Please cite as: EUAA, '7.1.1. Human rights violations by armed actors since 2001' in *Country Guidance: Afghanistan*, May 2024.

7.1.1. Human rights violations by armed actors since 2001

COMMON ANALYSIS
Last update: May 2024

A US-led coalition ousted the Taliban from power in late 2001, but the conflict in Afghanistan continued. After a fallback in the south and east, the Taliban reorganised and began to increase their presence in other provinces by 2006. Other AGEs operating in Afghanistan included Hezb-e Islami/Gulbuddin Hekmatyar (HIG), the Haqqani Network and Al Qaeda affiliates, including TTP, Lashkar-e Tayyiba (LeT), Lashkar-e Jhangvi (LeJ) and the Islamic Movement of Uzbekistan. This insurgency was characterised by mainly asymmetric warfare: anti-government elements used roadside and suicide bombs and complex attacks, intimidation of civilians and targeted killings to destabilise the country. This was countered by searches, clearance operations and bombings by the ANDSF and international military forces. According to the UNAMA, the security situation deteriorated after 2005. The conflict deepened throughout 2007 and 2008, directly affecting around a third of the country [Security 2020, 1., pp. 19-20; Security June 2021, 1., pp. 29-30].

From 2010 onwards, the Taliban-led insurgency spread into all regions of Afghanistan. Insurgent violence intensified in the run-up to the presidential elections in 2014. Since then, security sharply deteriorated across Afghanistan [Security June 2021, 1., p. 30].

A 2017 report by the UN Secretary General noted that the Taliban had been able to control larger parts of the country and the emergence of ISKP added ‘a new, dangerous dimension’ to the situation. Human Rights Watch noted that, although the Taliban claimed to target government and foreign military facilities only, their indiscriminate use of force killed and injured hundreds of civilians [Security June 2021, 1., p. 30].

On 29 February 2020, the US and the Taliban signed an agreement for bringing peace to Afghanistan. After signing the deal, the Taliban almost immediately resumed and intensified attacks against ANDSF. In response to these attacks, ANDSF also resumed their operations against the Taliban. Widespread fighting between the ANDSF and Taliban took place in various provinces of the country. Fighting between ANDSF and other anti-government elements was also reported [Security 2020, 1.3., pp. 30-31, Security June 2021, 1.1.1., p. 30; Security September 2021, 1.1.1., p. 11].

After US President Joe Biden announced in April 2021 that the US would withdraw all its remaining troops from Afghanistan by September 2021, the Taliban started a sweeping advance across large swaths of rural Afghanistan. Encountering minimal resistance from the ANDSF, the

Taliban forces swiftly regained control over most of the country. Following the capture of almost all provincial capitals, they entered Kabul on 15 August 2021, prompting the collapse of the elected government of the former Islamic Republic of Afghanistan. On 6 September 2021, the Taliban claimed the capture of the Panjshir Valley, the 'last remaining enclave of resistance against their rule and on 7 September 2021 they announced the restoration of the Islamic Emirate of Afghanistan (IEA) [Security 2022, 1.1., p. 21; 1.2.1., p. 23]. As of October 2023 no state has recognised the IEA or its *de facto* government [Country Focus 2023, 1.1.2., p. 18].

The *de facto* government is all-male and predominantly consists of Taliban members; 58 persons within the *de facto* administration are under UN sanctions according to the UN Sanctions and Monitoring Team reporting in June 2023 [Country Focus 2023, 1.1.2., p. 19].

An overview of the most important actors who may have been involved in excludable acts during this period is given below:

The former Afghan government and pro-government forces

Unlawful and arbitrary arrests, intentional killings, and summary executions by ANDSF were reported, targeting particularly members or suspected members of AGEs and their families. ANA and NDS were also responsible for indiscriminate airstrikes causing civilian casualties [State structure, 2.1., pp. 26-27; Security 2020, 1.3.5., pp. 36-37].

The use of torture and other ill-treatment during detention were reported from all ANDSF facilities, particularly in prisons under the command of NDS in which torture was described as common and systematic practice [State structure, 3.6., pp. 46-47].

Cases of sexual abuse and exploitation of boys, including the practice of *bacha bazi* perpetrated by members of the ANDSF and pro-government militias were reported, as well as child recruitment or use of children in combat or in support role, especially within the ANP and the ALP [State structure, 2.1., p. 27; 2.1.1., p. 30; 2.1.3., p. 35].

