and abuses.