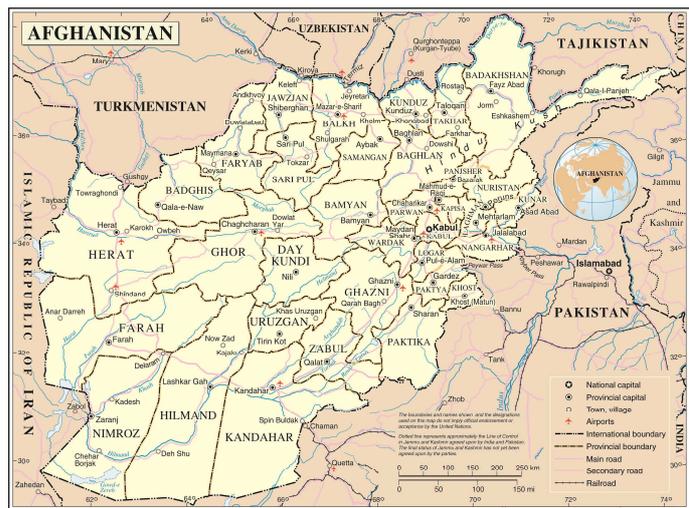


# Afghanistan

## *Recent events*



Map No. 3059 Rev. 7 UNITED NATIONS  
June 2011

Department of Field Support  
Geographic Section



Ministry of Immigration  
and Integration

The Danish  
Immigration Service

This brief report is not, and does not purport to be, a detailed or comprehensive survey of all aspects of the issues addressed. It should thus be weighed against other country of origin information available on the topic.

The brief report at hand does not include any policy recommendations. The information does not necessarily reflect the opinion of the Danish Immigration Service.

Furthermore, this brief report is not conclusive as to the determination or merit of any particular claim to refugee status or asylum. Terminology used should not be regarded as indicative of a particular legal position.

The brief report is a synthesis of information gathered from different sources, and it brings together condensed information in a relevant manner for the reader's COI needs and it organises information together thematically to form a coherent whole of the topic in question, instead of listing or quoting information source by source.

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## Executive summary

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On 7 September 2021, the Taliban announced the formation of an interim government in Afghanistan. The cabinet was since expanded and is dominated by ethnic Pashtuns. The cabinet is all-male, and many of the ministers served in the previous Taliban-government in the 1990's, and many are on the United Nations sanctions list for their ties to terrorism, including the prime minister, the two deputy prime ministers and the foreign minister.

Since the formation of the interim government, supreme leader, Mullah Haibatullah Akhundzada, stated that Sharia law will regulate all matters of governance and life in Afghanistan. The Taliban leadership's interpretation of Islamic law derives from the Deobandi strand of Hanafi jurisprudence mixed with Pashtun tribal customs. This strand is common in the madrassas across the border region between Afghanistan and Pakistan. However, due to the decentralised structure of the Taliban and the relative high degree of autonomy granted to local leaders, interpretations and implementations of Sharia law are influenced by local customs and varies across the country.

All the sources consulted for this report stated that the Taliban have, as of November 2021, not implemented a national justice system, nor a centralised structure of law enforcement. As such, the Taliban relies on the structure of the shadow courts from their time as an insurgency as the judicial system in Afghanistan. This system is defined by its hyper-localised nature as well as its ability to deliver a quick form of justice. The court system varies in structure, size, resources and qualified personnel from district to district.

Since the Taliban conquest of Afghanistan and the withdrawal of Western forces, Islamic State of Khorasan Province (ISKP) have increased their presence in the country as well as their capacity to carry out small- and largescale attacks across the country.

The general level of security in Afghanistan has improved since the Taliban assumed power. The number of conflict related incidents has decreased significantly since August 2021, and a decrease in improvised Explosive Devices (IEDs) have allowed for safer travels between Afghan cities. However, the economic and humanitarian situation has deteriorated in Afghanistan in recent months. The UN estimates that roughly half of Afghanistan's about 33 million people are in need of humanitarian assistance, as the country remains dependent on foreign aid for the healthcare sector and other sectors to operate.

All sources consulted for this report agree that the Taliban have engaged in some degree of generalised targeting of members of the civilian population perceived as opposing the ideology of Taliban since assuming power, especially Afghans previously employed in the security sector. The sources further agreed that the scope of this generalised targeting remains unclear. However, the sources further agreed that many of these incidents should be understood as individual Taliban members settling old personal disputes and feuds, or Taliban members or ethnic Pashtuns not affiliated with the Taliban taking advantage of the current situation to advance their personal interests.

The treatment of women and girls has also been affected by the Taliban's conquest of the country. In most parts of the country, girls have been denied access to secondary school and women have been barred from their work outside of the home as well as from leaving the house without a male companion (*mahram*). In other parts of Afghanistan, women have continued to work outside of the home and leave the house on their own, albeit with more constraints than before the Taliban takeover.

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## AFGHANISTAN: RECENT EVENTS

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## Introduction

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This brief report describes governance and law enforcement in Afghanistan and outlines the presence and activities of non-state actors after August 2021. Furthermore, the report covers the development in the general security situation and the humanitarian situation, as well as the impact on the civilian population, since the Taliban's seizure of the country.

Finally, the report offers examples of how members of the civilian population have been treated by the Taliban and others since September 2021. The profiles at risk include women and girls, government officials, journalists, human rights defenders, ethnic and religious minorities, Afghans employed by foreign forces and international organisations as well as former members of the Afghan security forces. This last section is a continuation of the section *Targeted individuals* from the report [DIS, Recent developments in the security situation, impact on civilians and targeted individuals](#), published on 10 September 2021.

This report covers the period from 8 September 2021 to 6 December 2021.

The report is based on information from publicly available written sources comprised of carefully selected news reports by credible news outlets and reports published by the UN, NGOs and humanitarian organisations. These sources are supplemented with information obtained through four sources, one located in Kabul and three sources located across Europe. All sources have been identified on the basis of their extensive and updated knowledge about the situation in Afghanistan in general and about the topics relevant to this brief report in particular.

The sources were briefed about the purpose of the interview and informed that their statements would be included in a publicly available report in accordance with their preferred referencing. The summary of the interviews were forwarded to the sources for approval with the possibility to amend, comment or correct their statements.

One of the sources consulted is based in Kabul, others travel regularly to the country, and one source follows the situation from outside of Afghanistan through information from a wide range of sources and contacts. The sources were asked how reference might be made to them in the report. All of the sources requested to be referenced anonymously for the sake of discretion and upholding a tolerable working situation, as well as for personal safety. All sources are referenced in the report according to their own request.

The report is a synthesis of information obtained from interviews as well as written material. In the report, care has been taken to present the views of the sources as accurately and transparently as possible. The statements of the interviewed sources are found in their full extent in Annex 1.

For the sake of reader-friendliness, transparency and accuracy, paragraphs in the minutes of the interview in Annex 1 have been given consecutive numbers, which are used in the report when referring to the statements of the sources in the footnotes. The Terms of Reference (ToR) are included in Annex 2.

During the interview, the source may have highlighted issues that are not addressed in the ToR. As these issues could be relevant to refugee status determination, they are included in the meeting summary in Annex 1, but they are not addressed in the report.

Attention should be called to the volatile and unstable situation in Afghanistan and the fact that the information provided may quickly become outdated. Therefore, the issues addressed in this report should be monitored regularly and the information be brought up to date accordingly. The rapid change in the control and security situation across the country in recent months can also have led to underreporting and the reporting of false information regarding security incidents and targeted attacks against the civilian population, especially in the remote parts of Afghanistan.

The report has been externally peer reviewed by the Swedish COI-unit, Migration Analysis, in accordance with the EASO COI Report Methodology.<sup>1</sup> The research and editing of this report was finalised on 6 December 2021.

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<sup>1</sup> EASO, *EASO Country of Origin Information (COI) Report Methodology*, June 2019, [url](#)

## Abbreviations

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<b>AAN</b>	Afghanistan Analysts Network
<b>ADF</b>	Australian Defence Force
<b>AIHRC</b>	Afghanistan Independent Human Rights Commission
<b>ANDSF</b>	Afghanistan National Defense and Security Forces
<b>COI</b>	Country of Origin Information
<b>EASO</b>	European Asylum Support Office
<b>ETIM</b>	Eastern Turkestan Independence Movement
<b>FDD</b>	Foundation for Defense of Democracies
<b>HRW</b>	Human Rights Watch
<b>IAJ</b>	International Association of Judges
<b>IAWJ</b>	International Association of Women Judges
<b>IDP</b>	Internally Displaced People
<b>IED</b>	Improvised Explosive Device
<b>IMU</b>	Islamic Movement of Uzbekistan
<b>ISKP</b>	Islamic State of Khorasan Province
<b>IOM</b>	International Organization for Migration
<b>NDS</b>	National Directorate of Security
<b>RSF</b>	Reporters Without Borders
<b>ToR</b>	Terms of Reference
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan
<b>UNDP</b>	United Nations Development Programme
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNOCHA</b>	United Nations Office for the Coordination of Humanitarian Affairs
<b>UNOHCHR</b>	United Nations Office of the High Commissioner for Human Rights
<b>UNSC</b>	United Nations Security Council
<b>WHO</b>	World Health Organisation



## Altered landscape of information

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The Taliban offensive and subsequent conquest of Afghanistan has altered the media landscape in the country. In the days and weeks following the Taliban's capture of Kabul, many Afghan and international journalists and media workers left the country.<sup>3</sup>

As such, many international news outlets cover Afghanistan without permanent presence in the country,<sup>4</sup> and local media have also had to adjust to a new reality.<sup>5</sup> Many local news outlets have stopped operating since mid-August, and those remaining have had to adapt their content to the new conditions and limitations regarding what can be reported.<sup>6</sup> The Kabul-based journalist stated that the Taliban leadership largely expects Afghan journalists to act as outlets for the official messages from the Islamic Emirate, and she knows of examples of journalists, who were told to pay a visit to the authorities to show their stories before publishing.<sup>7</sup>

According to the London-based journalist, there are fewer female anchors on TV, and the Taliban have stated that it is illegal for journalists to cover protests and demonstrations going forward.<sup>8</sup>

In the wake of the Taliban takeover and the subsequent altering of the media landscape in Afghanistan, three sources consulted for this report stated that they have had to develop on their existing networks of sources as consequence hereof.<sup>9</sup> The Kabul-based journalist explained that conditions for international journalists working in Afghanistan now varies across the country.<sup>10</sup>

As a consequence of the outflux of journalists and media workers, many have relied on social media platforms as their source of information which, in turn, have prompted the spread of false information, even amongst otherwise credible news outlets.<sup>11</sup>

In addition to the altered media landscape in Afghanistan, some information outlets such as Afghanistan Independent Human Rights Commission (AIHRC) as well as Long War Journal's tracking of territorial control in Afghanistan have stopped publishing content.<sup>12</sup> Furthermore, the websites of both The Voice of Jihad<sup>13</sup> and National Statistics and Information Authority (NSIA) have been discontinued since the Taliban conquest of Afghanistan, and The New York Times have not updated their The Afghan War Casualty Report reports

<sup>3</sup> CNN, *The media spotlight in Afghanistan is about to dim as journalists evacuate*, 20 August 2021, [url](#); DIS, *Recent developments in the security situation, impact on civilians and targeted individuals*, September 2021, [url](#), p. 35

<sup>4</sup> CNN, *The media spotlight in Afghanistan is about to dim as journalists evacuate*, 20 August 2021, [url](#); DIS, *Recent developments in the security situation, impact on civilians and targeted individuals*, September 2021, [url](#), p. 1

<sup>5</sup> IFJ, *Afghanistan: Attacks to the media escalate as Taliban control takes hold*, 17 September 2021, [url](#)

<sup>6</sup> The New York Times, *'Everything Changed Overnight': Afghan Reporters Face an Intolerant Regime*, 8 November 2021, [url](#); A London-based journalist: 2

<sup>7</sup> A Kabul-based journalist: 17

<sup>8</sup> A London-based journalist: 2; Afghanistan Analyst Network, *UN Human Rights Council to talk about Afghanistan: Why so little appetite for action*, 23 August 2021, [url](#)

<sup>9</sup> An expert in Afghan security policy: 1; A Kabul-based journalist: 1; A London-based journalist: 1

<sup>10</sup> A Kabul-based journalist: 2

<sup>11</sup> Deadline, *Afghanistan Has Its Own Fake News Problem – Special Report*, 20 September 2021, [url](#); France24, *Fake photo of new Afghan central bank chief goes viral*, 21 September 2021, [url](#); France24, *Taliban in Afghanistan: Watch out for these images taken out of context*, 25 August 2021, [url](#); Rukhshana Media, *CNN's bombshell report on child marriage was staged, say family and friends*, 12 November 2021, [url](#)

<sup>12</sup> AIHRC, *Statement on the status of the Afghanistan Independent Human Rights Commission*, 18 September 2021, [url](#); FDD's Long War Journal, *Mapping Taliban Control in Afghanistan*, last updated 15 September 2021, [url](#);

<sup>13</sup> The Voice of Jihad was the former official propaganda tool of the Taliban.

since 5 August 2021.<sup>14</sup> Furthermore, the United Nations Assistance Mission in Afghanistan's (UNAMA) quarterly report on the protection of civilians in armed conflict had not been published at the time of publishing of this report.<sup>15</sup>

This has affected the flow of information from especially remote areas of the country, where reporting has been limited.<sup>16</sup>

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<sup>14</sup> The New York Times, *The Afghan War Casualty Report*, last updated 5 August 2021, [url](#)

<sup>15</sup> UNAMA, *Reports on the Protection of Civilians in Armed Conflict*, 2021, [url](#)

<sup>16</sup> International Crisis Group, *Taliban Rule Begins in Afghanistan*, 24 August 2021, [url](#); RSF, *RSF seeks UN Security Council meeting on plight of journalists in Afghanistan*, 18 August 2021, [url](#)

## Governance and law enforcement in Afghanistan

### Interim government and influential figures

On 17 August 2021, the Taliban held their first press conference after seizing control of Kabul. During the course of the press conference, Taliban spokesman, Zabiullah Mujahid, emphasised that a new Afghan government would respect women's rights as well as a 'free and independent press', but within the framework of Islam.<sup>17</sup> On the following day, a senior Taliban commander, Waheedullah Hashmi, echoed the idea that a new Taliban-led government would be based on Islamic principles. He added that an Islamic government would be informed by Islamic law rather than the principles of democracy.<sup>18</sup> Similarly, Suhail Shaheen, then spokesman of the Taliban political office in Doha, stated that the future judiciary as well as new legislation of the Taliban government should be consistent with Islamic rules.<sup>19</sup>

On 7 September 2021, after weeks of internal negotiations, the Taliban announced the members of an interim government with Mullah Haibatullah Akhundzada appointed as supreme leader.

