

# AFGHANISTAN

## Working Group on the Universal Periodic Review

### UN Human Rights Council

#### Joint submission prepared by:

**Afghanistan Women Foundation, Civil Society Human Rights Network (CSHRN), Feminine Solidarity for Justice Organization (FSJO), Human Rights Defenders Plus (HRD+), Rawadari, The Organization for Women Rights Research (OWRRS), The Afghanistan Independent Bar Association in Exile (AIBA-E), World Organisation against Torture (OMCT)**

**11 October 2023**

**Afghanistan Women Foundation** supports women through educational, social, economic and political empowerment to have an equal and meaningful participation & contribution in Afghanistan's sustainable development. Our core value to achieve the vision and mission of the AWF, every member of the foundation shall abide by professional principles of respect for all persons, integrity & honesty, accountability, gender mainstreaming, and innovation.

**Civil Society Human Rights Network (CSHRN)** is an umbrella for civil society organizations that work for human rights, democracy, respect for the rule of law, and for a state committed to a culture of human rights. CSHRN was established in August 2004 through the collaboration of 28 human rights NGOs in Kabul city. Since 2021 CSHRN is working outside and inside Afghanistan.

**Feminine Solidarity for Justice Organization (FSJO)** advocates for women's rights, mobilizing women, awareness-raising of women's against sexual harassment at the workplace and providing psychological and medical treatments for victims of torture. FSJO also managed projects against forced marriages, child marriages, victims of tortures in prisons.

**Human Rights Defenders Plus (HRD+)** is a movement that stands for justice in Afghanistan. It is an independent network led by Afghan defenders and represents the progressive voices of Afghanistan. The main goal is to advocate human rights values. It monitors the human rights situation in Afghanistan in order to advocate for a better human rights situation in Afghanistan at the national and international level. It supports and empowers human rights defenders at risk and continuously promotes human rights values in the Afghan society.

**Rawadari** is an Afghan human rights organisation that aims to deepen and grow the human rights culture in Afghanistan, ultimately reducing the suffering of all Afghans, especially women and girls. Rawadari helps build an Afghan human rights movement, monitors human rights violations, and pursues justice and accountability for violations. Rawadari works with individuals and collectives inside and outside Afghanistan.

**The Afghanistan Independent Bar Association in Exile (AIBA-E)** works to promote and protect the rule of law, social justice and implementation of Islamic instructions in Afghanistan. The AIBA believes in the right of Afghan citizens to have disputes heard and determined with the support of defense attorneys who are well-qualified, committed to the ethical practice of law and able to practice independently regardless of any discrimination and without interference. After the Taliban takeover in

2021, the leadership members and lawyers of the AIBA-E have announced their commitment to continue their activities and reopen the AIBA-E in exile, in Brussels.

**The Organization for Women Rights Research (OWRRS)** is a non-profit organization that provides development and mentorship program for Afghan women and girls on women rights and research. Our vision is to equip Afghan women with skills and confidence to lead organizations internationally. We work to contribute to a society where Afghan Women and Girls be viewed as the assets and necessary additions to business around the globe.

**World Organisation against Torture (OMCT)** is an international NGO that was created in 1985. OMCT works for, with and through an international coalition of over 200 NGOs - the SOS- Torture network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment.

## **Introduction**

1. In January 2019, Afghanistan underwent a review by the UPR Working Group 32. During this third UPR cycle, a total of 259 recommendations were made by UN member states. Subsequently, at the adoption of its UPR outcome at the Human Rights Council 41 in July 2019, Afghanistan endorsed 236 of these recommendations. The recommendations that received support spanned various areas, including the legal and general framework of implementation, universal and cross-cutting issues, civil and political rights, economic, social, and cultural rights, women's rights, as well as the rights of other vulnerable groups and individuals<sup>i</sup>.
2. Afghanistan Women Foundation, Civil Society Human Rights Network (CSHRN), Feminine Solidarity for Justice Organization (FSJO), Human Rights Defenders Plus (HRD+), Rawadari, The Organization for Women Rights Research (OWRRS), The Afghanistan Independent Bar Association in Exile (AIBA-E), World Organisation against Torture (OMCT) submit this report for consideration as part of the fourth Universal Periodic Review (UPR) of Afghanistan. The report covers the period from 15 August 2021 to 9 October 2023.
3. Since the third UPR cycle, Afghanistan has undergone a significant transformation. The republic government has collapsed, and the Taliban has regained control in Afghanistan in August 2021. Human rights are at their worst, with women being excluded from all social spheres. Extrajudicial killings, torture and ill-treatment, and arbitrary detentions have reached their peak. As will be highlighted in this report, developments in realizing the implementation of recommendations have mostly been reversed since August 2021.