Despite the efforts of the government to fight against corruption, it remained a widespread phenomenon in Afghanistan, especially within the ANDSF (ANP and ALP are perceived as the most corrupt forces), the judicial system, and some ministries, such as the Ministry of Interior. Reported crimes included extortion, bribery and embezzlement [State structure, 1.8., p. 22; 2.1.2., p. 31; 2.1.3., p. 34; 3.4., p. 45].

Taliban

During the insurgency, the Taliban had a hierarchical organisation with strong leadership and operated a parallel government structure ('shadow government') across Afghanistan. They controlled large parts of Afghanistan and have committed excludable acts in every province. They have been involved in abductions, targeted killings, indiscriminate and deliberate attacks against civilians and civilian objects. The Taliban considered foreign troops and those who worked closely with them (some of the ANDSF, interpreters, spies, and contractors) to be top priority targets. Other primary targets included government officials or employees, as well as their families or those perceived as supporting the government. In more than 20 years of armed conflict, the Taliban have reportedly used children as fighters, to plant and detonate improvised explosive devices, and as suicide bombers. In areas under their control, they had established a parallel justice system to handle civil and criminal disputes. Punishments enforced by the Taliban parallel justice system included summary execution, mutilation and stoning to death [Anti-government elements, 2.5., pp. 21-22; 2.6.1.-2.6.2.2, pp. 22-26; Criminal law and customary justice, 1.8., pp. 19-21; 2.3.3., p. 28; KSEI 2022, 8.2., pp. 60-61].

Since the Taliban takeover several sources reported human right violations by the *de facto* authorities against former ANDSF members, government officials, suspected affiliates, and their family members in almost all parts of Afghanistan, despite the general amnesty that was announced directly after the takeover. These violations included extrajudicial killings, arbitrary arrests and detentions, incommunicado detentions, forced disappearances, and instances of torture and ill-treatment. There were also some reports on killing of former pro-government militias members and on extrajudicial killings, torture and ill-treatment, arbitrary arrests and incommunicado detentions of civilians suspected or accused of NRF affiliation, and executions of prisoners of war [COI Update 2022, 3., p. 6; Targeting 2022, 1.1.4.(e), pp. 30-32; 2.1., pp. 56-63; 2.7., p. 72; 3.1., pp. 74-76; 6.5.2., pp. 146-148; Security 2022, 2.1.2., p. 41].

At least 800 cases of human rights violations against former military and civilian personnel committed by the *de facto* authorities, since the Taliban takeover, have been documented by UNAMA as of June 30, 2023, including 218 killings, 14 forced disappearances, 424 arbitrary arrests and detentions, 144 torture cases, and numerous threats [Country Focus 2023, 4.1.2., p. 58].

Since September 2021, Taliban forces used force to disperse some crowds, including live ammunition, electroshock weapons, tear gas, whips, and beatings and some protesters were subjected to arbitrary detention, house raids, ill-treatment and torture. Journalists and media workers, human right defenders and activists faced violations by the *de facto* authorities which included arbitrary arrests, incommunicado detentions, torture and ill-treatment, threats or intimidation, mainly in Kabul City. There were also reports on attacks, beatings, killings, and abductions or enforced disappearances of healthcare professionals [Targeting 2022, 1.2.2., pp. 38-41; 7.2, pp. 159-162; 8.2., pp.

168-172; 9.1.2., pp. 175-177].

The Taliban's efforts to restrain the power of ISKP coincided with their crackdowns on Salafists. Particularly in the provinces of Nangarhar and Kunar, killings and abuses of alleged ISKP affiliates and supporters were reported in October and November of 2021. Reports included instances of severe torture, beheadings, mutilation, and extrajudicial killings [Country Focus 2023, 4.3.2., pp. 67-68].

Although the Taliban have denied that they use children in 'jihadic operations' and their code of conduct states that 'boys without beards' are not allowed in military centres, Human Rights Watch reported in July 2022 that there are thousands of children in their ranks, often trained in *madrassas* and recruited through force and threats, deception, promises of money or other incentives [KSEI 2022, 8.2., p. 61].

The *de facto* authorities were reported for excessive use of force in several instances, mainly for shooting civilians failing to stop at checkpoints and wounding people in attempts to control crowds during law enforcement operations.