Some key positions in the interim government are occupied by:

- Mullah Mohammad Hassan Akhund – head of the interim government. Served as foreign minister in the 1990's Taliban government and worked as a political advisor of Mullah Omar, founder of Taliban;
- Mullah Abdul Ghani Baradar – deputy prime minister. Former head of Taliban's political office in Doha;
- Mullah Mohammad Yaqoob – defence minister. Son of Mullah Omar, founder of Taliban;
- Sirajuddin Haqqani – interior minister. Son of Jalaluddin Haqqani, founder of the Haqqani-network and current leader of the network;
- Mawlawi Amir Khan Mutaqi – foreign minister. Served as minister of information and culture during the 1990's Taliban government;
- Mawlawi Abdul Hakim Ishaqzai – minister of justice. He graduated from a Pakistani madrasa and worked as head of the shadow Supreme Court.<sup>20</sup>

The interim government has since expanded, and by December 2021, the government consists of a total of 53 persons. The cabinet is distributed by ethnicity as follows: 42 Pashtuns, four Tajiks, two Uzbeks, one Turkmen, one Hazara, one Nuristani and one Khwaja.<sup>21</sup> The cabinet is all-male.<sup>22</sup> Many of the cabinet

<sup>17</sup> Al Jazeera, *Transcript of Taliban's first news conference in Kabul*, 17 August 2021, [url](#); Al Jazeera, *Taliban announces 'amnesty', reaches out to women*, 17 August 2021, [url](#)

<sup>18</sup> Reuters, *Exclusive: Council may rule Afghanistan, Taliban to reach out to soldiers, pilots*, 18 August 2021, [url](#)

<sup>19</sup> Al Jazeera, *Explainer: The Taliban and Islamic law in Afghanistan*, 23 August 2021, [url](#)

<sup>20</sup> RFE/RL, *Key Figures In The Taliban's New Theocratic Government*, 7 September 2021, [url](#); Al Jazeera, *Who are the men leading the Taliban's new government?*, 7 September 2021, [url](#); AA, *Who's who in Taliban interim government?*, 9 September 2021, [url](#); RFE/RL, *Public Executions, Floggings 'Inevitable' Under Taliban Court Rulings, Says Scholar*, 8 September 2021, [url](#); TOLONews, *Hibatullah Akhundzada to lead Taliban Govt*, 9 September 2021, [url](#)

<sup>21</sup> For a full overview of the interim government as well as other senior appointments, see: Afghanistan Analyst Network, *The Taleban's Caretaker Cabinet and other Senior Appointments*, 7 October 2021, [url](#); Crisis Group, *Afghanistan's Taliban Expand Their Interim Government*, 28 September 2021, [url](#)

<sup>22</sup> Afghanistan Analyst Network, *The Taleban's Caretaker Cabinet and other Senior Appointments*, 7 October 2021, [url](#)

ministers served in the previous Taliban-government in the 1990s<sup>23</sup>, and many are on the United Nations sanctions list for their ties to terrorism, including the prime minister, the two deputy prime ministers and the foreign minister.<sup>24</sup>

## Defining and applying ‘Islamic law’

In a public statement after his appointment, Supreme Leader Mullah Haibatullah Akhundzada advised that the new interim government would “*work hard towards upholding Islamic rule and Sharia law in the country.*” While assuring the Taliban’s commitment to international law and to Afghanistan’s treaties and commitments that are “*not in conflict with Islamic law,*”, he added that the Sharia “*will regulate all matters of governance and life in the country.*”<sup>25</sup>

According to an Afghan professor of law who was interviewed for this report, the Taliban leadership’s interpretation of Islamic law stems from the Deobandi strand of Hanafi jurisprudence.<sup>26</sup> This strand combines Hanafi interpretations of Sharia with Pashtun customs, and is common in the madrassas across the border region between Afghanistan and Pakistan, where many of the Taliban leaders, including the acting minister of justice, have had their religious upbringing.<sup>27</sup>

According to the Afghan professor of law and others, the Taliban leadership regards this interpretation of Islam and Sharia, as Sharia in an Afghan context, and this specific interpretation informs their approach to the question of justice.<sup>28</sup> This view is echoed by Thomas Ruttig, co-director and senior analyst of the Afghanistan Analysts Network (AAN), who points out that the Taliban’s core values<sup>29</sup> socially and politically derive from this conservative interpretation of Islam.<sup>30</sup> Ruttig further argues that the Taliban function as a network of networks, and that local leaders are able to operate with a “*significant degree of autonomy, including in decision-making in day-to-day affairs, as long as they do not act against what the leadership considers central principles*”.<sup>31</sup>

There are, however, instances where the Taliban does not adhere to the Hanafi interpretations of Sharia. For example, the Hanafi interpretations generally allow female judges within the legal system, but the Taliban have never appointed a female judge. For practical reasons, the Taliban have also had to accommodate formal, modern legislation and invoke existing laws installed by the previous government. This was the case when they ruled in the 1990’s and this is the case today. For example, the Afghan professor of law stated that the Taliban have invoked existing laws in Afghanistan concerning the banking

<sup>23</sup> The Crisis Group, *Afghanistan’s Taliban Expand Their Interim Government*, 28 September 2021, [url](#); AP, *Taliban form all-male Afghan government of old guard members*, 8 September 2021, [url](#)

<sup>24</sup> RFE/RL, *Taliban’s ‘Mullahcratic’ Government: Militants Fail To Form Inclusive Administration*, 8 September 2021, [url](#); UN, *Millions of Lives Will Depend on How Afghanistan’s New Interim Government Chooses to Govern, Special Representative Tells Security Council*, 9 September 2021, [url](#)

<sup>25</sup> RFE/RL, *Leader of Taliban’s New Afghan Regime Says Shari’a Law Will Govern All Aspects Of Life*, 7 September 2021, [url](#)

<sup>26</sup> An Afghan professor of law: 1; Al Jazeera, *Explainer: The Taliban and Islamic law in Afghanistan*, 23 August 2021, [url](#)

<sup>27</sup> An Afghan professor of law: 1; TOLONews, *Hibatullah Akhundzada to lead Taliban Govt*, 9 September 2021, [url](#)

<sup>28</sup> An Afghan professor of law: 1

<sup>29</sup> Ruttig points out that observers of the Taliban agree these values are not well-defined: Ruttig, Thomas, “Have the Taliban Changed?”, *CTC Sentinel*, March 2021, Vol. 14, Issue 3, [url](#)

<sup>30</sup> Ruttig, Thomas, “Have the Taliban Changed?”, *CTC Sentinel*, March 2021, Vol. 14, Issue 3, [url](#)

<sup>31</sup> Ruttig, Thomas, “Have the Taliban Changed?”, *CTC Sentinel*, March 2021, Vol. 14, Issue 3, [url](#)

sector. The Taliban’s interpretation of Sharia is primarily applied in cases of private dispute resolution, issues of inheritance, family disputes, property disputes, and in cases involving certain types of crime.<sup>32</sup>

The Afghan professor of law added that the Taliban leadership also diverges from the Hanafi interpretations in their approach to *Hudūd*<sup>33</sup> and *Qiṣāṣ*<sup>34</sup>, and the Taliban leadership have in the past generally shied away from issuing specific *Hudūd* punishments, despite referencing such punishments in public, due to the high standard of evidence required in these cases.<sup>35</sup> However, the Taliban have in past applied flogging, which is also a *Hudūd* punishment, as a form of penalty.<sup>36</sup>

The local interpretations and implementation of what Sharia entails in an Afghan context have varied across Afghanistan. This was the case when the Taliban was an insurgency, and there have also been examples of these variations in implementation after their conquest of Afghanistan.<sup>37</sup> In some northern provinces, girls have been allowed to attend secondary school, whereas girls in other parts of Afghanistan have not been allowed.<sup>38</sup> In Lashkar Gah, women have reportedly been told to wear a burqa, while women in Herat City are able to attend restaurants and walk around in public.<sup>39</sup> In Helmand province, trimming of beards by local barbers have been banned.<sup>40</sup> In September the corpses of four alleged kidnappers were displayed publicly hanging from a crane in Herat City.<sup>41</sup>

## Judicial structures and systems of justice

All the sources consulted for this report stated that the Taliban have, as of November 2021, not implemented a national justice system, nor a centralised structure of law enforcement.<sup>42</sup>

According to the Afghan professor of law, the Taliban leadership have thus far neglected the development of a new nationwide judiciary since assuming power, and as such, the shadow judiciary from when Taliban were an insurgency is currently functioning as the de facto judiciary in Afghanistan.<sup>43</sup> The shadow judiciary functioned as a three-tiered system with primary courts in most Taliban-controlled districts, provincial

<sup>32</sup> An Afghan professor of law: 2, 3

<sup>33</sup> *Hudūd* are fixed penalties in Islamic law. The Arabic word *ḥadd* (pl., *ḥudūd*) means, among other things, prohibition or penalty fixed by God. In Islamic jurisprudence, the term refers to fixed and mandatory punishments for certain offenses mentioned in the Qur’ān and sunnah., Oxford Islamic Studies Online, *Hudūd*, n.d., [url](#)

<sup>34</sup> “Retribution. Prescribed in Islamic law for murder, voluntary manslaughter, involuntary killing, intentional physical injury, and unintentional physical injury.”, Oxford Islamic Studies Online, *Qisas*, n.d., [url](#)

<sup>35</sup> An Afghan professor of law: 4

<sup>36</sup> HRW, “You Have No Right to Complain” Education, Social Restrictions, and Justice in Taliban-Held Afghanistan, 30 June 2020, [url](#); RFE/RL, *Public Executions, Floggings ‘Inevitable’ Under Taliban Court Rulings, Says Scholar*, 8 September 2021, [url](#)

<sup>37</sup> RFE/RL, *Public Executions, Floggings ‘Inevitable’ Under Taliban Court Rulings, Says Scholar*, 8 September 2021, [url](#); RFE/RL, *‘I Feel Like A Dead Fish’: Silenced By The Taliban, Afghanistan’s Musicians Despair*, 13 October 2021, [url](#)

<sup>38</sup> The New York Times, *Taliban Allow Girls to Return to Some High Schools, but With Big Caveats*, 27 October 2021, [url](#); TOLONews, *Schools Reopen for Girls in Grades 7-12 in Balkh Province*, 8 October 2021, [url](#)

<sup>39</sup> The Wall Street Journal, *Strange Quiet Arrives in Afghanistan After Decades of War*, 11 October 2021, [url](#); An Afghan professor of law: 19

<sup>40</sup> BBC, *Afghanistan: Taliban ban Helmand barbers from trimming beards*, 26 September 2021, [url](#)

<sup>41</sup> AP, *Taliban hang bodies in public; signal return to past tactics*, 25 September 2021, [url](#)

<sup>42</sup> An Afghan professor of law: 5; A Kabul-based journalist: 5; A London-based journalist: 5; An expert in Afghan security policy: 2, 3

<sup>43</sup> RFE/RL, *Public Executions, Floggings ‘Inevitable’ Under Taliban Court Rulings, Says Scholar*, 8 September 2021, [url](#)

An Afghan professor of law: 5

courts and a Supreme Court operating from Pakistan.<sup>44</sup> The rulings of these courts were in principle based on the aforementioned interpretations of Sharia, although it has been reported that many Taliban commanders over the years have pronounced arbitrary punishments without reference to Sharia.<sup>45</sup>

During their time as insurgency, the Taliban's shadow courts were generally more preferred amongst the local population, in part because they were perceived as being quick and effective, fairer, less corrupt as well as more accessible.<sup>46</sup> As such, the shadow courts have in the past been essential to the Taliban's perceived image in the population, as these structures helped the movement gain legitimacy and acceptance in the eyes of Afghans who had little other way to resolve a civil dispute.<sup>47</sup>

According to the Afghan professor of law, the Taliban have since assuming power in August 2021 signaled that there will be no need for an attorney general and a process-based legal system in Afghanistan going forward. The Afghan professor of law have spoken to colleagues who work as judges in Herat City. They have been informed that there will be a need for far less judges and that the Taliban will install judges who they regard as uncorrupt, and that these judges will be able to make decisions *on the spot* rather than reviewing documents and basing their verdicts on evidence.<sup>48</sup> Since assuming power, the Taliban have established a new Supreme Court.<sup>49</sup>

One defining feature of the shadow court system is its 'hyper-localised' nature.<sup>50</sup> The expert in Afghan security policy elaborated that the Taliban judiciary is hyper-localised both in the sense that they often blend Sharia law with local customs, but also in the sense that the verdict reached in these court varies depending on the personnel.<sup>51</sup> This lack of central regulation of the judiciary also means that the local manifestation of the justice system can vary from province to province and even from district to district. In Panjwai district in Kandahar, the local Taliban fighters represented the entire justice system because the local judge was occupied elsewhere. As such, the Taliban fighters of Panjwai were "*left to their own whims and understanding of the group's interpretation of Islamic law -- represent the entirety of the justice system*", according to an AFP reporter who witnessed an episode in the Taliban headquarters in Panjwai district in November 2021.<sup>52</sup> In relation to this, the Kabul-based journalist points out that lack of staffing in the courts often leads to verdicts based on an assessment of the trustworthiness of the defendant and the witnesses.<sup>53</sup>

<sup>44</sup> Jackson, Ashley and Weigand, Floran, *Rebel rule of law Taliban courts in the west and north-west of Afghanistan*, May 2020, [url](#), pp. 4, 6

<sup>45</sup> USDOS, *Country Report on Human Rights Practices 2020 – Afghanistan*, 30 March 2021, [url](#); Afghanistan Analyst Network, *One Land, Two Rules (1): Service delivery in insurgent-affected areas*, an introduction, 6 December 2018, [url](#); EASO, *Afghanistan: Criminal law, customary justice and informal dispute resolution*, July 2020, [url](#), p. 20; Freedom House, *Freedom in the World 2020 – Afghanistan*, n.d., [url](#) p. 19

<sup>46</sup> Jackson, Ashley and Weigand, Floran, *Rebel rule of law Taliban courts in the west and north-west of Afghanistan*, May 2020, [url](#), pp. 1, 4; The New York Times, *Taliban Justice Gains Favor as Official Afghan Courts Fail*, 31 January 2015, [url](#); DW, *Why many Afghans distrust their judicial system*, 5 February 2015, [url](#); An Afghan professor of law: 5; EASO, *Afghanistan: Criminal law, customary justice and informal dispute resolution*, July 2020, [url](#), p. 20

<sup>47</sup> An Afghan professor of law: 5; Jackson, Ashley and Weigand, Floran, *Rebel rule of law Taliban courts in the west and north-west of Afghanistan*, May 2020, [url](#), pp. 3, 5,7

<sup>48</sup> An Afghan professor of law: 7

<sup>49</sup> The Frontier Post, *Taliban announces creation of Supreme Court of Afghanistan*, 15 October 2021, [url](#)

<sup>50</sup> A Kabul-based journalist: 5; An expert in Afghan security policy: 2

<sup>51</sup> An expert in Afghan security policy: 2

<sup>52</sup> AFP/RFI, *Justice delayed as Taliban build their legal system in Afghanistan*, 13 November 2021, [url](#)

<sup>53</sup> A Kabul-based journalist: 7

In other districts and provinces, however, there have been reports of a more formally organised and structured system of justice. Examples of this can be found in Ghazni and Wardak provinces, where local courts have been established along provincial courts in the provincial capitals where bigger cases are to be resolved.<sup>54</sup>

According to the Afghan professor of law, the overall principle driving the Taliban justice system and the individuals within the system is security concerns. In this relation, senior Taliban official and former minister of justice, Mullah Nooruddin Turabi, has stated that strict punishments such as cutting off hands are “*very necessary for security*”, due to their deterrent effect on the public.<sup>55</sup> According to the same source, this eagerness to provide security has, since the Taliban conquered Afghanistan, led to many ad hoc *on the spot* punishments in the streets, where Taliban officials have used any tools they have deemed necessary to restore order ranging from corporal punishments to humiliating punishments, such as blackening people’s faces.<sup>56</sup> Other examples of punishments used since the Taliban takeover include public shaming as well as two incidents of public display of corpses.<sup>57</sup>

Furthermore, other Taliban officials such as police commanders also take part in the adjudication process without consulting the courts. For ordinary Afghans, this means that they can seek recourse by presenting their case to any Taliban official from the mid-level and upwards whether or not they are employed by a court, according to the Afghan professor of law.<sup>58</sup> This has resulted in cases of Taliban fighters imprisoning Afghans on even the slightest suspicion of illegal activity, according to the Washington Post.<sup>59</sup>