## **Domestic Criminal Legal Framework**

4. The domestic criminal legal framework in Afghanistan has undergone significant changes since the Taliban takeover in August 2021. The following points will provide a few key aspects of the legal system and its impact on human rights.
5. Following their takeover, the Taliban suspended the 2004 Constitution of Afghanistan<sup>ii</sup>, creating a legal vacuum. The de facto government temporarily enforced the 1964 constitution that was introduced by the former King Mohammad Zahir Shah<sup>iii</sup>, as it does not conflict with Islamic law and the principles of the Islamic Emirate of the Taliban<sup>iv</sup>. They have consistently stressed their commitment to governing in line with Sharia, but they have not offered specific information or a clear explanation of their interpretation of Sharia<sup>v</sup>.
6. They initiated a review of laws passed under the previous Islamic Republic of Afghanistan, aiming to assess their compliance with Sharia and Afghan traditions. This review process was still ongoing as of the information available in August 2023, creating uncertainty about which laws and legal procedures will be deemed Sharia-compliant and enforced<sup>vi</sup>. The lack of transparency in this process raises concerns about due process and the rule of law.

## **Role of Sharia Law:**

7. The de facto authorities have repeatedly stated that Sharia is the applicable legal framework in Afghanistan<sup>vii</sup>. This raises concerns about the protection of individual rights, as interpretations of Sharia can vary, and strict interpretations can be used to restrict freedoms, particularly for women and minorities.

### Judicial System and Prosecutors:

8. The formal judicial system continues to function but with significant changes. Notably, all judges appointed under the previous government have been replaced, and the new judges are primarily members of the Taliban with limited legal education<sup>viii</sup>. This lack of qualified judges has led to reports of unfairness, abuses, and corruption in the judicial system. The suspension of the role of prosecutors and the transfer of investigative functions to judges have also contributed to the backlog of cases and prolonged pre-trial detentions for thousands of detainees<sup>ix</sup>.
9. Since February 2022, the de facto Supreme Court has allowed de facto police to refer criminal cases directly to de facto courts for investigation, bypassing prosecutors. In August 2022, the de facto Attorney-General's role was suspended, and pending investigations were handed over to de facto judges. In March 2023, the de facto High Directorate of Supervision and Prosecution of Decrees and Edicts was established, formally terminating the functions of the de facto Attorney-General's Office<sup>x</sup>.

### Role of Muftis in Judicial Process:

10. Muftis, senior Islamic scholars, have gained an increased role in the judicial process, acting as advisors to judges and even participating in court hearings. They are often involved in investigations and recommending findings and punishments<sup>xi</sup>. The appointment of muftis by the Chief Judge of the Supreme Court has created a new layer of influence in the legal system<sup>xii</sup>. The legal system's reliance on muftis raises concerns about the impartiality and professionalism of judicial proceedings.

### Trial Procedures:

11. The Taliban has made significant changes to trial procedures, reducing the size of decision-making panels, eliminating family courts, and streamlining the number of proceedings<sup>xiii</sup>. These changes have implications for the fairness of trials and the right to a legal defense.

### Gender Disparities:

12. Women's rights have been significantly curtailed in the legal system. Women are banned from participating in judicial roles, and currently, no women judges, lawyers, prosecutors are working in the judicial and criminal system of Afghanistan<sup>xiv</sup>.

### Legal Framework Ambiguity:

13. The coexistence of pre-existing laws, Islamic law, and newly developed directives from the de facto authorities has led to ambiguity in the legal framework. This lack of clarity can affect the application of laws, especially when it comes to due process and the protection of individual rights.

## **Arbitrary Arrest and Detention**

14. The findings of national and international human rights organisations show that arbitrary arrests and detentions have been widespread, targeting various groups of people, including former government officials, members of the Afghan National Defense and Security Forces (ANDSF), journalists, human rights activists, and even ordinary civilians since August 2021. These arrests often occur without clear legal justification<sup>xv</sup> and may involve violations of procedural rights. UNAMA recorded more than 2,400 arbitrary arrests and detentions within the reporting period (Human Rights Council, 54th session, annual report)<sup>xvi</sup>, underscoring the widespread nature of this issue. Particularly targeted are former government officials and ANDSF members.

15. Human Rights Watch has reported that the Taliban security forces in Panjshir have unlawfully detained residents accused of association with an opposition armed group. The detainees, numbering approximately 80, were subjected to beatings, with the aim of compelling them to provide information about the opposition. After several days, most detainees were released, but the Taliban continued to hold 10 individuals as a form of collective punishment due to their relatives' alleged association with the opposition<sup>xvii</sup>.