'In the early days after the Taliban takeover, Taliban judges tended not to issue 'too harsh' punishments and the use of corporal or capital punishments was reported only on a few cases. In November 2022, the Taliban supreme leader ordered all Taliban judges to fully implement sharia and apply *hudud* and *qisas* punishments. Following several occasions of public flogging across Afghanistan, the first known public execution since the takeover took place in Farah Province on 7 December 2022, involving a man accused of murder. Punishments have been public to invited crowds in sports arenas, as was customary under the previous Taliban government (1996–2001) [Country Focus 2023, 1.2.3., p. 26].

The Taliban's 'Code of Conduct on system reform relating to prisoners' reportedly prohibited the use of torture 'at any point throughout arrest, transfer or detention' and provided punishments for those resorting to torture. However, torture and other forms of ill-treatment have been reported as a common practice against people held in custody and prisons conditions have been described as life-threatening. Examples include torture by hanging, kicking, punching and slapping, beatings with cables and pipes, and the use of mobile electric shock devices. Since the takeover, Taliban fighters have rounded up drug addicts across Afghanistan and brought them to clinics or prisons to receive treatment. They used force, sometimes with whips and gun barrels, and the ensuing treatment lacked methadone and oftentimes counselling [Targeting 2022, 1.1.4.(e), pp. 29-32; 1.1.4.(f), pp. 32-34; 1.1.4.(g), pp. 34-36].

In February 2023, the Taliban reportedly announced that they had conducted a mass burial of over 100 corpses of deceased 'drug addicts'. However this announcement has voiced concerns that the bodies in fact were the result of extra-judicial killings as no further details were provided about the identity nor the reason why they were in

Taliban custody or the cause of death [Country Focus 2023, 4.1.3., p. 60, 1.2.3., p. 28].

ISKP

ISKP, a UN-designated terrorist organisation in Afghanistan, appeared in late 2014 or early 2015. Primary targets of ISKP have been Taliban fighters, Taliban officials and religious leaders in its strive to undermine Taliban rule. The deadliest attacks attributed or claimed by ISKP have however been directed against certain ethno-religious groups, in particular the Shia Hazara community [Country Focus 2023, 2.2.2., p. 33]. UNAMA had indicated that ISKP's attacks on Shia minorities during 2019 constituted serious violations of international law, potentially amounting to war crimes and crimes against humanity. They also practiced summary executions, including through beheadings. ISKP were suspected to receive assistance by the Haqqani Network to plan and carry out high profile attacks [Anti-government elements, 3., p. 29; 3.2., p. 31; 3.5., p. 34; 3.6.-3.6.3., pp. 34-35]. In 2023, ISKP claimed responsibility for a suicide attack against a Shia Mosque in Pul-e Kumri in Baghlan province on 13 October 2023. Between October 2023 and mid-January 2024, ISKP also claimed responsibility for a string of IED attacks in Dasht-e Barchi, a Hazara dominated area in Kabul city. Casualty estimates vary, however, civilian deaths and injuries were reported. Three targeted attacks killing five Shia religious leaders took place in Herat city in October, November and December 2023. No one has claimed responsibility for these attacks [COI Update 2024, 4., pp. 6-7].

Other non-State armed groups

Many non-state armed groups operate in Afghanistan. Oftentimes behind many attacks the actor remains unknown [Country Focus 2023, p. 14].

According to the UN, there were at least 22 armed groups resisting the Taliban in 26 provinces by September 2022. In 2023, UNAMA recorded claimed attacks by three main groups (NRF, AFF and ALM) in eight provinces [Country Focus 2023, 2.2.1., p. 31]. Other groups that have been mentioned in reporting on anti-Taliban resistance are the Turkestan Freedom Tigers, the National Resistance Council, the National Liberation Front of Afghanistan (NLFA), the Unknown Soldiers of Hazaristan, the allegedly Hazara-centred Freedom and Democracy Front and the Freedom Corps [Security 2022, 2.2.2., pp. 48-49]. Other groups such as the Haqqani Network, Al Qaeda are often linked with either the Taliban or ISKP and it is sometimes difficult to distinguish their acts from those of the Taliban or ISKP [Anti-government elements, 4.1., pp. 36-37].

See also 2.1. Taliban and affiliated groups and 2.2. Islamic State Khorasan Province (ISKP).

During the insurgency all anti-government elements recruited children to use them in combat or in support roles during the conflict [Anti-government elements, 2.4.1., p. 21; 3.4., p. 33].

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