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<sup>54</sup> FP, *12 Million Angry Men*, 28 October 2021, [url](#)

<sup>55</sup> AP, *Taliban official: Strict punishment, executions will return*, 23 September 2021, [url](#)

<sup>56</sup> Business Insider, *The Taliban dragged accused thieves through the streets with nooses around their necks and faces painted black*, 14 August 2021, [url](#); An Afghan professor of law: 8

<sup>57</sup> AP, *Taliban official: Strict punishment, executions will return*, 23 September 2021, [url](#); The Guardian, *Taliban publicly display bodies of alleged kidnappers in Herat*, 25 September 2021, [url](#); The Washington Post, *Harsh public justice and private despair reign in Taliban-ruled Herat*, 6 October 2021, [url](#)

<sup>58</sup> An Afghan professor of law: 6

<sup>59</sup> The Washington Post, *Afghanistan’s war is over, but the Taliban faces a new hurdle: Enforcing the law — and protecting Afghans from ISIS*, 19 October 2021, [url](#)

## Presence and activities of armed non-state actors after August 2021

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Afghanistan has long been home to various armed non-state actors.<sup>60</sup> The Taliban's conquest of Afghanistan has changed the conditions as well as the landscape of armed non-state actors in the country. On 6 August 2021, Afghanistan's ambassador to UN assessed that there were more than 100,000 foreign fighters present in Afghanistan representing more than 20 armed groups.<sup>61</sup>

In June 2021, the United Nations Security Council (UNSC) assessed that **Islamic State of Khorasan Province (ISKP)** mustered between 1,500-2,200 fighters who were primarily based in the eastern provinces of Kunar and Nangahar as well as in small pockets in northern Afghanistan.<sup>62</sup> Since the collapse of the former government, there have been reports of ISKP expanding their ability to operate in increasingly larger areas of Afghanistan, and on 17 November 2021, the UN Secretary-General's Special Representative for Afghanistan, Deborah Lyons, assessed that ISKP had presence in nearly all of Afghanistan's 34 provinces, although it is difficult to assess the scope of ISKP.<sup>63</sup> According to Tamim Asey, executive chairman of the Institute of War and Peace Studies in Kabul, ISKP do not control any territorial entities in Afghanistan, but rather, they operate in small cells across the country.<sup>64</sup>

Lyons further pointed out that ISKP have increased the number of attacks in Afghanistan. In 2020, ISKP claimed responsibility for 60 attacks in the country, and as of mid-November 2021, the group have claimed responsibility for 334 attacks for the year.<sup>65</sup> Most of the ISKP attacks have been carried out by the group's heartland of Nangahar and Kunar provinces, where attacks were carried on a near daily basis in November,<sup>66</sup> but ISKP have also carried out large-scale attacks in Kandahar, Kunduz and Kabul.<sup>67</sup> In this relation, the London-based journalist advised that ISKP are applying similar tactics and focusing their attacks on the same targets, such as the Sardar Mohammad Daoud Khan National Military Hospital, as the Taliban did when they were an insurgency.<sup>68</sup> The expert in Afghan security policy and others note that the increase in ISKP attack correlates with the withdrawal of the U.S. military from Afghanistan and the collapse of the Afghan National Defense and Security Forces (ANDSF).<sup>69</sup>

<sup>60</sup> Stewart, Megan A., *What's next in Afghanistan? The prospects for future political violence*, 19 August 2021, [url](#)

<sup>61</sup> United Nations Security Council, *Afghanistan at 'dangerous turning point', UN envoy warns Security Council*, 6 August 2021, [url](#)

<sup>62</sup> United Nations Security Council, *Letter dated 20 May 2021 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council*, 1 June 2021, [url](#), pp. 16-17

<sup>63</sup> UNAMA, *SMSG LYONS BRIEFING TO THE UNSC ON THE SITUATION IN AFGHANISTAN*, 17 November 2021, [url](#); RFE/RFL, *AfPak File Podcast: How Serious Is The Islamic State Threat In Afghanistan?*, 22 October 2021, [url](#)

<sup>64</sup> RFE/RFL, *AfPak File Podcast: How Serious Is The Islamic State Threat In Afghanistan?*, 22 October 2021, [url](#)

<sup>65</sup> UNAMA, *SMSG LYONS BRIEFING TO THE UNSC ON THE SITUATION IN AFGHANISTAN*, 17 November 2021, [url](#)

<sup>66</sup> The Washington Post, *Taliban sends hundreds of fighters to eastern Afghanistan to wage war against Islamic State*, 22 November 2021, [url](#)

<sup>67</sup> Al Jazeera, *Afghanistan: Deadly blasts, gunfire hit Kabul military hospital*, 2 November 2021, [url](#); Ab. Sayed ترمذی (@abdsayedd) [Twitter], 5 November 2021, [url](#); The New York Times, *ISIS Bomber Kills Dozens at Shiite Mosque in Northern Afghanistan*, 8 October 2021, [url](#); Al Jazeera, *Afghanistan: Several dead as blasts rock Jalalabad and Kabul*, 18 September 2021, [url](#); AP, *IS bomber kills 46 inside Afghan mosque, challenges Taliban*, 8 October 2021, [url](#)

<sup>68</sup> A London-based journalist: 4

<sup>69</sup> An expert in Afghan security policy: 7; RFE/RL, *Intensifying Violence Between Taliban, IS-K Heralds New War In Afghanistan*, 13 October 2021, [url](#)

According to the expert in Afghan security policy, ISKP have in recent months been able to bolster their ranks by recruiting both from abroad as well as from within Afghanistan.<sup>70</sup> In this relation, there have been reports of ISKP recruiting former members of the ANDSF as well as Taliban fighters due to safety and monetary concerns.<sup>71</sup> Furthermore, “hundreds” of ISKP prisoners were released by the Taliban as they captured Afghan cities during the summer of 2021.<sup>72</sup> Afghanistan analyst Antonio Guistozi estimated the current number of ISKP fighters in Afghanistan to be approximately 4,000.<sup>73</sup>

According to an assessment from the UNSC from June 2021, the number of **al-Qaeda** fighters in Afghanistan ranges between “several dozen to 500 persons” operating in at least 15 of Afghanistan’s 34 provinces, primarily in the east, southern and south-eastern regions.<sup>74</sup> As part of the Doha Peace Agreement of February 2020, the Taliban had committed to preventing al-Qaeda from operating on Afghan soil.<sup>75</sup> Following their conquest of Afghanistan, the Taliban reportedly received “congratulatory messages from al-Qaeda and its regional affiliates.”<sup>76</sup> Furthermore, according to the UNSC, there are close ties between especially the Haqqani-network – whose leader Sirajuddin Haqqani currently serves as interim minister of interior – and al-Qaeda.<sup>77</sup>

**Islamic Movement of Uzbekistan (IMU)** consists of up to 700 people, including family members of fighters located in Faryab, Sar-e Pul and Jawzjan Provinces.<sup>78</sup> Prior to the Taliban conquest, IMU reportedly relied on local branches of the Taliban for financial backing.<sup>79</sup>

**Eastern Turkistan Islamic Movement (ETIM)** consist of “several hundred members” and primarily operates in Badakhshan and neighboring provinces.<sup>80</sup>

<sup>70</sup> An expert in Afghan security policy: 8, 9

<sup>71</sup> The Wall Street Journal, *Left Behind After U.S. Withdrawal, Some Former Afghan Spies and Soldiers Turn to Islamic State*, 31 October 2021, [url](#); An expert in Afghan security policy: 8, 9

<sup>72</sup> RFE/RL, *Intensifying Violence Between Taliban, IS-K Heralds New War In Afghanistan*, 13 October 2021, [url](#)

<sup>73</sup> Reuters, *Islamic State violence dents Taliban claims of safer Afghanistan*, 9 November 2021, [url](#)

<sup>74</sup> United Nations Security Council, *Letter dated 20 May 2021 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council*, 1 June 2021, [url](#), pp. 12-13

<sup>75</sup> USDOS, *Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan which is not recognized by the United States as a state and is known as the Taliban and the United States of America*, 29 February 2020, [url](#), p. 3

<sup>76</sup> BBC, *Afghanistan: the pledge binding al-Qaeda to the Taliban*, 7 September 2021, [url](#)

<sup>77</sup> United Nations Security Council, *Letter dated 19 May 2020 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council*, 27 May 2021, [url](#), p. 3

<sup>78</sup> United Nations Security Council, *Letter dated 20 May 2021 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council*, 1 June 2021, [url](#), p. 20

<sup>79</sup> United Nations Security Council, *Letter dated 20 May 2021 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council*, 1 June 2021, [url](#), p. 20; United Nations Security Council, *Letter dated 19 May 2020 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council*, 27 May 2021, [url](#), p. 21

<sup>80</sup> United Nations Security Council, *Letter dated 19 May 2020 from the Chair of the Security Council Committee established pursuant to resolution 1988 (2011) addressed to the President of the Security Council*, 27 May 2021, [url](#), p. 19

## Security and Living Conditions for the Civilian Population

### General security

Since the Taliban takeover of Kabul on 15 August 2021, the overall security situation in the country has changed. According to the UN, conflict related security incidents such as armed clashes, air strikes and improvised explosive devices (IEDs) have decreased significantly since the Taliban conquered the country.<sup>81</sup> In this relation, two of the sources consulted for this report echoed that certain elements of the security situation for the general population in Afghanistan have improved because fighting has ceased.<sup>82</sup> Especially the rural areas are safer, and people can travel to districts that were deemed too dangerous or inaccessible for the past 15-20 years, as the security on the roads have improved due to the drop in IEDs.<sup>83</sup> Although it is safer for children to go to school, two sources describe how other aspects of security for the civilian population have deteriorated since the Taliban's takeover. The Kabul-based journalist emphasised that the fear of Taliban, coupled with the absence of clear laws and policing, has created insecurity and local acts of unpunished vigilantism.<sup>84</sup>

The Afghan law professor advised that the level of crime has not dropped since the Taliban assumed power.<sup>85</sup> Two other sources consulted on this issue assessed that the Taliban's reputation for enforcing strict punishment is seemingly having a deterring effect.<sup>86</sup> However, they both emphasised the lack of data regarding the level of crime.<sup>87</sup> There have been reports of robberies and kidnappings occurring on a daily basis as well as conflicting reports of the crime level both rising and falling in Kabul since the Taliban takeover.<sup>88</sup>

Despite the general decrease in the number of violent attacks and security related incidents since the Taliban takeover, the number of attacks from ISKP has reportedly increased, especially in the eastern provinces of Nangharhar and Kunar as well as Kabul.<sup>89</sup> These attacks have in turn prompted the Taliban to send 1,300

<sup>81</sup> United Nations General Assembly, *The situation in Afghanistan and its implications for international peace and security*, 2 September 2021, [url](#), p. 6

<sup>82</sup> A Kabul-based journalist:3; A London-based journalist: 1

<sup>83</sup> The New York Times, *This is Life in Rural Afghanistan After the Taliban Takeover*, 15 September 2021, [url](#); A London-based journalist: 1

<sup>84</sup> A Kabul-based journalist: 3; The Wall Street Journal, *'If you don't have money, you have sisters': Afghan men use Taliban rule to settle scores*, 3 November 2021, [url](#)

<sup>85</sup> An Afghan professor of law: 8

<sup>86</sup> A Kabul-based journalist: 4; A London-based journalist: 6

<sup>87</sup> A Kabul-based journalist: 4; A London-based journalist: 6

<sup>88</sup> Al Jazeera, *Taliban: From Afghanistan's rugged mountains to policing streets*, 5 October 2021, [url](#); WSJ, *Taliban Commander Who Launched Bombings in Kabul Is Now a Police Chief in Charge of Security*, 20 October 2021, [url](#); Ariana News, *Four suspected kidnappers captured in Kabul, hostages freed*, 2 October 2021, [url](#); Hasht-e Subh Daily, *Kabul Residents Tired of Increasing Armed Robberies*, 21 October 2021, [url](#)

<sup>89</sup> RFE/RL, *Intensifying Violence Between Taliban, IS-K Heralds New War In Afghanistan*, 13 October 2021, [url](#); Al Jazeera, *Afghanistan: Deadly blasts, gunfire hit Kabul military hospital*, 2 November 2021, [url](#); The New York Times, *ISIS Bomber Kills Dozens at Shiite Mosque in Northern Afghanistan*, 8 October 2021, [url](#); Al Jazeera, *Afghanistan: Several dead as blasts rock Jalalabad and Kabul*, 18 September 2021, [url](#); AP, *IS bomber kills 46 inside Afghan mosque, challenges Taliban*, 8 October 2021, [url](#); Ab. Sayed سادات ترمذی (@abdsayedd) [Twitter], 5 November 2021, [url](#)

fighters to eastern Afghanistan, launching a series of counterattacks, according to Taliban officials.<sup>90</sup> For more on ISKP, see [Presence and activities of armed non-state actors after August 2021](#).

## Humanitarian Situation

According to the UN, a humanitarian crisis is currently unfolding in Afghanistan.<sup>91</sup> Estimates from UNOCHA assess that 18 million people – roughly half of the Afghan population – require humanitarian assistance.<sup>92</sup> Meanwhile, World Health Organisation’s (WHO) spokesperson declared on 12 November that “3.2 million children are expected to suffer from acute malnutrition in Afghanistan by the end of this year, with one million of them at risk of dying as temperatures drop.”<sup>93</sup>

In addition to UN’s predictions of poverty and famine for the winter of 2021/22, the Kabul-based journalist pointed to several critical conditions, such as lack of goods due to closed borders, the massive rise of prices of basic products,<sup>94</sup> and the fall of the afghani vis-à-vis the dollar<sup>95</sup> – all contributing to harsh living conditions for ordinary Afghans.<sup>96</sup> A UNICEF representative claimed in an interview that the organisation has noted sign of “negative coping mechanisms”, where people become so desperate that they do things they normally would not do, “such as taking a kid out of school or selling them for early marriage – sometimes babies as young as six months old.”<sup>97</sup>

### Access to healthcare services

According to the Kabul-based journalist, the cuts in funding for development programs and support for education programs have a direct impact<sup>98</sup> on living conditions and the general health of the population.<sup>99</sup> As a result hereof, local health facilities, which provided basic life-saving health care services, are out of fuel to run generators and ambulances as well experiencing supply problems with regards to medicines.<sup>100</sup> Health workers have to tell patients to buy their own medicines and medical supplies products, but given the prices and widespread poverty in rural areas, it is increasingly difficult for people to afford medicines and nutritious food for children and thus leaves children and adults dying of treatable illnesses.<sup>101</sup>

Afghanistan’s health care system is dependent on foreign financial aid.<sup>102</sup> As such, a joint UNDP and the Global Fund initiative is being implemented in cooperation with civil society organisations in the month of November in 31 out of 34 provinces across Afghanistan, to ensure 24,000 health workers are paid for the

<sup>90</sup> The Washington Post, *Taliban sends hundreds of fighters to eastern Afghanistan to wage war against Islamic State*, 22 November 2021, [url](#)

<sup>91</sup> United Nations, *Abandoning Afghanistan Now, amid Humanitarian Crisis, Would Be ‘Historic Mistake’*, Special Representative Tells Security Council, 17 November 2021, [url](#)

<sup>92</sup> UNHCR, *Nordic contributions allow UNHCR to strengthen the emergency response in Afghanistan*, 2 November 2021, [url](#)

<sup>93</sup> Ariana News, *A million Afghan children at risk of dying amid acute malnutrition: WHO*, 12 November 2021, [url](#)

<sup>94</sup> BusinessToday.In, *Afghanistan’s new woes: Dwindling economy, severe food shortage*, 26 November 2021, [url](#)