#### Arrests Linked to NRF Affiliation:

16. A notable trend has emerged wherein individuals with alleged links to the "National Resistance Front" (NRF) have been arrested. An example includes the detention of 36 former government officials and ANDSF members in Lashkar Gah city, Helmand province, on 26th February 2022, under accusations of involvement in security incidents against the de facto authorities<sup>xviii</sup>. The data reveals that the Taliban arrested at least 53 individuals under charges of being members of the NRF. On 4th January 2023, 15 men from the village of "Ab-e-Barik" in Panjshir province were arrested based on their alleged collaboration with the NRF<sup>xix</sup>. Hostage-taking as a tactic to force the surrender of NRF fighters in the mountains<sup>xx</sup> has been employed, leading to the arbitrary detention of civilians.

#### Journalists and Civil Society Activists:

17. UNAMA has recorded instances of arbitrary arrests and imprisonment of at least 115 media personnel during the specified reporting period<sup>xxi</sup>. On August 2023, nine journalists from various regions were arrested by the de facto General Directorate of Intelligence. Additionally, Mortaza Behboudi, a journalist with dual French and Afghan citizenship, was taken into custody by the officials of the de facto General Directorate of Intelligence on January 7, 2023, and is still detained under undisclosed charges<sup>xxii</sup>.

#### Women's Rights Activists:

18. The data shows that at least 78 women civil society activists were arbitrarily arrested for speaking out against the Taliban's discriminatory policies towards women and girls<sup>xxiii</sup>.

#### Legal Professionals:

19. Afghanistan Independent Bar Association (AIBA) reported that seven lawyers have been killed since the dissolution of the association, and 146 lawyers have been arrested or investigated. Many legal professionals have been forced to flee or go into hiding to protect themselves and their families<sup>xxiv</sup>.

#### Citizens Targeted Based on Family Affiliation:

20. The Taliban have conducted mass arrests of local civilian men and older boys during military operations, sometimes detaining large groups simultaneously. The Taliban suspect family members have ties to the NRF. For instance, on February 26, 2022, officials from the de facto General Directorate of Intelligence arrested approximately 53 former government officials and ex-ANDSF members in Lashkar Gah city of Helmand province<sup>xxv</sup>. They were accused of involvement in security incidents targeting the de facto authorities in the province.
21. On February 10, 2023, the Taliban detained a former army commando in Panjshir province, despite his lack of affiliation with any faction after the Republic's fall. Similarly, on April 4, 2023, a former National Security officer in Takhar province was detained<sup>xxvi</sup>.

22. On April 29, 2023, another individual was arrested in Kabul on charges of collaborating with the NRF, though his family asserts that he had no affiliations with any political group and had been living in Kabul since the Republic's fall. Additionally, ten young men in Ghazni province were arrested for wearing Pakol hats and having a picture of Ahmad Shah Massoud on their mobile phones, with the accusation of collaboration with the NRF<sup>xxvii</sup>. They were subsequently released from Taliban custody after periods ranging from three to twenty days.

#### Children Targeted:

23. Disturbingly, the Taliban have also detained underage individuals, such as a 17-year-old boy arrested in Panjshir province for not revealing his father's whereabouts<sup>xxviii</sup> in April 14, 2023.

#### Citizens Arrested for Various Charges:

24. The organisation Rawadari has documented cases of 49 individuals have been arbitrarily detained for various charges, including carrying weapons, violating Taliban-imposed rules, such as appearance and music restrictions, and for women, not adhering to the dress code or lacking a male guardian (Mahram)<sup>xxix</sup>.
25. These extensive reports paint a dire picture of arbitrary arrests and detentions in Afghanistan since August 2021, highlighting the urgent need for international attention and intervention to address these human rights violations and protect the Afghan population.

### **Enforced Disappearance**

26. The issue of enforced disappearances in Afghanistan is a deeply troubling and ongoing crisis, with numerous cases reported across different provinces and involving various individuals.
27. UNAMA has recorded instances where individuals disappeared, and their bodies were later found or returned to their families by the de facto authorities, who provided no explanations for these events. In January 2023, a former ANA member's dead body, who had been arrested in Kabul, was returned to his family with no prior contact<sup>xxx</sup>. Similarly, on 13 January 2023, a former ANA member from Paktya province faced a similar fate, with his family having no information following his arrest. His dead body was returned on 28 March 2023, bearing signs of torture<sup>xxxi</sup>. These incidents highlight the gravity of the situation, where individuals are taken into custody, often under unclear circumstances, and their families are left in the dark about their whereabouts.
28. In March, the NRF reported the Taliban's abduction of two former government employees in Zabul Province: Mirwais Khoshhal, a former police battalion commander, and Mohammad, a former national security officer<sup>xxxii</sup>.
29. On June 8, 2023 local news outlets reported the Taliban's kidnapping of a physician from the Mohammad Ali Jenah hospital, Obaidullah Rahmani. His relatives received no updates following his abduction, and reports indicated that this may be part of a broader pattern targeting individuals from the Panjshir region<sup>xxxiii</sup>.
30. The video, resulting from a seven-month inquiry conducted by The New York Times' Opinion Video team, exposes that approximately 500 ex-government officials and Afghan security personnel were either killed or subjected to forced disappearances during the initial six months of the Taliban's rule<sup>xxxiv</sup>.

31. One particularly disturbing trend is the detention of women activists and their families in Kabul as retribution for participating in protests. Activists like Tamana Zaryab Paryani, Parwana Ibrahimkhel, Zahra Mohammadi, and Mursal Ayar faced detention or disappearance. Although some were released in mid-February, the fate of others remained unclear<sup>xxxv</sup>. This illustrates a pattern of intimidation and suppression of activism, particularly among women, with the Taliban denying their involvement.
32. In November, the Taliban detained three female human rights activists—Zarifa Yaqoubi, Farhat Popalzai, and Humaira Yusuf. Although Zarifa Yaqoubi's release was confirmed in December, no additional information was provided about the fate of Popalzai and Yusuf<sup>xxxvi</sup>.
33. Rawadari's research, shows that the enforced disappearances persisted in the first six months of 2023. They have reported at least 11 individuals who were forcibly disappeared by the Taliban after being detained. These incidents align with the international human rights definition of enforced disappearance, involving arrest, detention, or abduction by government officials or groups acting with government support, followed by a refusal to disclose information about the victims' fate or whereabouts<sup>xxxvii</sup>.
34. These victims reported to Rawadari consist of former government employees and civilians who were detained by the Taliban and subsequently disappeared. For example, in one case from Herat province in February 2023, a resident was arrested and forcibly disappeared by the Taliban due to his affiliation with a former soldier who had provided a guarantee document during the previous government's recruitment procedure. Despite the family's efforts, they were only provided documents like a passport and ID card, with the revelation that the victim had been killed and buried in an undisclosed location. The family was also threatened not to share this information<sup>xxxviii</sup>.
35. The Taliban's restrictions on accessing information and threats to victims' families make it challenging to document these cases comprehensively. Many families have been coerced into not sharing information with human rights organizations or any other individuals<sup>xxxix</sup>. As a result, the actual number of enforced disappearances in Afghanistan could be much higher than the figures presented in these reports.
36. Specific Cases and Threats reported by Rawadari:
  - On January 23, 2023, in Nangarhar province, a group of Taliban attacked the home of an individual, abducting him to an unknown location. Despite the family's efforts to seek information, they received no updates on the detainee's fate.
  - In early April 2023, an ex-army officer in Khost province was detained by unidentified armed individuals, and no information has been available about his fate. His family reported that he was arrested by the Taliban's intelligence officers, though the Taliban denied involvement.
  - In March 2023, an individual from Bamiyan province, a former employee of the National Security Directorate, was detained by the Taliban on allegations of possessing weapons, and no information has been obtained about his fate.
  - On February 28, 2023, the Taliban's intelligence department in Takhar province detained an individual for expressing critical views on Facebook, and no information has been available about his whereabouts.
  -

## **Extrajudicial Killings**

37. Taliban forces have been responsible for carrying out extrajudicial killings of individuals who served in the previous government and security forces. During various operations, they have assaulted civilians and detained people without due legal procedures. Detainees have either been forcibly disappeared or killed, with some instances involving beheadings. In some regions, the Taliban authorities have left bodies in public places or displayed them in streets and intersections as a form of warning.
38. Between January 15, 2022 and July 20, 2023, Afghan Witness collected 470 visual records of extrajudicial killings. Approximately half of these materials refer to distinct incidents/cases. Cases include arbitrary killing of a group of men in Panjshir, killing of child and woman during house search, killing for not stopping at check points, and beheadings.<sup>xi</sup>
39. In late 2021 and throughout 2022, a mass grave was discovered in Nangarhar, containing at least 45 bodies in different stages of decomposition, many showing signs of torture or brutal executions, such as missing limbs, ropes around their necks, or beheadings<sup>xli</sup>. In Panjshir province, the Taliban conducted search operations, targeting communities suspected of supporting the NRF, resulting in detentions and torture of local residents. The authorities also imposed collective punishment and ignored the legal protections owed to detainees<sup>xlii</sup>.
40. Human rights violations against former government officials and security force members have been reported across all 34 provinces, with the highest number of violations occurring in Kabul, Kandahar, and Balkh provinces. Specific groups, like former Afghan National Police (ANP) members in Kandahar and former Khost Protection Force (KPF) members, have been particularly targeted, with extrajudicial killings, arbitrary arrests, detentions, and torture. Most of these violations occurred during the first four months after the Taliban's takeover of Afghanistan, but extrajudicial killings have continued into 2022<sup>xliii</sup>.
41. Rawadari's research from January to June 2023 reveals that a significant number of individuals, including civilians and former government employees, were killed or injured in targeted and unexplained incidents. Some of these victims were family members or relatives of former government employees, tribal elders, local supporters of the previous government, social and cultural activists, and members of the business community.
42. The Taliban, despite their claims of amnesty, have continued to exact revenge on former government employees. This includes incidents in which former officials from the National Directorate of Security (NDS) were killed by unknown assailants. There have also been cases of family members and relatives of former government employees being killed by the Taliban, such as the wife of a former army soldier who was tortured and killed in Takhar province in March 15, 2023<sup>xliv</sup>.