<sup>95</sup> Tolo News, *Afghan currency value continues to drop*, 26 November 2021, [url](#)

<sup>96</sup> A Kabul-based journalist: 6

<sup>97</sup> UN News, *Interview: On brink of humanitarian crisis, there’s ‘no childhood’ in Afghanistan*, 18 November 2021, [url](#)

<sup>98</sup> Al Jazeera, *Medics overwhelmed as Afghanistan healthcare crumbles*, 28 September 2021, [url](#)

<sup>99</sup> A Kabul-based journalist: 6

<sup>100</sup> Hasht-e Subh Daily, *Kabul ambulance stops delivering services due to fuel shortage*, 14 November 2021, [url](#)

<sup>101</sup> A Kabul-based journalist: 6; The Guardian, *On Helmand’s bleak wards, dying children pay the price as western aid to Afghanistan is switched off*, 21 November 2021 [url](#)

<sup>102</sup> The Guardian, *On Helmand’s bleak wards, dying children pay the price as western aid to Afghanistan is switched off*, 21 November 2021, [url](#); UN News, *Feature: Mobile health teams save lives in Afghanistan’s most remote areas*, 25 November 2021, [url](#)

month of October.<sup>103</sup> Afghanistan's economy was performing poorly prior to the Taliban's takeover, and today as of November 2021, as most of the international development assistance has ceased, the Taliban government is unable to pay the public employees.<sup>104</sup>

## Women and girls

### *Women and jobs*

More than three months after the Taliban takeover, the rights and working conditions for women<sup>105</sup> and the education prospects for girls is continuously uncertain.<sup>106</sup> So far, women have not been appointed to the cabinet, nor as deputy ministers.<sup>107</sup> The Ministry of Women Affairs have been replaced by the Ministry of Preaching, Guidance, and Promotion of Virtue and Prevention of Vice of the Islamic Emirate of Afghanistan.<sup>108</sup>

The Taliban leadership have stated that women should stay at home and that only women who perform work that cannot be performed by men are allowed to work.<sup>109</sup> This has affected women who are the main breadwinners in their families.<sup>110</sup>

According to the interviewed journalist, in some public offices, such as the Ministry of Foreign Affairs, women who are still officially employed show up once a month to register their attendance, even though they are still not receiving salaries due to lack of resources.<sup>111</sup> The women who are still physically part of the daily workforce in Afghanistan are mainly healthcare workers and some teachers,<sup>112</sup> and many of them have not been paid either.<sup>113</sup> There are reports of more than 7,000 teachers and 200 university professors in Faryab province alone, who have not received their salaries for months.<sup>114</sup> According to the Afghan professor of law, women employed in the private sector have largely been allowed to continue their work.<sup>115</sup>

### *Access to education*

On 17 September, the Ministry of Education announced that secondary education would resume for boys. Girls were not mentioned in this announcement.<sup>116</sup> Since then, girls have been allowed to attend secondary education in Balkh, Kunduz, Sar-e Pul and Herat City.<sup>117</sup> Elsewhere, there have been reports of secret online

<sup>103</sup> The Global Fund, *Lifeline support from UNDP and The Global Fund keeps Afghanistan's health facilities open*, 11 November 2021, [url](#)

<sup>104</sup> Economic Times, *From academic to labourer: Afghanistan's economic crisis spares few*, 1 November 2021, [url](#)

<sup>105</sup> CNN, *Taliban decree on women's rights, which made no mention of school or work, dismissed by Afghan women and experts*, 4 December 2021, [url](#)

<sup>106</sup> Hasht e Subh, *Afghan children face uncertain future*, 20 November 2021, [url](#)

<sup>107</sup> UN Women, *Expert's take: Gender equality is critical for Afghanistan's future, long-term development, and sustained peace*, 12 October 2021, [url](#)

<sup>108</sup> A Kabul-based journalist: 12; AP, *Taliban replace ministry for women with 'virtue' authorities*, 18 September 2021, [url](#)

<sup>109</sup> CNN, *About the only job women can do for the Kabul government is clean female bathrooms, acting mayor says*, September 20 2021, [url](#); The Guardian, *Kabul government's female workers told to stay at home by Taliban*, 19 September 2021, [url](#)

<sup>110</sup> TRT World (video), *Afghan women not permitted to work and running out of money*, 23 November 2021, [url](#)

<sup>111</sup> A Kabul-based journalist: 12

<sup>112</sup> A Kabul-based journalist: 12

<sup>113</sup> A Kabul-based journalist: 12

<sup>114</sup> REF/RL, *'We are hungry': Afghan schools left without teachers as instructors struggle to survive*, 24 November 2021, [url](#)

<sup>115</sup> An Afghan professor of law: 17

<sup>116</sup> The Guardian, *Taliban ban girls from secondary education in Afghanistan*, 17 September 2021, [url](#)

<sup>117</sup> France24, *Girls return to schools in Afghan province, remain barred elsewhere*, 5 October 2021, [url](#); TOLONews, *Schools Reopen for Girls in Grades 7-12 in Balkh Province*, 8 October 2021, [url](#); TOLONews, *Girls Attend Schools in Kunduz, Balkh, Sar-e-Pul*, 9 October 2021, [url](#); TOLONews, *Girls' Schools for Grades 7-12 Reopen in Herat*, 8 November 2021, [url](#)

schooling as well as home schooling of girls.<sup>118</sup> On 23 November, former Taliban spokesman, Suhail Shaheen, told the BBC that he expects girls to return to school in March, after the winter break.<sup>119</sup>

According to the London-based journalist, there are internal disagreements within the Taliban regarding the role of women and girls in Afghanistan. Some believe that girls and women should return to schools and work places and help rebuild the society, while others say women should stay at home once they reach puberty and should not be permitted to work or to attend school.<sup>120</sup> The Kabul-based journalist reported of changes in curriculums for younger children in one school in Mazar-e Sharif, which now features more courses in Islam and reciting the Quran.<sup>121</sup>

### *Domestic violence and Freedom of movement*

According to the London-based journalist, there is a tendency of a fortified patriarchy within many homes, where many men now feel the right to enforce more strict rules towards the women within the household. Some women he spoke with expressed that they feared their fathers more than they feared the Taliban.<sup>122</sup>

Under the former government, specialised courts dealt with family issues, including divorce and domestic violence against women, providing Afghan women with easier access to legal rights and to divorce.<sup>123</sup> Since the Taliban's conquest of Afghanistan, many shelters for women have closed, and according to estimates made in newspapers, there were 'at least 30 shelters' operating across 'about half' of Afghanistan's 34 provinces.<sup>124</sup> There are reports of convicted male abusers being released from prisons,<sup>125</sup> and according to a research by Amnesty International, many survivors of gender-based violence, "as well as shelter staff, lawyers, judges, government officials, and others involved in protective services – are now at risk of violence and death."<sup>126</sup>

The degree of women's freedom of movement vary from province to province.<sup>127</sup> According the Afghan professor of law, in the city of Herat for instance, a married woman is still able to attend restaurants and walk around in public.<sup>128</sup> However, in conservative provinces, such as Kandahar and Helmand, most women have usually been confined to their homes.<sup>129</sup> In official buildings, women are now expected to be accompanied by a *mahram* (a male companion) in some public offices.<sup>130</sup> In the wake of the Taliban assuming power, there have been reports of an increase in harassments of unaccompanied women in public spaces.<sup>131</sup>

<sup>118</sup> BBC, *The teacher defying the Taliban on girl's education*, 3 November 2021, [url](#); The Wall Street Journal, *Afghan teachers defy Taliban by secretly schooling teenage girls*, 25 November 2021, [url](#)

<sup>119</sup> Yalda Hakim (@BBCYaldaHakim), [Twitter], 23 November 2021, [url](#)

<sup>120</sup> A London-based journalist: 13

<sup>121</sup> A Kabul-based journalist: 14

<sup>122</sup> A London-based journalist: 14

<sup>123</sup> A London-based journalist: 15

<sup>124</sup> The New York Times, *Threats and fear cause Afghan women's protections to vanish overnight*, 4 September 2021, [url](#); RFE/RL, *Afghan Women's Shelters Vanishing Under Taliban Rule*, 26 September 2021, [url](#)

<sup>125</sup> NPR, *A surgeon who helps burned Afghan women is now hiding, afraid for her life*, 13 November 2021, [url](#); Afghan News, *Afghan women are preparing for an uprising in domestic violence under the Taliban*, 16 November 2021, [url](#)

<sup>126</sup> Amnesty International, *Afghanistan: Survivors of gender-based violence abandoned following Taliban takeover – new research*, 6 December 2021, [url](#)

<sup>127</sup> An Afghan professor of law: 19

<sup>128</sup> An Afghan professor of law: 19

<sup>129</sup> An Afghan professor of law: 19

<sup>130</sup> A Kabul-based journalist: 12

<sup>131</sup> A Kabul-based journalist: 11; Eurasianet, *Afghan refugees hope Tajikistan is just a pit stop*, 15 October 2021, [url](#)

In larger cities like Kabul, the Taliban takeover has led to self-censorship and a marked decrease in women seen in public spaces.<sup>132</sup>

Reports of disappearances,<sup>133</sup> forced marriages,<sup>134</sup> killing of a female activist,<sup>135</sup> and killing of former female government employees<sup>136</sup> have prompted some women to withdraw from public life and look for ways to leave the country.<sup>137</sup> There have been reports of Taliban fighters conducting house-searches looking for women in Herat province.<sup>138</sup> In this relation, the London-based journalist stated that it is difficult to assess to what extent such intimidation of women, who used to work with the previous government either as officials or in security positions, are ordered from central authorities, or whether they are a result of local disputes.<sup>139</sup>

Recent incidents against women in Afghanistan include:

- 12 September: women's rights activist assaulted by Taliban fighters in her home in Kandahar province.<sup>140</sup>
- 5 November: a women's rights activist shot dead in her home in Mazar-e Shariff.<sup>141</sup>

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<sup>132</sup> A London-based journalist: 15

<sup>133</sup> ABC, *In Afghanistan, women's rights activists feared for their lives, now they are disappearing*, 20 November 2021, [url](#)

<sup>134</sup> The Wall Street Journal, *'If You Don't Have Money, You Have Sisters': Afghan Men Use Taliban Rule to Settle Scores*, 3 November 2021, [url](#)

<sup>135</sup> The Guardian, *Women's rights activist shot dead in Northern Afghanistan*, 5 November 2021, [url](#)

<sup>136</sup> Reuters, *UN rights boss says she has credible reports of Taliban executions*, 24 August 2021, [url](#)

<sup>137</sup> A Kabul-based journalist: 11

<sup>138</sup> HRW & SJSU, *Afghanistan: Taliban Abuses Cause Widespread Fear*, 23 September 2021, [url](#)

<sup>139</sup> A London-based journalist: 15

<sup>140</sup> Pajhwok, *Taliban attack Fahima house, arrest family members*, 12 September 2021, [url](#)

<sup>141</sup> The Guardian, *Women's rights activist shot dead in Northern Afghanistan*, 5 November 2021, [url](#)

## Targeted Individuals

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### A decentralised Taliban

In the immediate aftermath of their conquest of Afghanistan, the Taliban leadership stated that they considered the war as over and vowed no reprisals against former adversaries.<sup>142</sup> Furthermore, the Taliban leadership promised that women's rights would be honoured within the norms of Islamic law.<sup>143</sup> The message of an “inclusive” Afghanistan was repeated by the Taliban leadership in the following weeks as well as after the interim government was announced on 7 September 2021.<sup>144</sup>

Despite these messages of amnesty and inclusion from the Taliban leadership since assuming power in Afghanistan, there have been reports of Afghans, who can be perceived by the Taliban as adversaries or opposing their worldview, being targeted by the Taliban.<sup>145</sup> The following sections describe the targeting of I) women and girls, II) Afghans with links to the former government, III), employees or former employees of international companies, foreign militaries, Danish NGOs, Danish development projects or foreign embassies in Afghanistan, IV) ethnic and religious minorities and V) journalists and human rights defenders.

All of the sources consulted for the report stated that the Taliban have engaged in some degree of systematic targeting, especially of Afghans with links to the security sector of the previous government, since their conquest of Afghanistan. The London-based journalist stated that the Taliban have launched raids on employees of the former government by going from door to door in cities.<sup>146</sup> The expert in Afghan security policy echoed this, and further advised that the Taliban have engaged in low intensity retribution campaigns against former members of the security sector and especially former members of the National Directorate of Security (NDS) since assuming power.<sup>147</sup> All consulted sources agreed that the scale of the systematic targeting as well as who is subjected to this form of targeting remained unclear.<sup>148</sup> On 30 November 2021, the Human Rights Watch (HRW) released a report, documenting the summary execution or enforced disappearance of 47 Afghans with links to the Afghan security forces in four provinces. According to the HRW, more than a hundred former members of the security forces had been killed or forcibly disappeared since August 2021.<sup>149</sup> The HRW report further stated that Taliban members also had targeted family members of Afghans with links to the Afghan security forces.<sup>150</sup>

<sup>142</sup> The New York Times, *Taliban Promise Peace, but Doubt and Fear Persist*, 18 August 2021, [url](#); The Conversation, *The Taliban wants the worlds trust. To achieve this, it will need to make some difficult choice*, 18 August 2021, [url](#)

<sup>143</sup> AP, *Taliban vow to respect women, despite history of oppression*, 18 August 2021, [url](#)

<sup>144</sup> Al Jazeera, *Afghanistan: Mullah Baradar promises 'inclusive' government*, 4 September 2021, [url](#); AA, *Taliban have all-inclusive government in Afghanistan, claims acting foreign minister*, 12 November 2021, [url](#)

<sup>145</sup> HRW & SJSU, *Afghanistan: Taliban Abuses Cause Widespread Fear*, 23 September 2021, [url](#); Khaama Press, *Former Afghan journalist, journalism lecturer killed in eastern Nangarhar province*, 3 October 2021, [url](#); ABC, *Interpreter who assisted ADF executed by Taliban*, 20 October 2021, [url](#); Business Insider, *Hunted by the Taliban, Afghanistan's former judges are disguising themselves and going underground. 'I have a lot of enemies right now,' said one.*, 2 October 2021, [url](#)

<sup>146</sup> A London-based journalist: 8

<sup>147</sup> An expert in Afghan security policy: 10

<sup>148</sup> An expert in Afghan security policy: 10, 11; A Kabul-based journalist: 7, 8; A London-based journalist: 8; An Afghan professor of law: 14, 15

<sup>149</sup> HRW, *“No Forgiveness for People Like You” Executions and Enforced Disappearances in Afghanistan under the Taliban*, 30 November 2021, [url](#)

<sup>150</sup> HRW, *“No Forgiveness for People Like You” Executions and Enforced Disappearances in Afghanistan under the Taliban*, 30 November 2021, [url](#)

All the consulted sources further explained that many of the incidents committed by Taliban members toward members of the civilian population since the Taliban conquest should not be viewed as a systematic campaign against adversaries and enemies of the Islamic Emirate. Rather, these incidents should be understood as individual Taliban members settling old personal disputes and feuds.<sup>151</sup> In this relation, both the London-based journalist and the Afghan professor of law pointed out that many Taliban members have in the past been treated poorly by officials of the former government, such as members of the security forces or the previous judiciary. Taliban members are now taking advantage of the current situation in Afghanistan to resolve personal disputes and revenging themselves or family members, who have been treated poorly by Afghans employed by the former government.<sup>152</sup>

Other incidents can be explained as a manifestation of individual Taliban members or ethnic Pashtuns not affiliated with the Taliban taking advantage of the current situation in Afghanistan in order to advance their own agenda and personal interests.<sup>153</sup>

According to the Afghan professor of law, this disconnect between statements from the Taliban leadership and the actions on the ground have occurred in part because of the Taliban's highly decentralised composition. This means that the Taliban leadership are not able to control the Taliban fighters' actions.<sup>154</sup> This assessment was echoed by the London-based journalist, who argued that the Taliban leadership does have the capacity to ensure that every Taliban member with a weapon follows their commands, and that they might not be willing to either.<sup>155</sup>

However, two sources stated that the Taliban have been sorting out among their own personnel in Kabul and elsewhere.<sup>156</sup>

It should be noted that the Taliban does not constitute the only armed actor in Afghanistan and that other actors also target vulnerable individuals and profiles at risk. This has especially been true of Afghanistan's Hazara and Shia populations who have been subject to several attacks from ISKP since the Taliban conquest.<sup>157</sup>

The following section covers the period from 9 September to 6 December. For more on the situation regarding targeted individuals and profiles at risk in Afghanistan from May – 8 September, see: [DIS, Recent developments in the security situation, impact on civilians and targeted individuals](#), published on 10 September 2021.