## **Extrajudicial Killings in Spin Boldak district**

43. On the night of July 18, 2021, shortly after the Taliban took control of Spin Boldak, they entered the home of Haji Fida Mohammad Afghan, a former representative on Kandahar's Provincial Council. They abducted his two sons, Sher Mohammad and Mahmoud Khan, from their family gathering for Eid celebrations. The next morning, the bodies of the two brothers were found on a street, bearing signs of abuse and execution by close-range gunfire. Despite Haji Fida Mohammad Afghan's claim that



he and his sons had no current government ties, the Taliban likely targeted them in retaliation for past associations<sup>xlv</sup>.

44. These events occurred during the Taliban's takeover of Spin Boldak, resulting in varying estimates of casualties, with the Afghanistan Independent Human Rights Commission documenting 40 deaths<sup>xlvi</sup>.

### Extrajudicial Killings in Panjshir Province

45. Although there was a decrease in human rights violations against individuals accused of having links with ISIL-K<sup>xlvii</sup>, UNAMA reported 69 cases of extrajudicial killings, 14 arbitrary arrests and detentions, and 6 instances of torture and ill-treatment of those accused of affiliating with the National Resistance Front. These incidents primarily occurred in Panjshir Province, with a notable record of at least 48 extrajudicial killings taking place between September 12 and 14 in Dara and Khenj districts<sup>xlviii</sup>.
46. On September 6, 2021, the Taliban attacked the village of Badqul in Panjshir province. They detained around twenty men who had tried to oppose them, subjecting them to inhumane treatment, threats of execution, and torture. The men had fled to the mountains as the Taliban advanced through Panjshir. They were detained, tortured, and denied medical care. After their custody, they were handed over to the new district governor in Bazarak. On the same day, the Taliban attacked the village of Umarz, executing at least six civilian men over a 24-hour period. These individuals were taken from their homes and summarily executed, despite not being part of government security forces or involved in hostilities<sup>xlix</sup>.

### Extrajudicial Killings in Daykundi Province

47. The reports detail a distressing incident in Afghanistan's Daykundi province, where 13 Hazara individuals, including a 17-year-old girl, were killed by Taliban fighters. These killings took place in Kahor village of Khidir district, with 11 of the victims being former Afghan National Defense and Security Forces (ANDSF) members, and the other two being civilians. Eyewitness testimonies have revealed that the Taliban executed nine surrendered ANDSF members. The tragedy unfolded as the victims, attempting to leave the area with their families, encountered approximately 300 Taliban fighters near Dahani Qul village. In a violent turn, the Taliban opened fire on the crowd, killing the 17-year-old girl, Masuma, and instigating a deadly exchange of gunfire. During the chaos, two more ANDSF members lost their lives. Following these events, nine additional ANDSF members surrendered to the Taliban, who transported and executed them near a river<sup>l</sup>.

## **Torture and Ill-Treatment**

48. Between September 2021 and October 2023, Afghan Witness collected 268 visual materials of torture and ill-treatment of Taliban. Approximately half of those refer to distinct incidents and cases. Cases include beatings, public lashing, violence in detention (including of minors), humiliated by parading alleged criminals in public, cutting off of finger, torture and killing of pregnant wife of resistance soldier, and rape of women<sup>li</sup>.
49. Moreover, former detainees have reported various forms of torture and ill-treatment, which include physical beatings using pipes and cables, verbal threats, and abuse. Some detainees were subjected to electric shocks, strangulation, hanging from the ceiling, forced ingestion of water, and stress positions<sup>lii</sup>. Many of these acts were carried out while detainees were restrained, blindfolded, or hooded<sup>liii</sup>. Such methods in-

flict severe physical and mental suffering, potentially meeting the threshold of torture or other forms of ill-treatment.

50. The de facto authorities in Afghanistan have introduced cruel and undignified punishments, such as stoning, flogging, and burying individuals under walls<sup>liv</sup>. Some of these punishments were based on the Taliban Supreme Leader's guidance and have been carried out publicly.