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<sup>151</sup> An expert in Afghan security policy: 10; A Kabul-based journalist: 7, 8; A London-based journalist: 7; An Afghan professor of law: 14; The Wall Street Journal, *'If You Don't Have Money, You Have Sisters': Afghan Men Use Taliban Rule to Settle Scores*, 3 November 2021, [url](#)

<sup>152</sup> An Afghan professor of law: 14; A London-based journalist: 7

<sup>153</sup> An expert in Afghan security policy: 10; A Kabul-based journalist: 7, 8; A London-based journalist: 7; An Afghan professor of law: 11, 14; RFE/RL, *Afghan Hazaras Fear The Worst After Forced Taliban Evictions*, 6 October 2021, [url](#); HRW, *Afghanistan: Taliban Forcibly Evict Minority Shia Hazaras, Former Civil Servants Targets of Collective Punishment, Land-Grabbing*, 22 October 2021, [url](#)

<sup>154</sup> An Afghan professor of law: 9, 10

<sup>155</sup> A London-based journalist: 8: 10

<sup>156</sup> A London-based journalist: 7; A Kabul-based journalist: 8

<sup>157</sup> Al Jazeera, *Afghanistan: Deadly blasts, gunfire hit Kabul military hospital*, 2 November 2021, [url](#); The New York Times, *ISIS Bomber Kills Dozens at Shiite Mosque in Northern Afghanistan*, 8 October 2021, [url](#); Al Jazeera, *Afghanistan: Several dead as blasts rock Jalalabad and Kabul*, 18 September 2021, [url](#); AP, *IS bomber kills 46 inside Afghan mosque, challenges Taliban*, 8 October 2021, [url](#)

## Afghans with links to the former government and security forces

After their capture of Kabul, Taliban officials stressed that former government employees could return to their work in the capital and across the country without fear of recrimination.<sup>158</sup> Similarly, the acting Army Chief of Staff, Qari Fashuddin, stated on 15 September that the Taliban would present a plan on forming a new Afghan army. Fashuddin elaborated that soldiers and officers from the former government would also be recruited.<sup>159</sup>

However, according to the Afghan professor of law, the treatment of Afghans associated with the previous government by the Taliban has varied depending on their professions and previous tasks.<sup>160</sup> As an example hereof, he explained that health workers and people employed in the health sector have largely not been targeted by the Taliban. The same is true for people employed in the education sector, although there have been restraints on the curricula in some parts of the country, because education has been regarded as somewhat controversial.<sup>161</sup> The London-based journalist and the Kabul-based journalist shared this view that the treatment Afghans associated with the previous government has varied depending on what job they previously held.<sup>162</sup>

All consulted sources for this report agreed that Afghans previously employed in the security forces generally face a greater risk of being targeted than Afghans employed as civilians at the former government.<sup>163</sup> The sources further agreed that Afghans previously employed in the security forces also faced a varying degree of risk depending on their previous job.<sup>164</sup> The London-based journalist stated that he had spoken to Taliban members who argued that former soldiers and police officers could be forgiven, but that former intelligence officers could not.<sup>165</sup> The expert in Afghan security policy stated that the Taliban have engaged in low intensity retribution campaigns against especially former members of the security sector since assuming power. There have also been cases of Taliban-fighters going door to door and registering the names of former government officials, despite the official messages of amnesty of no reprisals from the Taliban leadership in the days following the Taliban's conquest of Afghanistan.<sup>166</sup>

On 30 November 2021, Human Rights Watch (HRW) stated in a report that they had documented the summary execution or enforced disappearance of 47 Afghans with links to the Afghan security forces in the four provinces of Ghazni, Helmand, Kandahar, and Kunduz.<sup>167</sup> The HRW report further stated that family members of Afghans with links to the Afghan security forces also had been targeted by Taliban members.<sup>168</sup>

<sup>158</sup> Al Jazeera, *Taliban tries to reassure population*, 17 August 2021, [url](#); Reuters, *'Don't panic and get back to work', Taliban order former officials*, 24 August 2021, [url](#); A London-based Journalist: 9

<sup>159</sup> TOLONews, *Taliban Says it Will Build Regular Army, Include Former Members*, 15 September 2021, [url](#); A London-based Journalist: 9

<sup>160</sup> An Afghan professor of law: 12

<sup>161</sup> An Afghan professor of law: 12

<sup>162</sup> A London-based Journalist: 11; A Kabul-based journalist: 7

<sup>163</sup> An Afghan professor of law: 15; A Kabul-based journalist: 7; A London-based journalist: 11; An expert in Afghan security policy: 10

<sup>164</sup> An Afghan professor of law: 15; A Kabul-based journalist: 7; A London-based journalist: 11; An expert in Afghan security policy: 10

<sup>165</sup> A London-based journalist: 11

<sup>166</sup> An expert in Afghan security policy: 10

<sup>167</sup> HRW, *"No Forgiveness for People Like You" Executions and Enforced Disappearances in Afghanistan under the Taliban*, 30 November 2021, [url](#)

<sup>168</sup> HRW, *"No Forgiveness for People Like You" Executions and Enforced Disappearances in Afghanistan under the Taliban*, 30 November 2021, [url](#)

The London-based journalist advised that the cases documented by HRW showed that the Taliban leadership appears either unable or unwilling to prevent members of the group from killing former Afghan security force members, despite pledges of amnesty.<sup>169</sup>

On 23 September, acting defense minister, Mullah Mohammad Yaqoob admitted that some Taliban fighters had gone against the amnesty given by the Taliban leadership to Afghans with links to the former government by engaging in revenge killings.<sup>170</sup> He further stated that such actions were against the policy of the Islamic Emirate as well as Sharia law, and urged Afghans to solve their old grudges through the court systems.<sup>171</sup>

Recent incidents against Afghans with links to the former government and security forces include:

- Early September: former female police officer killed in Ghor province.<sup>172</sup>
- 10 September: five former police officers killed in two separate incidents in Kandahar province.<sup>173</sup>
- 11 September: two former commanders and one police commander killed in Kabul.<sup>174</sup>
- 15 September: former Afghan Air Force members reportedly killed by the Taliban in Herat province.<sup>175</sup>
- 20 September: International Association of Judges (IAJ) and International Association of Women Judges (IAWJ) advised in a joint statement that Afghan judges and family members had been subject to house-searches and physical harassments.<sup>176</sup>
- 27 September: at least three former Afghan soldiers killed in Kunar province.<sup>177</sup>
- 2 October: former National Directorate of Security (NDS) member killed in Nangarhar province.<sup>178</sup>
- 21 October: former police officer shot dead in Khost province.<sup>179</sup>
- 7 November: former Afghan soldier killed in Nangarhar province.<sup>180</sup>

<sup>169</sup> A London-based journalist: 10

<sup>170</sup> RFE/RL, *Taliban Defense Minister Admits To Revenge Killings Despite Amnesty*, 23 September 2021, [url](#); Reuters, *Afghan Taliban defence minister orders crackdown on abuses*, 24 September 2021, [url](#)

<sup>171</sup> RFE/RL, *Taliban Defense Minister Admits To Revenge Killings Despite Amnesty*, 23 September 2021, [url](#); Reuters, *Afghan Taliban defence minister orders crackdown on abuses*, 24 September 2021, [url](#)

<sup>172</sup> RFE/RL, *Taliban Takes Revenge On Former Afghan Security Forces*, 12 October 2021, [url](#)

<sup>173</sup> Pajhwok, *Ex-policemen among five killed in Kandahar*, 10 September 2021, [url](#); RFE/RL, *Taliban Takes Revenge On Former Afghan Security Forces*, 12 October 2021, [url](#)

<sup>174</sup> Bilal Sarwary (@bsarwary), [Twitter], 11 September 2021, [url](#)

<sup>175</sup> Afghanistan International (@AFIntlBrk) [Twitter], 15 September 2021, [url](#)

<sup>176</sup> IAJ & IAWJ, *Joint IAJ and IAWJ Statement on the Current Situation in Afghanistan*, 22 September 2021, [url](#)

<sup>177</sup> Bilal Sarwary (@bsarwary), [Twitter], 27 September 2021, [url](#)

<sup>178</sup> Business Insider, *Hunted by the Taliban, Afghanistan's former judges are disguising themselves and going underground. 'I have a lot of enemies right now,' said one.*, 2 October 2021, [url](#)

<sup>179</sup> Pajhwok, *Ex-policeman found dead in Khost*, 21 October 2021, [url](#)

<sup>180</sup> Reuters, *Islamic State violence dents Taliban claims of safer Afghanistan*, 9 November 2021, [url](#)

## Employees or former employees of international companies, foreign militaries, Danish NGOs, Danish development projects or foreign embassies in Afghanistan

One source stated that the lack of empirical data makes it very difficult to assess how Taliban regards Afghans previously employed by international organisations or foreign states in Afghanistan, and how they have been treated.<sup>181</sup>

All sources consulted assessed that the Taliban members regard Afghans previously employed by international organisations or foreign states in Afghanistan in a similar fashion to how they approach Afghans employed by the former government. As such, whether or not an Afghan previously employed by international organisations or foreign states risks being targeted by the Taliban may depend on their previous tasks and their previous employers.<sup>182</sup> The Afghan professor of law elaborated that the number of Afghans who have worked for either an international organisation or a foreign country in Afghanistan is so high that the Taliban does not possess the capacity to target all of them even if they wanted to.<sup>183</sup>

The sources further agreed that Afghans previously employed by Western militaries, and especially the American military, top the hierarchy of risk.<sup>184</sup> The expert in Afghan security policy elaborated that Afghans previously working at enclosed military facilities would be of less risk of being targeted, as this occupation is easier to conceal.<sup>185</sup> On the other hand, the expert in Afghan security policy stated that Afghans who have worked at embassies of Western states in recent years are also at risk, because it is difficult to conceal ones occupation in Afghanistan.<sup>186</sup>

The London-based journalist assessed that Afghans who worked for the Danish government or the Danish military would be at risk due do to the Danish military engagement in Afghanistan.<sup>187</sup>

The London-based journalist advised that Afghans who worked for Danish NGOs would be at risk due to Danish military engagement in Afghanistan, but also stressed that there does not exist a clear blueprint regarding who is targeted as many of these dynamics are often both local and personal.<sup>188</sup> The Kabul-based journalist echoed the latter view and elaborated that there is not a policy in place regarding foreign NGOs and their employees, and that the conditions for the NGOs and their employees vary from province to province.<sup>189</sup>

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<sup>181</sup> An expert in Afghan security policy: 13

<sup>182</sup> An Afghan professor of law: 20; A London-based journalist: 11, 12; A Kabul-based journalist: 9, 10; An expert in Afghan security policy: 13

<sup>183</sup> An Afghan professor of law: 20

<sup>184</sup> An Afghan professor of law: 20; A London-based journalist: 11, 12; A Kabul-based journalist: 9, 10; An expert in Afghan security policy: 13

<sup>185</sup> An expert in Afghan security policy: 12

<sup>186</sup> An expert in Afghan security policy: 12

<sup>187</sup> A London-based journalist: 12

<sup>188</sup> A London-based journalist: 7, 11, 12

<sup>189</sup> A Kabul-based journalist: 9; The New York Times, *Aid Workers Staying in Taliban-Ruled Afghanistan Tread a Tricky Path*, 9 September 2021, [url](#)

Regarding Afghans employed by Western NGOs, two sources stated that whether or not such individuals would be at risk of persecution by members of Taliban depended on what work the NGO carries out and not from what country the NGO originates.<sup>190</sup>

Recent incidents against Afghans employed by international companies, foreign militaries, Danish NGOs, Danish development projects or foreign embassies in Afghanistan include:

- 15 September: an Afghan interpreter was reportedly killed by the Taliban in Nangarhar province.<sup>191</sup>
- 1 October: interpreters employed by Dutch military summoned in court by Taliban and their family members threatened.<sup>192</sup>
- 20 October: an Afghan army officer previously working as an interpreter for the Australian Defence Force (ADF) was killed by Taliban fighters in Uruzgan.<sup>193</sup>

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<sup>190</sup> An Afghan professor of law: 20; An expert in Afghan security policy: 13

<sup>191</sup> Jomhor News, شد بریده سر آباد جلال در نفر یک [one person was beheaded in Jalalabad], 14 September 2021, [url](#)

<sup>192</sup> France24, *Taliban summon Afghan interpreters who worked for Dutch*, threaten families, 5 October 2021, [url](#)

<sup>193</sup> ABC, *Interpreter who assisted ADF executed by Taliban*, 20 October 2021, [url](#)

## Ethnic and religious minorities

Since assuming power in Afghanistan, the Taliban have sought to reassure the country's ethnic and religious minorities, and especially the Hazara population, that the Islamic Emirate will be inclusive towards ethnic and religious minorities.<sup>194</sup> According to the London-based journalist and the Afghan professor of law, however, Hazaras in Afghanistan are regarded as inferior by many Taliban members as they are Shia Muslims.<sup>195</sup> In this relation, two sources consulted for this report stated that Hazaras in Afghanistan have faced discrimination regarding access to the legal system as well as resources, since the Taliban takeover<sup>196</sup>, and the Hazara community has largely been excluded from the interim government as well as other senior positions on national and provincial level.<sup>197</sup>

Throughout autumn of 2021, there have been several reports of Hazaras being evicted from their homes in the provinces of Balkh, Bamiyan, Daykundi, Helmand and Uruzgan, either by Taliban officials or by local Pashtuns using the Taliban takeover to advance their own agenda.<sup>198</sup> In September, there were reports that 700 Hazara families in Daykundi province were told by local Taliban members to leave their villages due to a land dispute with local non-Hazaras. This decision was reportedly reached without involving the local legal system.<sup>199</sup> Three sources consulted for this report stated that while the Taliban do not target the Hazara population systematically, the evictions of Hazaras in various provinces show that the Taliban are not willing to protect them either.<sup>200</sup>

Afghanistan's Shia population have also witnessed several attacks on Shiite mosques as well as Shia communities since the Taliban offensive.<sup>201</sup> Senior Taliban officials have condemned these attacks and have vowed to improve the security at Shiite mosques in Afghanistan going forward.<sup>202</sup>

Recent incidents against ethnic and religious minorities in Afghanistan include:

- 5 October: Amnesty International releases report documenting that Taliban fighters killed and tortured nine ethnic Hazara men after taking control of Ghazni province in July 2021 and 13 ethnic Hazara men in Daykundi province in August.<sup>203</sup>

<sup>194</sup> The Wall Street Journal, *Taliban Reach Out to Shiite Hazara Minority, Seeking Unity and Iran Ties*, 2 September 2021, [url](#); Al Jazeera, *Afghanistan: A subdued Ashura under Taliban rule*, 19 August 2021, [url](#); Foreign Policy, *Afghanistan's Hazaras Get Mixed Messages From the Taliban*, 4 September 2021, [url](#); An Afghan professor of law: 21; The Washington Post, *The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity*, 1 November 2021, [url](#)

<sup>195</sup> An Afghan professor of Law: 21, 22; A London-based journalist: 16

<sup>196</sup> A London-based journalist: 16; An expert in Afghan security policy: 14

<sup>197</sup> The Wall Street Journal, *Taliban Add Minorities, Technocrats to Afghan Government, but no Women*, 21 September 2021, [url](#); The Washington Post, *The Taliban is trying to win over Afghanistan's Shiites with a 33-year-old Hazara emissary. But many question the group's sincerity*, 1 November 2021, [url](#)

<sup>198</sup> A London-based journalist: 16; RFE/RL, *Afghan Hazaras Fear The Worst After Forced Taliban Evictions*, 6 October 2021, [url](#); HRW, *Afghanistan: Taliban Forcibly Evict Minority Shia*, 22 October 2021, [url](#)

<sup>199</sup> Sharif Hassan (MShariff1990), [Twitter], 26 September 2021, [url](#); RFE/RL, *Afghan Hazaras Fear The Worst After Forced Taliban Evictions*, 6 October 2021, [url](#)

<sup>200</sup> An Afghan professor of Law: 21, 22; A London-based journalist: 16; An expert in Afghan security policy: 14

<sup>201</sup> Ab. Sayed ترمذی (@abdsayedd) [Twitter], 5 November 2021, [url](#); The New York Times, *ISIS Bomber Kills Dozens at Shiite Mosque in Northern Afghanistan*, 8 October 2021, [url](#); AP, *IS bomber kills 46 inside Afghan mosque, challenges Taliban*, 8 October 2021, [url](#); Al Jazeera, *Afghanistan: Deadly explosion hits mainly Shia suburb of Kabul*, 13 November 2021, [url](#)

<sup>202</sup> RFE/RL, *Afghan Hazaras Fear The Worst After Forced Taliban Evictions*, 6 October 2021, [url](#); Ariana News, *IEA pledges to hunt down and punish Kunduz mosque attackers*, 9 October 2021, [url](#)

<sup>203</sup> Amnesty International, *Afghanistan: 13 Hazara killed by Taliban fighters in Daykundi province – new investigation*, 5 October 2021, [url](#); Amnesty International, *Afghanistan: Taliban responsible for brutal massacre of Hazara men – new investigation*, August 19, [url](#)

- 8 October: at least 43 killed and more than 140 injured in an attack on a Shiite mosque in Kunduz. ISKP claimed responsibility.<sup>204</sup>
- 15 October: at least 47 killed and 70 injured in an attack on a Shiite mosque in Kandahar. ISKP claimed responsibility.<sup>205</sup>

## Journalists and human rights defenders

The Afghan media landscape has been touted as one of the success stories of the past 20 years of Western engagement in the country.<sup>206</sup> In continuation of their conquest of Afghanistan, then Taliban spokesman, Zabihullah Mujahid, stated that the Taliban would respect and encourage a free and independent press in Afghanistan.<sup>207</sup> Despite these promises, many Afghan media outlets have shut down since the Taliban takeover, and journalists have faced punishments for their reporting.<sup>208</sup> Furthermore, the Taliban have imposed restrictions on the working conditions of Afghan journalist as they have been barred from covering protests, and some journalists have been told to pay a visit to the authorities to show their stories before publishing.<sup>209</sup> According to The Kabul-based journalist, the Taliban expect journalists to act as outlets for the official messages from the Islamic Emirate, and some journalists have directly and indirectly been pressured to live up to that expectation.<sup>210</sup>

In September 2021, Amnesty International reported that Taliban fighters had been conducting door-to-door searches for human rights defenders.<sup>211</sup> In November 2021, Mary Lawlor, the UN Special Rapporteur, advised that human rights defenders in Afghanistan had witnessed enforced disappearances, arrests as well as being killed, and she further stated that the Taliban had raided offices of human rights and civil society organisations in search of names, addresses and contacts since seizing control of Afghanistan in August.<sup>212</sup>

Recent incidents against journalists and human rights defenders include:

- 8 September: several journalists detained and flogged by Taliban fighters for covering protests in Kabul.<sup>213</sup>
- 8 September: two journalists working for the Afghan news outlet Etilaat Roz arrested and beaten by Taliban fighters. Taliban representatives later met with and apologised to the two journalists, but still maintain that the journalists were to blame.<sup>214</sup>

<sup>204</sup> The New York Times, *ISIS Bomber Kills Dozens at Shiite Mosque in Northern Afghanistan*, 8 October 2021, [url](#)

<sup>205</sup> AP, *Suicide attack on Shiite mosque in Afghanistan kills 32*, 15 October 2021, [url](#); The New York Times, *Blast at Afghan Mosque Kills Dozens as Shiites Are Targeted Again*, 15 October 2021, [url](#)

<sup>206</sup> The Times, *Afghanistan's Media Is a Success Story. Two Attacks Show it Must be Protected*, 1 May 2018, [url](#); The New York Times, *'Everything changed overnight': Afghan reporters face an intolerant regime*, 12 September 2021, [url](#)

<sup>207</sup> Al Jazeera, *Transcript of Taliban's first news conference in Kabul*, 17 August 2021, [url](#); RSF, *Taliban tell RSF they will respect press freedom, but how can we believe them?*, 17 August 2021, [url](#)

<sup>208</sup> A Kabul-based journalist: 16, 17; The New York Times, *'Everything changed overnight': Afghan reporters face an intolerant regime*, 12 September 2021, [url](#); A London-based journalist: 18; Al Jazeera, *Watchdog: 30 recent cases of violence against Afghan journalists*, 28 October 2021, [url](#)

<sup>209</sup> A Kabul-based journalist: 16, 17; A London-based journalist: 18

<sup>210</sup> A Kabul-based journalist: 17

<sup>211</sup> Amnesty International, *Afghanistan: Taliban wasting no time in stamping out human rights says new briefing*, 20 September 2021, [url](#)

<sup>212</sup> United Nations News, *'Climate of fear' prevails for human rights defenders in Afghanistan*, 3 November 2021, [url](#)

<sup>213</sup> CPJ, *Taliban fighters detain, flog and beat journalists covering protests in Afghanistan*, 8 September 2021, [url](#)

<sup>214</sup> France24, *Afghan journalists tell of Taliban beatings after covering protests*, 9 September 2021, [url](#); The New York Times, *Taliban Crush Dissent, New Leaders Face Cascading Challenges*, 8 September 2021, [url](#); A London-based journalist: 18; The

## AFGHANISTAN: RECENT EVENTS

- 30 September: media journalist detained in Herat City while covering women's protests.<sup>215</sup>
- 2 October: former journalist and current lecturer in journalism killed in Nangarhar province.<sup>216</sup>

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Washington Post, *After Etilaatroz journalists were brutally beaten, Taliban apologizes and vows to investigate*, 17 September 2021, [url](#)

<sup>215</sup> TOLONews, *Herat Family Asks Emirate to Release Photojournalist*, 30 September 2021, [url](#)

<sup>216</sup> Khaama Press, *Former Afghan journalist, journalism lecturer killed in eastern Nangarhar province*, 3 October 2021, [url](#)

## Conditions at the borders

According to the Norwegian Refugee Council on 10 November, 300,000 Afghans have arrived in Iran since 15 August, and between 4,000 and 5,000 Afghans migrate across the border to Iran on a daily basis.<sup>217</sup> Iran and Pakistan in total host 90 % of the five million Afghans displaced outside their country of origin.<sup>218</sup> UN Office for the Coordination of Humanitarian Affairs UNOCHA further estimated that 667,900 people in Afghanistan have been internally displaced by conflict in 2021 of which women and children accounted for 80 %.<sup>219</sup> Notably, however, UNOCHA registered that 9,952 Afghans were internally displaced in the period between 15 August and 18 October 2021.<sup>220</sup>

### Iran and Pakistan

UN's International Organization for Migration (IOM) stated that 1,146,750 undocumented Afghans have returned to Afghanistan during 2021 of which 1,100,203 have been returned from Iran<sup>221</sup> and 19,143 from Pakistan.<sup>222</sup> Both countries have closed their borders to those without valid travel documents coming from Afghanistan.<sup>223</sup> According to United Nations High Commissioner for Refugees (UNHCR) on 10 November 2021, Afghans continue to make their way into Iran irregularly through unofficial border-crossings.<sup>224</sup>

Pakistan fortified its border with Afghanistan in 2020 with 2,600 km of fences,<sup>225</sup> and reports of crossings through the Torkham border on 8 September 2021 describe the refugee influx as “*under strict control*” by the Pakistani authorities, including inspection of travel documents.<sup>226</sup> Meanwhile, Deutsche Welle (DW) reported on 25 November 2021 that the Angoor Ada border crossing between Afghanistan and Pakistan were without systematic controls – “*some crossings remain closed while others are open*”.<sup>227</sup>

### Uzbekistan, Tajikistan and Turkmenistan

Uzbekistan committed to assist Western countries immediately after the Taliban takeover by temporarily allowing Afghans to enter the country in connection with evacuations,<sup>228</sup> and has since closed its borders<sup>229</sup> and restricted transit passengers from Afghanistan en route to Europe via Belarus.<sup>230</sup>

<sup>217</sup> NRC, *Humanitarian needs in Iran rise as 300,000 Afghans arrive since Taliban takeover*, 10 November 2021, [url](#)

<sup>218</sup> Al Jazeera, *Aid group says 4,000-5,000 Afghans crossing into Iran daily*, 10 November 2021, [url](#)

<sup>219</sup> UNOCHA, *Afghanistan – Conflict induced Displacements in 2021*, last updated 15 November 2021, [url](#); UNHCR, *Nordic contributions allow UNHCR to strengthen the emergency response in Afghanistan*, 2 November 2021, [url](#)

<sup>220</sup> UNOCHA, *Conflict Induced Displacement in 2021*, updated 15 November 2021, [url](#)

<sup>221</sup> Al Jazeera, *Iran deporting thousands of Afghan refugees*, 11 November 2021, [url](#); UNOCHA, *Afghanistan – Weekly Humanitarian Update (15 – 21 November 2021)*, 26 November 2021, [url](#)

<sup>222</sup> IOM, *Afghanistan Situation Report 11 – 21 November 2021*, [url](#); The New York Times, *Afghans flee to Pakistan. An uncertain future awaits.*, 8 September 2021, [url](#)

<sup>223</sup> Info Migrants, *‘What else can we do?’: Increase numbers engage smugglers to flee Afghanistan*, 9 November 2021, [url](#)

<sup>224</sup> UNHCR, *Afghanistan situation: Emergency preparedness and response in Iran*, 8 November 2021, [url](#)

<sup>225</sup> The New York Times, *Pakistan builds border fence, limiting militants and families alike*, 15 March 2020, [url](#)

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Shortly after the Taliban takeover, there were reports of Turkmenistan closing their border with Afghanistan, barring Afghans from entering the country.<sup>234</sup>

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## Annex 1: Notes

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An Afghan professor of law

Skype-interview, 3 November 2021.

### The Taliban's approaches to governance

1. The Taliban leadership relies on Shari'a as their formal theory in their approach to the question of justice. Specifically, they rely on the Deobandi interpretation of Shari'a as understood by Hanafi scholars' trained in madrassas in the tribal areas in the border region between Afghanistan and Pakistan. This interpretation mixes Pashtun customs with Islamic jurisprudence, and as such the leadership regards this interpretation as '*Shari'a in and Afghan context*'. Judges appointed by the Taliban at the local and regional level to reach verdicts in local disputes often shares this interpretation of Shari'a.
2. For practical reasons however, the Taliban have had to accommodate formal, modern legislation and invoke existing laws installed by the previous government. This was the case when they ruled in the 1990's and this is the case today. For example, the Taliban have invoked existing laws in Afghanistan concerning the banking sector. Shari'a is primarily applied in cases of private dispute resolution, issues of inheritance, family disputes, property disputes, and in cases involving adultery, drinking alcohol, highway robbery, and some types of theft.
3. There are also instances where the Taliban does not adhere to the Hanafi interpretations of Shari'a. For example, the Hanafi interpretations generally allows female judges within the legal system, but the Taliban has never appointed a female judge. The Hanafi interpretations are also generally in favour of a free market economy and is opposing government regulation of prices of goods. The Taliban have in the past regulated prices of goods in order to deal with the economic situation.
4. Another point where the Taliban leadership diverges from the Hanafi interpretations is in their approach to *hudud* and *qisās*. Classical Hanafi interpretations would allow a thief's hand to be cut off and for stoning to be applied in certain rulings, but the Taliban leadership have in the past generally shied away from issuing especially *hudud* punishments despite public statements due to the high standard of evidence required in these cases.
5. In the past, when the Taliban functioned as an insurgency, they had a shadow judiciary in place as an alternative to the official judiciary, which was regarded a corrupt by many Afghans. There was a sense among many Afghans that the movement was able to deliver a quick, fair and uncorrupt justice system and this idea has in the past been crucial to their brand. Therefore, the shadow judiciary was often occupied by senior Taliban officials.
6. Since assuming power, the Taliban have generally neglected the development of a new nationwide judiciary. It is the Afghan professor of law's understanding, that the Taliban so far only have appointed a chief justice and two deputy justices signaling that they with will have a different

judiciary than the previous government. Below this level, they have yet to appoint any influential figures. As such, the shadow judiciary from when Taliban was an insurgency is currently functioning as the de facto judiciary. This means that decisions generally are reached quickly with a minimal review of documents relevant to the specific case. Furthermore, other Taliban officials such as police commanders also take part in adjudication without consulting the courts. For ordinary afghans, this means that they can seek recourse by presenting their case to any Taliban official from the mid-level and upwards whether or not they are employed by a court.

7. Since assuming power, the Taliban have also signaled that there is no need for an attorney general and a process-based legal system in Afghanistan going forward. The Afghan professor of law have spoken to colleagues who work as judges in Herat City. They have been informed that there will be a need for far less judges going forward and that the Taliban would install judges who they regard as uncorrupt, and that these judges will be able to make decisions *on the spot* rather than reviewing documents and basing their verdicts on evidence.
8. The overall principle driving the Taliban justice system is security concerns. This has led to many ad hoc *on the spot* punishments in the streets where Taliban officials have used any tools they have deemed necessary to restore order ranging from corporal punishments to humiliating punishments such as blackening people's faces. This marks a contradiction between what the leadership says in public statements and what actually happens on the ground. The leadership often advises that criminals will be brought before a judge in a court of law, but this is often not the case and criminals are often dealt with on the spot as described above. The idea is that this quick form of justice will have a positive impact in the crime levels and the general security, but according to the Afghan professor of law, this strategy has so far proven unsuccessful as crime levels have not dropped since the Taliban assumed power.
9. According to the Afghan professor of law, there are two competing explanations for this disconnect between what the Taliban leadership says regarding the rule of law and what is happening on the ground. The first explanation is that the Taliban currently is in a transitional phase from insurgency to a government. When the Taliban operated as an insurgency the fighters on the ground were used to this quick form of justice, and thus everyone within the movement have to adjust their actions to their new role as a government, and that the leadership at the moment are limited in their ability to implement their commands through the ranks. The other explanation is that the leadership is engaging in a PR campaign in order to soften the international community's and the general afghan public's view on the Taliban while their law enforcers on the ground continue to exercise control on the ground. According to this explanation, there is no real disconnect.
10. The Afghan professor of law is of the view that both explanations are likely to be partially true in the sense that the leadership is engaging in a PR campaign and trying to *say all the right things* and there is an element of the Taliban lacking control over their fighters because the movement is very decentralized with a flat hierarchy. Since assuming power, the leadership have tried to put in place a more hierarchical structure, which has proven difficult.