### **Threats and Harassment against Lawyers**

51. Lawyers face intimidation, threats, and violence. Lawyers have been killed by armed groups and insurgent organizations in an attempt to undermine the rule of law, obstruct justice, and create fear among legal professionals. Lawyers who handle cases involving human rights violations, war crimes, corruption, or cases involving controversial issues may be particularly at risk. Furthermore, particularly threatened are lawyers advocating for women's rights, especially those representing victims of domestic violence or sexual abuse. Even beyond physical violence, lawyers in Afghanistan also face intimidation, harassment, and interference in their work. This can range from threats against their families and livelihoods to intrusive surveillance, arbitrary detentions, or intimidation by state and non-state actors. The overall insecurity, political instability, and weak governance in Afghanistan contribute to the vulnerability of lawyers. The lack of effective legal protections and the prevailing climate of impunity only exacerbate the threats and harassment faced by legal professionals in the country.  
lv
52. Afghanistan Independent Bar Association in Exile (AIBA-E) recently documented arrest of 146 lawyers and the killings of 7. Other cases include:
53. Z M: Z M, a defense lawyer, represented clients in sensitive cases, including those related to human rights and violence against women. He became a target when a client's ex-husband sought revenge, likely due to his work. Z M had to flee the country.
54. A M A: A M A, a member of the AIBA-E, faced threats from a victim's family tied to the Taliban due to his work as a legal aid service provider. Armed Taliban members even searched his former home.
55. A S S: A S S, a defense lawyer, and member of the AIBA-E, received death threats and anonymous calls due to the release of prisoners seeking revenge against lawyers who handled their cases. He and his family went into hiding.
56. Mrs M D: Mrs. M D, a defense lawyer and human rights activist, handled cases of violence against women and faces great peril, not only due to her work but also as a woman in a challenging environment.
57. Mrs Masiha FAYEZ: Mrs. Masiha FAYEZ worked in human rights and women's rights, faced personal and family threats and had to leave Afghanistan.

### **Prison and Detention Centres Condition**

58. Credible reports from international organisations indicate the harsh and life-threatening conditions in Afghan prisons. These conditions are attributed to issues like insufficient food and hygiene supplies and physical abuse, which affect both adults and juveniles<sup>lvi</sup>.
59. The United Nations reports a significant decrease in the overall prison population, but an increase in the number of individuals in pretrial detention. The de facto Ministry of

Interior and the General Directorate of Intelligence are responsible for most detentions. There are reports of physical abuse of prisoners affiliated with the previous government, and the Taliban allegedly maintains separate detention facilities for political prisoners<sup>lvii</sup>.

60. Reports further highlight continued challenges with providing adequate food, hygiene supplies, vocational education, and health services for children and juveniles in prisons. Conditions in Sarposa Prison in Kandahar Province are described as poor, with overcrowding, inadequate access to basic necessities, and medical services<sup>lviii</sup>.

### Conditions for Juveniles:

61. The reports raise concerns about the conditions of juveniles deprived of liberty. Reduced donor funding has led to the transfer of juveniles to provincial prisons, sometimes alongside adults, in contravention of international standards. Although some efforts are made to maintain a minimum separation, this situation remains problematic<sup>lix</sup>.

### Recommendations

62. We call on UN member states to make the following recommendations during the third UPR of Afghanistan:
- a. Release everyone who is arbitrarily detained because of their human rights work or affiliation with the former government.
  - b. Investigate all cases of torture, extra-judicial killings and enforced disappearances.
  - c. Provide protection to lawyers, in particular those who defend victims of torture and other ill-treatment and human rights defenders.
  - d. Work towards the development of a clear and transparent legal framework that respects international human rights standards, ensuring that laws align with individual rights, particularly those of women and minorities.
  - e. Ensure the impartiality and independence of the judicial system and appoint qualified judges and legal professionals.
  - f. Ensure access to independent lawyers for detainees and torture victims in order to ensure the right to a fair trial.
  - g. Cooperate with international organizations, such as the UN and humanitarian agencies, to facilitate access for monitoring, reporting, and fact-finding missions. Allow international investigations into alleged human rights abuses.
  - h. Set up a law enforcement agency, compatible with international standards, that is able to investigate ordinary crimes, violence against women, and crimes committed by the de facto authorities.
  - i. Honor promises of amnesty and reconciliation, ensuring that former government officials, security forces, and others who have not committed crimes are protected and allowed to reintegrate into society.
  - j. Uphold and promote gender equality by allowing women's participation in all aspects of public life, including the legal system.
  - k. Ensure women's access to the legal profession to ensure women victims' access to justice
  - l. Engage constructively in peace and reconciliation initiatives, ensuring that human rights protection is integral to any peace process. Promote dialogue with diverse voices, including those of women and minorities.
  - m. Improve conditions in prisons and detention centers by addressing overcrowding, providing adequate supplies, and preventing the abuse of detainees. Allow independent monitoring of detention facilities.

- 
- <sup>i</sup> UN OHCHR: “Afghanistan: the Universal Periodic Review”. Available at: [Infographic Afghanistan.pdf \(ohchr.org\)](#)
- <sup>ii</sup> TOLO News: “Afghanistan Does Not Need a Constitution,” 4 September 2022. Available at: [Officials: Afghanistan Does Not Need a Constitution | TOLOnews](#)
- <sup>iii</sup> AA: “Taliban to implement monarch-era Constitution in Afghanistan”, 28 September 2021. Available at: [Taliban to implement monarch-era Constitution in Afghanistan \(aa.com.tr\)](#)
- <sup>iv</sup> International Bar Association: “There and back again: the collapse of the rule of law in Afghanistan”, 28 April 2023. Available at: [There and back again: the collapse of the rule of law in Afghanistan | International Bar Association \(ibanet.org\)](#)
- <sup>v</sup> JURIST: “Going Back to Zero: How the Afghan Legal and Judicial System is Collapsing Under the Taliban Regime”, 7 March 2022. Available at: [Going Back to Zero: How the Afghan Legal and Judicial System is Collapsing Under the Taliban Regime - JURIST - Commentary - Legal News & Commentary](#)
- <sup>vi</sup> Human Rights Council: “Situation of Human Rights in Afghanistan”, 6 October 2023. Available at: [A\\_HRC\\_54\\_21\\_AdvanceUneditedVersion.docx \(live.com\)](#)
- <sup>vii</sup> Ibid.
- <sup>viii</sup> UN News: “Afghanistan: Collapse of legal system is ‘human rights catastrophe’”, 20 January 2023. Available at: [Afghanistan: Collapse of legal system is ‘human rights catastrophe’ | UN News](#)
- <sup>ix</sup> Human Rights Council: “Situation of Human Rights in Afghanistan”, 6 October 2023. Available at: [A\\_HRC\\_54\\_21\\_AdvanceUneditedVersion.docx \(live.com\)](#)
- <sup>x</sup> Ibid.
- <sup>xi</sup> ReliefWeb: “UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support”, 20 January 2023. Available at: [UN experts: legal professionals in Afghanistan face extreme risks, need urgent international support - Afghanistan | ReliefWeb](#)
- <sup>xii</sup> Ilac: “Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover”, 2023. Available at: [ILAC Afghanistan Report 2023-2.pdf \(ilacnet.org\)](#)
- <sup>xiii</sup> US Department of State: “Afghanistan 2022 Human Rights Report”. Available at: [AFGHANISTAN 2022 HUMAN RIGHTS REPORT \(state.gov\)](#)
- <sup>xiv</sup> Ilac: “Justice Matters: A Status Report on Afghanistan Since the Taliban Takeover”, 2023. Available at: [ILAC Afghanistan Report 2023-2.pdf \(ilacnet.org\)](#)
- <sup>xv</sup> US Department of State: “Afghanistan 2022 Human Rights Report”. Available at: [AFGHANISTAN 2022 HUMAN RIGHTS REPORT \(state.gov\)](#)
- <sup>xvi</sup> Human Rights Council: “Situation of Human Rights in Afghanistan”, 6 October 2023. Available at: [A\\_HRC\\_54\\_21\\_AdvanceUneditedVersion.docx \(live.com\)](#)
- <sup>xvii</sup> Human Rights Watch: “Afghanistan: Taliban Torture Civilians in Panjshir”, 10 June 2022. Available at: [Afghanistan: Taliban Torture Civilians in Panjshir | Human Rights Watch \(hrw.org\)](#)
- <sup>xviii</sup> Ibid.
- <sup>xix</sup> RAWADARI: “Human Rights Situation in Afghanistan”, August 2023. Available at: [RW\\_6MonthReport-English.indd \(rawadari.org\)](#)
- <sup>xx</sup> Amnesty International: “Afghanistan: “Your sons are in the mountains”: The collective punishment of civilians in Panjshir by the Taliban, 7 July 2023. Available at: [Afghanistan: “Your sons are in the mountains”: The collective punishment of civilians in Panjshir by the Taliban - Amnesty International](#)
- <sup>xxi</sup> Human Rights Council, 54<sup>th</sup> Session, Annual Report
- <sup>xxii</sup> Human Rights Council: “Situation of Human Rights in Afghanistan”, 6 October 2023. Available at: [A\\_HRC\\_54\\_21\\_AdvanceUneditedVersion.docx \(live.com\)](#)
- <sup>xxiii</sup> Human Rights Council: “Situation of Human Rights in Afghanistan”, 6 October 2023. Available at: [A\\_HRC\\_54\\_21\\_AdvanceUneditedVersion.docx \(live.com\)](#)
- <sup>xxiv</sup> “Day of the Endangered Lawyer”, 24 January 2023, 13<sup>th</sup> edition – AFGHANISTAN
- <sup>xxv</sup> UNAMA: “A barrier to securing peace: Human rights violations against former government officials and former armed force members in Afghanistan: 15 August 2021 – 30 June 2023. Available at: [English \(unmissions.org\)](#)
- <sup>xxvi</sup> RAWADARI: “Human Rights Situation in Afghanistan”, August 2023. Available at: [RW\\_6MonthReport-English.indd \(rawadari.org\)](#)
- <sup>xxvii</sup> Ibid.
- <sup>xxviii</sup> Amnesty International: “Afghanistan: “Your sons are in the mountains”: The collective punishment of civilians in Panjshir by the Taliban, 7 July 2023. Available at: [Afghanistan: “Your sons are in the mountains”: The collective punishment of civilians in Panjshir by the Taliban - Amnesty International](#)
- <sup>xxix</sup> RAWADARI: “Human Rights Situation in Afghanistan”, August 2023. Available at: [RW\\_6MonthReport-English.indd \(rawadari.org\)](#)
- <sup>xxx</sup> Ibid.
- <sup>xxxi</sup> Ibid.