11. Since the Taliban takeover, there have been reports of sporadic killings and public hangings throughout the country, but especially in the eastern part of the Afghanistan. This is a consequence of a variety of different currents. At the moment, the Taliban are targeting anyone suspected of having links to the Islamic State in the Khorasan Province (ISKP), especially in Nangarhar and Kunar. Furthermore, many Talibs have taken advantage of the power shift in the country to assert their own agenda regarding local feuds and unsolved conflicts.

### **Targeted individuals**

12. The treatment of Afghans associated with the previous government by the Taliban have varied depending on their professions and previous tasks. Health workers and people employed in the health sector, have largely not been targeted by the Taliban. The same is true for people employed in the education sector, although there have been restraints on the curricula in some parts of the country, because education have been regarded as somewhat controversial. This is because education in conservative parts of the country is viewed as having the potential to oppose Taliban ideology.
13. The Taliban is currently on a campaign to neutralize the threat if ISKP and they target everyone suspected of being affiliated with ISKP. This campaign is particularly intense in eastern Afghanistan and this is why there have been summary executions and public hangings in this part of the country.
14. There have also been numerous reports of mistreatment and beatings of Afghans employed by the former government. According to the Afghan professor of law, this form of revenge is not systematic. Rather this is a case of some Taliban fighters taking advantage of the current situation in Afghanistan to resolve personal disputes and revenging themselves or family members, because they in the past were treated poorly by these Afghans employed by the former government. The Taliban leadership does not approve of this behavior, but they do not care enough to sanctions these actions.
15. The Afghan professor of law advised that to his knowledge it is uncommon for Afghans to be targeted by the Taliban solely based on his/her previous occupation. As such, the Taliban have thus far targeted Afghans in higher positions who have been working in sectors, which can be perceived as working against the Taliban such as the security sector, within the judicial system, people working in media or public communication as well as people employed at the presidential office. The treatment people fitting this profile will receive can range from being interrogated to being pushed to leave the country. The Afghan professor of law stated that the Taliban intelligence are targeting Afghans fitting this profile systematically, because there is a general fear within the Taliban that the people who in past have shown willingness to counteract the movement will do so in the future given the opportunity. On top of the systematic targeting, there are Taliban fighters and commander who seeks to resolve local and personal disputes with people previously employed by the government because of the power shift.

16. The Afghan professor of law stated that the Taliban are also targeting wealthy Afghans with ties to the previous government. Afghanistan currently faces a serious economic crisis, and this has made wealthy Afghans with ties to the former government a target of Taliban fighters and commanders, as they can confiscate land and/or other assets with relative impunity because these people are so unpopular amongst the general population at the moment.

### **Women**

17. Barring women working in the health sector and some other sectors like the passport department, the official message from the Taliban have been that women working in the public sector should stay home until further notice. Women employed in the private sector have generally been allowed to return to their jobs. This is seen in the banking sector as well as in the media.
18. With regards to education, girls have been allowed to attend elementary school across the country. Some provinces like Kunduz and Bamiyan have allowed girls to attend high school. The Minister of Education have reportedly announced that a national policy regarding women and education are to be announced.
19. Women's freedom of movement in Afghanistan varies widely depending on where in Afghanistan they live. The Afghan professor of law advised that in Herat City, a married woman is still able to attend restaurants and walk around in public. They might dress more conservatively out of fear of a backlash, but there have so far not been a campaign by the Taliban to force women in Herat City to stay home. The situation might be different for a young and unmarried woman. In places like Kandahar, on the other hand, where people are generally more conservative, there are no longer any safeguards in place to allow women a role in the public space. Taliban fighters have actively tried to prevent women from attending demonstrations and public protests by harassing them.

### **Afghans previously employed by international originations or foreign states in Afghanistan**

20. The Afghan professor of law assessed that the Taliban regards Afghans previously employed by international organisations or foreign states in Afghanistan in a similar fashion to how they approach Afghans employed by the former government. As such, whether or not an Afghan previously employed by international organisations or foreign states is targeted by the Taliban depends on his/her previous tasks. The number of Afghans who have worked for either an international organisation or a foreign country is so high that the Taliban does not possess the capacity to target all of them even if they wanted to, and hence it becomes a question of what the person did and for whom they worked. As an example, the Afghan professor of law stated that Afghans employed in the security sector at the US Embassy or for an NGO who the Taliban regarded as spreading Christianity would be at risk of being targeted.

### **Ethnic and religious minorities**

21. It is the formal policy of the Taliban that everyone is welcome in Afghanistan regarding their ethnic and religious background. However, many of the Taliban fighters do hold grudges toward ethnic and religious minorities. Shias in Afghanistan have been accused as being agents of Iran and have been harassed because of these allegations. The Taliban's strong Hanafi-profile also makes it highly unlikely that Shias will be allowed to hold any influential positions in society going forward and as such, they will be marginalised.
22. Many Shias fear that even if the Taliban does not deliberately target them, the Taliban will not protect them either, and this has prompted many Shias to leave Afghanistan.

A London-based journalist with years of experience reporting from Afghanistan  
Skype-interview, 10 November 2021

**Access to News, Sources and the Situation on the Ground in Afghanistan**

1. The London-based journalist cooperates with local journalists and contacts in Afghanistan, and other sources who are not necessarily journalists. He has developed on his existing network of source since the Taliban takeover.
2. Many international and Afghan journalists have left Afghanistan since August. The Afghan journalists who have stayed are adjusting to the new realities in the country. Female anchors are rarely if ever allowed on screen – as opposed to previously - and the Taliban have stated that it is illegal for journalists to cover protests and demonstrations going forward.

**Security and Conditions for Civilian Population**

3. According to the London-based journalist, on the surface, the overall security situation have improved because fighting has ceased. However, there are different layers of concerns regarding the security situation. On the one hand, it is safer for kids to go to school without walking into a crossfire or stepping on improvised explosive devices (IEDs). Especially the rural areas are safer, and people can travel to districts that were deemed too dangerous or inaccessible for the past 15-20 years. On the other hand, beneath the surface, many Afghans linked to the previous government have received threats. Women also occupy a much less public role under the Taliban, who have ordered most women not to go to work, and to only leave the house with male relatives. Most girls' high schools remain closed, though some have opened in a handful of provinces. There is an overall fear and uncertainty, which is connected to the issue of security.
4. Weekly attacks from Islamic State Khorasan Province (ISKP) for the past two months is another security challenge. ISKP specially target Hazara minorities and Shia Muslims in general, incl. the small community of Pashto Shias in Kandahar, but they have also targeted Talibs and the group launched an attack on a military hospital in Kabul in early November. The London-based journalist notes that ISKP now poses the same kind of threat to the Taliban that the Taliban, while an insurgency, to the former government. Moreover, they also focus their attacks in many of the same targets as the Taliban did such as the above-mentioned military hospital. According to the London-based journalist, it is however, still too early to assess the strength and capacity of ISKP under the Taliban rule, since the group also regularly conducted attacks, particularly in the capital Kabul, during the previous government.

The Taliban take security very seriously because they seek to govern the country, as well as achieve some measure of international recognition. Even though they have a relatively sophisticated intelligence apparatus, the Taliban do not have the same sophisticated surveillance equipment, which the U.S. provided to the previous government, at its disposal.

5. According to the London-based journalist, there is a dearth of data regarding the level of crime, but anecdotal information points to a waning crime level since the Taliban takeover. There is a stronger sense of freedom among foreigners and Afghan men, who feel they can move freely on the streets without being robbed. This is most likely due to Taliban's reputation for being tough on crime. The question remaining is, to what extent can the crime level stay low, especially after Afghanistan's experience with the worst drought in 35 years and the winter awaiting around the corner. The crime level will most likely rise concurrently with the rise of poverty. When there are no other ways of earning money, people may seek to steal land from neighbors or resort to kidnappings to make money.
6. Another layer of security is the lack of a central law enforcement, which leaves the Individuals loyal to Taliban with more leverage to advance their own agenda, and take the law into their own hands in order to settle personal or local disputes. The Taliban officially reject this practice.

#### **Conditions for Former Employees or Partners of Foreign Troops and NGOs**

7. The Taliban have launched raids on employees of the former government, by going from door to door in cities and towns. However, the magnitude of such raids is not clear. However, we have not yet witnessed the level of massacres or revenge killings, which followed previous, recent transitions of power in Afghanistan. This is perhaps because the Taliban want international legitimacy and broad acceptance among the Afghan people. The London-based journalist stated that the Taliban have recently appeared to try to clean up among their own ranks, for example by evicting men among their personnel who might have occupied property belonging to former government officials. Additionally, they are providing Taliban members with ID cards and uniforms. Thus, the London-based journalist believes the Taliban on the one hand are trying to signal that they are a law enforcement authority, and on the other hand they are preventing ISKP to infiltrate.
8. The London-based journalist assessed that the Taliban leadership does not have the capacity to ensure that every Talib with a weapon follows their commands regarding the treatment of employees of the former government and others.
9. The treatment of individuals perceived as adversaries by Taliban has been less systematic than the London-based journalist expected. The Taliban have officially granted all Afghans amnesty, and encouraged former government employees, including in some cases army soldiers and police, to return to their jobs.
10. However, despite pledges of amnesty, the Taliban leadership appears either unable or unwilling to prevent members of the group from killing former Afghan security force members. Human Rights Watch reported in November that the Taliban have executed or forcibly disappeared more than 100 former police, army and intelligence personnel in four provinces, which indicates a systematic

persecution of former security forces. Such killings confirm the fears of many Afghans, particularly employees of the former government, that the Taliban's assurances of safety cannot be trusted.<sup>235</sup>

11. However, the Taliban seem to distinguish between former government officials, depending on the positions they held. Taliban members that the London-based journalist has talked to say that while people linked to the army and the former police force can be forgiven for fighting the Taliban, former intelligence officers are as spies and should be killed. Furthermore, if an individual worked closely with western military forces, then he/she is in a more vulnerable position than an individual who worked with a Western NGO. But the London-based journalist emphasized that there is no clear blueprint. One might be in severe danger because of an affiliation with a foreign NGO. When asked to describe the sort of danger an employee of the former Afghan government or an employee at a foreign NGO might expect, the London-based journalist emphasizes, that Afghanistan is a country where vengeance, honor killings and vendettas leading to murders is not unusual.
12. Asked whether Afghans who worked for the Danish government, the Danish military or Danish NGOs would be at risk in Afghanistan because of this job, the London-based journalist assessed that these people would be at risk due do to the Danish military engagement in Afghanistan.

### Conditions for Women

13. According to the London-based journalist there seems to be an internal disagreement within the different fractions in the Taliban regarding the role of women in the society. Some of them believe that girls and women should return to schools and work places and help rebuild the society, while others say women should stay at home once they reach puberty, and not be permitted to work or go to school. In the 1990's, the Taliban did not issue an official ban against girls going to school, but also never allowed for it. This is now the case again. While the Taliban have announced that all boys can attend school again, they have mostly been silent on girl's education, and this should be perceived as a de facto ban, aside from a handful of provinces where teenage girls have been allowed back in classrooms.
14. Many women in the public workforce, like schools, have been instructed to not show up for work, while women in some foreign NGO's still attend work. According to the London-based journalist, there seems to be a fortified patriarchy within many homes, where many men now feel the right to enforce more strict rules towards the women in the household. The London-based journalist have spoken to women who say they fear their fathers more than they fear the Taliban. Under the former government, specialized courts dealt with family issues, including divorce and domestic violence against women. Such courts are unlikely to resume under the Taliban. That has given men more liberty to commit domestic abuse simply because they are less likely to be punished. One of the achievements that women attained after 2001 was an easier access to legal rights and to

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<sup>235</sup> The London-based journalist contacted DIS after the interview was conducted with a an elaboration of his statements based on the following report: HRW, "No Forgiveness for People Like You" Executions and Enforced Disappearances in Afghanistan under the Taliban, 30 November 2021, [url](#)

divorce. Combined with the fact that the shelters for women have been closed since the Taliban takeover, women are left with fewer options to seek protection outside their homes.

15. In conservative provinces such as Kandahar and Helmand, most women have usually been mostly confined to the homes, but in larger cities like Kabul, the Taliban takeover has led to self-censorship and a marked decrease in women seen in public spaces. The London-based journalist assesses that the recent reports of execution of women and female activists in different parts of the country are hard to verify, but confirmed that women across the country are facing death threats, and many have had to flee their homes. Equally, it is difficult to gauge to which extent such intimidation of women who used to work with the previous government, either as officials or in security positions, are ordered from central authorities, or whether they are a result of local disputes.

### **Conditions for Vulnerable Groups and Ethnic Minorities**

16. According to the London-based journalist, despite the fact that persecution of minorities such as Afghanistan's Hazara population is less visible than during the Taliban's last regime in the 1990s, discrimination will most likely continue. The London-based journalist added that there have been cases of Hazaras in Uruzgan and Daykundi provinces who have been evicted from their land by local Pashtuns who appear to have used the Taliban takeover to advance their own agenda.
17. When asked about the current legal system, the London-based journalist points out that the Taliban ran local Islamic courts in areas under their control during the former government. These courts, which provided swift justice and harsh punishments, and did not provide Afghan women the same rights that they enjoy in the official Afghan constitution, gives an indication of the kind of Islamic rule the Taliban want to impose on the country as a whole. In the eyes of some Afghans, the local Islamic courts provided a fairer and more accessible justice system than governmental judicial processes, which were bureaucratic and believed to be corrupt.

### **Working Conditions for Journalists and Human Rights Activists**

18. There have been changes to the working environment for journalists. These changes are most tangible for journalists who used to work for international news outlets, who have felt the need to leave Afghanistan after the Taliban takeover. These changes are also detectable on TV-screens, where female presenters are less visible. Overall, the media seems to be less critical of the Taliban government than the previous one. There have been cases of journalists, who have been beaten for covering protests. Some of them work at *Etilaat Roz*, a well-respected daily paper that still publishes critical content, despite the Taliban severely beating several of their journalists for covering women's rights protests. The Taliban have also stated that covering protests are illegal, and they have tried to crowd control with sticks. The London-based journalist assessed that these examples could preview an even harsher treatment of journalists by the Taliban in the future.

An expert in Afghan security policy

Interview, 15 November 2021

**Access to information in Afghanistan**

1. The expert in Afghan security policy stated that his access to information and intelligence from Afghanistan has changed in the sense that the Danish military no longer operates in the country. Furthermore, many of his Afghan sources have left the country. This means that he has had to establish new channels of information. The expert in Afghan security policy advised that there currently is a massive flow of information from Afghanistan and added that the real challenge in this relation is to assess the credibility of this information.

**The Taliban and governance**

2. The expert in Afghan security policy stated that it is important to keep in mind that the Taliban has never been a uniform movement, and this is reflected in how they approached their justice system when they were an insurgency. As such, the Taliban's shadow judiciary was hyper-localised both in the sense that they often blended sharia law with local customs, but also in the sense that the verdict reached in these court varied depending on the personnel. According to the expert in Afghan security policy, this approach to justice is likely to continue going forward, both because of the heterogeneous nature of the Taliban, but the expert in Afghan security policy also assessed that the Taliban leadership is not able to introduce and enforce one nationwide system of justice even if they wanted to. There have been internal disputes within the Taliban leadership concerning the way forward for the Taliban, and this was reflected government formation process.
3. This means that local courts will be occupied by Islamic scholars who will be able to deliver a very quick form of justice where verdicts are often reached on the same day as the case is brought before the court. These verdicts will be reached based on an interpretation of Sharia law, and these interpretations can vary depending on where in the country the court is located. The expert in Afghan security policy assessed that the verdicts would be harsher in traditional and conservative areas of the country compared to the verdicts in cities like Kabul. Nevertheless, the expert in Afghan security policy stated that all verdicts will be based on sharia law as this is what gives the justice system its legitimacy in the eyes of the Taliban.