- 
- xxxii NRF: “Taliban Kidnapped Two Former Government Employees in Zabul Province”, 26 March 2022. Available at: [Taliban Kidnapped Two Former Government Employees in Zabul Province - National Resistance Front of Afghanistan](#)
- xxxiii Ecio.net: “2022 Country Report on Human Rights Practices: Afghanistan”, available at: [USDOS – US Department of State \(Author\): “2022 Country Report on Human Rights Practices: Afghanistan”, Document #2089060 - ecoi.net](#)
- xxxiv The New York Times: “The Taliban Promised Them Amnesty. Then They Executed Them”. Available at: [Opinion | The Taliban Promised Them Amnesty. Then They Executed Them. - The New York Times \(nytimes.com\)](#)
- xxxv US Department of State: “Afghanistan 2022 Human Rights Report”. Available at: [AFGHANISTAN 2022 HUMAN RIGHTS REPORT \(state.gov\)](#)
- xxxvi Ibid.
- xxxvii RAWADARI: “Human Rights Situation in Afghanistan”, August 2023. Available at: [RW 6MonthReport-English.indd \(rawadari.org\)](#)
- xxxviii Ibid.
- xxxix Ibid.
- xl Open source investigation, data on file with Afghan Witness <https://www.afghanwitness.org/>.
- xli Human Rights Watch: “Afghanistan Events of 2022”. Available at: [World Report 2023: Afghanistan | Human Rights Watch \(hrw.org\)](#)
- xliv Ibid.
- xlvi UNAMA: “A barrier to securing peace: Human rights violations against former government officials and former armed force members in Afghanistan: 15 August 2021 – 30 June 2023. Available at: [English \(unmissions.org\)](#)
- xlv Ibid.
- xlv Amnesty International: “No Escape: War Crimes and Civilian Harm During the Fall of Afghanistan to the Taliban”, 2021. Available at: [No Escape \(amnesty.ie\)](#)
- xlvi AIHRC: “Violations of International Humanitarian Law in Spin Boldak District of Kandahar Province”, 31 July 2021. Available at: [Afghanistan Independent Human Rights Commission \(aihrc.org.af\)](#)
- xlvii Islamic State in Iraq and the Levant-Khorasan
- xlvi UN: “The situation in Afghanistan and its implications for international peace and security”, 7 December 2022. Available at: [221207 sg report on afghanistan s.2022.916.pdf \(unmissions.org\)](#)
- xlvi Amnesty International: “No Escape: War Crimes and Civilian Harm During the Fall of Afghanistan to the Taliban”, 2021. Available at: [No Escape \(amnesty.ie\)](#)
- l Ibid.
- li Open source investigation, data on file with Afghan Witness, <https://www.afghanwitness.org/>.
- lii News18: “UN: Taliban Committed Over 1600 Cases of Human Rights Violations in Last 19 Months”, 20 September 2023. Available at: [UN: Taliban Committed Over 1600 Cases of Human Rights Violations in Last 19 Months - News18](#)
- liii UN: “The treatment of detainees in Afghanistan”, September 2023. Available at: [unama\\_report\\_-\\_treatment\\_of\\_detainees\\_200923\\_english.pdf \(unmissions.org\)](#)
- liv UN: “Afghanistan: UN human rights experts denounce idea of “reformed” Taliban”, 14 August 2023. Available at: [Afghanistan: UN human rights experts denounce idea of “reformed” Taliban | OHCHR](#)
- lv IBA: “There and back again: the collapse of the rule of law in Afghanistan”, 28 April 2023. Available at: [There and back again: the collapse of the rule of law in Afghanistan | International Bar Association \(ibanet.org\)](#)
- lvi US Department of State: “Afghanistan 2022 Human Rights Report”. Available at: [AFGHANISTAN 2022 HUMAN RIGHTS REPORT \(state.gov\)](#)
- lvii Ibid.
- lviii Ibid.
- lix UNAMA: “Human Rights in Afghanistan”, July 2022. Available at: [unama human rights in afghanistan report - june 2022 english.pdf \(unmissions.org\)](#)