**Non-state actors in Afghanistan**

4. The expert in Afghan security policy advised that there has long been a tradition in Afghanistan of actors switching allegiances depending on which side of the 40-year long conflict has momentum at any given moment, and it through this lens that one should view the current landscape of non-state actors. Because the Taliban has had the moment in the conflict in recent months, many of these non-state actors – be it local warlords, criminal networks or Islamic groups – have pledged allegiance to the Taliban. In return for this allegiance these actors expect a variety of services such as security, influence and financial support. According to the expert in Afghan security policy, the Taliban must deliver on these services going forward in order to keep the allegiance of these actors. This will prove increasingly difficult due to especially the current financial situation of Afghanistan.

5. Many of Afghanistan's neighbors such as Russia, China, India and Iran will be ready to try to gain influence in the country through the backing of these non-state actors if the opportunity to do so presents itself. Furthermore, these countries have a variety of different interests in Afghanistan, and if the Taliban is not able to deliver on these interests, the neighboring countries will turn to other actors in Afghanistan.
6. Regarding Islamic non-state actors such as al-Qaeda, the expert in Afghan security policy assessed that the Taliban would not work against the interests of these in Afghanistan as this would go against their Islamic narrative. The Taliban and al-Qaeda have long had a partnership in Afghanistan, and this partnership is likely to continue in the coming years. The expert in Afghan security policy stated that the Taliban have learned the lessons of the past and as a consequence they might try to prevent another al-Qaeda attack in Western soil, but they will not actively work against al-Qaeda in Afghanistan.

#### **Islamic State Khorasan Province (ISKP)**

7. The expert in Afghan security policy assessed that the conditions surrounding ISKP have improved since the Taliban conquest. Prior to 15 August, ISKP was in a conflict with both Taliban factions as well as the US-backed ANDSF. The fall of the previous government have created pockets of power vacuum throughout the country where actors such as ISKP can operate. Furthermore, the expert in Afghan security policy assessed that the Taliban's intelligence branch is far less sophisticated than that of the previous government, and this further favors ISKP.
8. The destabilisation of Afghanistan have made large-scale attacks from actors such as ISKP easier and these large-scale attack have, in turn, given ISKP more publicity both internal in Afghanistan as well as in the region and beyond. This publicity have made recruitment easier, and the expert in Afghan security policy assessed that ISKP have been recruiting Afghans and foreign fighters from abroad.
9. According to the expert in Afghan security policy, ISKP will be ready to recruit from within the Taliban's own ranks if some of its members deems the Taliban too soft, and he further advised that ISKP will likely have increasingly favorable recruiting conditions if the economic situation worsens in the future. According to the expert in Afghan security policy, there have been cases of former ANA commanders who have joined ISKP.

#### **Targeted individuals and profiles at risk**

##### *Former government officials and members of the security sector*

10. The expert in Afghan security policy stated that the Taliban have engaged in low intensity retribution campaigns against especially former members of the security sector since assuming power. There have also been cases of Taliban-fighters going door to door and registering the names

of former government officials despite the official messages of amnesty of no reprisals from the Taliban leadership in the days following the Taliban's conquest of Afghanistan.

11. According to the expert in Afghan security policy, many of these retribution acts committed by Taliban-fighters are motivated by local and even personal dynamics and do not necessarily reflect that the Taliban systematically targets Afghans with links to the former government. However, the expert in Afghan security policy stated that any form of links with the previous government and/or Western states have the potential to put the given individual at risk at a later stage, as this could be used against the individual in relation to an unresolved issue.
12. The expert in Afghan security policy elaborated that the targeting of former government officials and members of the security sector depends on the previous occupation of the individual. In this relation, the expert in Afghan security policy assessed that individuals previously employed as interpreters for the Western forces operating in Afghanistan are at risk of being targeted. Similarly, Afghans who has worked at embassies of Western states in recent years are also be at risk because it is difficult to conceal ones occupation in Afghanistan. On the other hand, Afghans previously working at enclosed military facilities would be of less risk of being targeted, as this occupation would be relatively easier to conceal.

*Afghans employed by international organisations and NGOs*

13. According to the expert in Afghan security policy, whether or not an Afghan previously employed at an international organisation or an NGO would be at risk as a consequence hereof, depends entirely on the type of work the organisation was carrying out. Due to the current economic situation in Afghanistan the Taliban is very dependent on international organisations, NGOs and the work they are carrying out in Afghanistan, especially the ones who carry out humanitarian aid. Therefore, it is of less importance where the organisation receives its funding from or has its headquarters. However, if the Taliban perceive the work of the organisation conflicting with Islamic virtues, then the security of the former employees could be at risk. However, this is difficult to assess due to the lack of empirical data.

*Ethnic and religious minorities*

14. The expert in Afghan security policy views the formation of the interim government as a marker for how ethnic and religious minorities will be treated in Afghanistan going forward. An overwhelming majority of Pashtuns makes up this government and this signals that the Taliban will not be creating an inclusive Afghanistan. However, the expert in Afghan security policy is not of the opinion that ethnic and religious minorities such as the Hazaras will be subject to systematic targeting from the Taliban. Rather, he assessed that ethnic and religious minorities would face discrimination vis-à-vis the Pashtun community in terms if access to security, jobs, land and resources in general.

**A Kabul-based journalist**

**Skype-interview, 10 November 2021**

**Access to News, Sources and the Situation in Afghanistan**

1. The Kabul-based journalist's access to news and sources is rooted in her presence in Kabul and her frequent travels across Afghanistan. She has a vast network among local journalists and a first-hand understanding of realities on the ground.
2. According to the Kabul-based journalist, Afghans are in general willing to tell share their stories to journalists, compared to other countries where she has previously worked. This is largely still the case in Kabul, where she, and her sources, are better able to go unnoticed. In other parts of the country such as Mazar-e Sharif, however, the Kabul-based journalist has experienced a much tighter control regarding permission from the local authorities to interview the local population as well as fear of speaking to reporters among women due to the cases of disappearances and killing of women activists in Balkh province. In other places again, the Kabul-based journalist have experienced that a permission from the local Taliban authorities have contributed to her safety as this permission served as an approval of her presence, which she could show to other local Talibs.

**Security and Living Conditions for Civilian Population**

3. According to the Kabul-based journalist, the Afghan people in areas previously impacted by the conflict are no longer experiencing night raids or armed battles on a daily basis, and these aspects of security has improved in the country since the Taliban takeover. However, personal safety, especially for women has deteriorated because of insecurity and fear of what the Taliban's governmental policies would entail once implemented. The Kabul-based journalist emphasises, how the fear of Taliban coupled with the absence of clear laws and policing creates insecurity and local acts of unpunished vigilantism.
4. Asked about the level of crime in the society, the Kabul-based journalist stated that there is a lack of data on this field, but her anecdotal experiences point to a stronger sense of security when it comes to crime such as petty crime and kidnappings. The Kabul-based journalist assessed that the Taliban's reputation for enforcing strict punishment have deterred people from these types of crimes according to the experience of Afghans. However, the Kabul-based journalist pointed to cases of disappearances and extrajudicial killings of activists and former employees of the previous government and security forces which continue. Also, attacks by Islamic State Khorasan Province (ISKP) continue to take place specifically targeting the Shia Hazara community.
5. Despite the absence of systematic policing and a homogenous legal system, the overall security is not entirely in disarray. This is because of local dispute settlements and how Islamic courts resolve conflicts locally, especially in remote areas of Afghanistan. The verdicts reached by local Islamic courts observed by the Kabul-based journalist deal with everything from local conflicts to family disputes and murder in some cases. In Helmand Province, an Islamic court explained that they additionally have different subordinate courts. Tribal councils function as local courts that deal specifically with family matters and decide on a verdict, which then is approved and signed by the Islamic court. A different court, staffed by traders, decided on economical disputes, and their verdicts are approved by the Islamic court as well before they are carried out. Afghans have the

right to an attorney in the Islamic courts according to judges in Helmand. However, considering the lack of attorneys in remote areas and the associated expenses, most cases are decided locally and swiftly, based on character assessments and character witnesses. In parts of the country, if any party of the dispute is unsatisfied with the verdict of the local court, there is the opportunity to appeal in two other higher courts within the sharia framework. These courts were functioning when the Taliban were an insurgency and they are providing some form of justice now that the Taliban are in government. According to the Kabul-based journalist, these courts are very localised and have their points of departure in their particular settings. This means that the structure and functionality can vary quite considerable from court to court.

6. With UN's predictions of poverty and famine this winter, the Kabul-based journalist stressed that the lack of goods due to closed borders, the massive rise of prices for basic products, and the fall of the national currency, all contribute to harsh living conditions for ordinary Afghans. Especially the cut in funding for development programs – international funding previously covered almost the entire health sector and substantial support for education – has had a profound impact on living conditions and health of the population. Local health facilities which provided life-saving basic health care are out of fuel to run generators and ambulances as well as medicine. Medical staff has to tell patients to buy their own medical products but given the prices and widespread poverty in rural areas this often doesn't happen leaving people untreated and children and adults dying of treatable illnesses.

#### **Conditions for Former Employees or Partners of foreign Troops and NGOs**

7. When it comes to systematic persecution of former governmental employees, the Kabul-based journalist finds it difficult to distinguish between local dynamics, current harassments and executions and official Taliban policy. Special Forces under the former government was not regarded as being included in the amnesty issued by the Taliban leadership when they surrendered and many of them were immediately executed. The police force, on the other hand, who worked in their own local communities, were sent home without bloodshed if they surrendered. The Kabul-based journalist assessed that there is a hierarchy concerning who is considered forgivable among the former employees of the state but also that this can be decided rather randomly and locally. The reason why it is difficult to determine whether it is applied systematically or sporadically, is the role of local dynamics and old grudges, which has been at play since the takeover, a repetition of the scenario that unfolded after the 2001-invasion but now with roles reversed.
8. In addition to this, the split within the Taliban ranks and the lack of structured central power makes it difficult to implement a policy to provide amnesty. This creates a vacuum of power which then is utilised by local Talibs to settle old scores or enforce own agenda. The Kabul-based journalist adds that even though there have been attempts to sort out alleged "bad apples" within the Taliban ranks, the Taliban leadership is unlikely to punish or exclude long-time members as it might deepen internal divisions and widen the power vacuum.
9. In the absence of a clear policy regarding the conditions of former and current employees of foreign NGOs, some still proceed their work, some have chosen to stay home out of fear, while others have been threatened to discontinue their work. The experiences vary from province to province.

10. The Kabul-based journalist emphasises that Afghans who have previously worked for foreign troops, especially British and American troops, and who are still hoping to leave Afghanistan soon, live in fear. The Kabul-based journalist only knows of one family, still in Afghanistan, who have a professional link to the Danish troops, and they too live in fear and are waiting for the chance to leave Afghanistan. Their fear is intensified because of news of summary executions for various reasons in different parts of the country.

### Conditions for Women

11. In The Kabul-based journalist's view, since Taliban's takeover, life for most women has entirely changed for the worse – for some women, life proceeds unaltered - and for a smaller group, life might even seem to have improved a little due to the reduction in violence. Especially families with young girls aging from 10-25 experience entirely different future prospects in relation to missed education opportunities and exclusion from professional life in the society. The Kabul-based journalist has additionally noticed increasing reports on female harassment at workplaces, which seem to be justified with a rejuvenation of conservative views since the Taliban's takeover. Reports of disappearances and killings of women activists and former female government employees create fear among many professional women making them withdraw from public life and look for ways to leave the country, according to the Kabul-based journalist.
12. Because of the discontinuation of the Ministry of Women's Affairs, 1,500 Afghans have lost their jobs including many women. The official Taliban view is that if a man can do the job, there is no need for women. According to the Kabul-based journalist, women are expected to be accompanied by a *mahram* [a close male companion; a brother, a father or a husband] in some public offices. In other public offices, such as the Ministry of Foreign Affairs, women who are still employed on paper show up once a month to register their attendance, even though they are still not receiving salaries, due to lack of resources. The women who are still actually part of the daily workforce in Afghanistan are mainly healthcare workers and some teachers. However, they are not receiving salaries either. Women who worked in the previous government such as in ministries and governmental agencies are out of work. This is in line with the Taliban's statements about women being needed in health and education sector, but evidently not in other parts of public work and life, according to the Kabul-based journalist.
13. The Kabul-based journalist expects a rise in domestic violence as unemployment, poverty and famine will be a new reality for many Afghans in the near future, forcing men and women to spend more time in the homes venting frustrations.

### Conditions for Vulnerable Groups and Ethnic Minorities

14. The Kabul-based journalist reports of changes in curriculums at some schools for younger children. Curriculums in one school in Mazar-e Sharif have been altered to feature more courses in Islam and reciting the Quran. Other changes include replacing lessons in Dari with Pashto for the youngest pupils in first and second grade. This constitutes an issue, as many teachers in the area are Hazara women who do not speak Pashto.

15. When asked to clarify to what degree ethnic minorities are pacified, persecuted or neglected in different parts of the country, the Kabul-based journalist stated to the Taliban's history of attacks on the Hazara minority which in combination with recent reports of forced displacement and extrajudicial killings give the Hazara community reason to fear their future under Taliban rule. Viral stories and information war on social media along with regional differences blurs the picture and underlines the necessity of first-hand reporting on incidents. Overall, the Kabul-based journalist assessed that Hazaras are afraid because of the lack of clear policy. But more so, because examples of local disputes have shown how unjust treatment of Hazaras is disregarded by the Taliban.

#### **Working Conditions for Journalists and Human Rights Activists**

16. According to the Kabul-based journalist freedom of press as it was known in Afghanistan before the Taliban takeover is a chapter of the past for Afghan journalists. Restricted working conditions for journalists is a reality since the Taliban's takeover, even though these changes differ in various parts of Afghanistan, they are reflections of local conditions and lack of organized top-down policies. In Mazar-e Sharif the Ministry of Information and Culture required the Kabul-based journalist to apply for permissions before talking to local Afghans, and if she did not comply, the ministry representative said the Taliban could not guarantee her safety. Local Afghans can experience receiving warnings from Taliban in public sphere, if they choose to speak with foreign journalists without permission and local Afghan journalists face threats and intimidation by Taliban affiliates. In Kabul however, in the first months after the Taliban takeover, a different and accommodating reality meets foreign journalists: Working permissions from the Taliban are easily accessible as well as invitations to press meetings, and this indicates a professionalism and interest to maintain a communication line with foreign media at least in the early days. The Kabul-based journalist reads the accommodating gesture as part of a Taliban charm offensive.
17. Working conditions for Afghan journalists though is a completely new reality. The Taliban expects journalists to act as outlets for the official messages from the Islamic Emirate, and has directly and indirectly pressured them to live up to that expectation. The Kabul-based journalist knows of examples of journalists who are told to pay a visit to the authorities to show their stories before publishing.

## Terms of Reference (ToR)

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1. Overall security situation
  - a. Conditions for the civilian populations
  - b. Conditions at the borders
2. Governance in Afghanistan
  - a. The Taliban interim government
  - b. Judicial system
3. Non-state actors in Afghanistan
4. Targeted individuals
  - a. Women
  - b. Afghans with links to the former government
  - c. Employees or former employees of international companies, foreign troops, Danish NGOs, Danish development projects or foreign embassies in Afghanistan
  - d. Journalists
  - e. Human rights defenders
  - f. Ethnic and religious minorities