

Human rights situation in Afghanistan:

JULY - SEPTEMBER 2023 UPDATE



United Nations
Assistance Mission in Afghanistan

This update on the human rights situation in Afghanistan covering the period from July to September 2023^[1] is based on monitoring undertaken by UNAMA's Human Rights Service in accordance with its mandate from the UN Security Council.^[2]

In August and September, UNAMA released two thematic reports, one on human rights violations against former government officials and former security force members, and the second on the treatment of detainees (both discussed in further detail below). The UN High Commissioner for Human Rights also released a periodic report on the Situation of human rights in Afghanistan in September, in accordance with UN Human Rights Council resolution A/HRC/RES/51/20. The report covers a range of issues, including: the administration of justice, policies curtailing the population's enjoyment of their human rights and violations of the right to life, liberty and personal security.

Women's participation in employment

The *de facto* authorities commenced enforcement of a ban, announced in a letter dated 25 June, on women's beauty salons, giving business owners a deadline of 25 July to cease operations. Salons that have continued to operate beyond the deadline, in contravention of the edict, have been the target of harsh responses by the *de facto* authorities. For example, in one province,

de facto General Directorate of Intelligence personnel raided a beauty salon that was operating in secret, fined the owner, arrested and physically assaulted the owner's brother and forced the salon's clients to wash their makeup and to promise never to visit any salon in future.

In addition, on 19 July, a group of around 25 beauty salon owners and their employees gathered in Kabul to hold a peaceful protest against the ban, which was forcefully dispersed by *de facto* security forces with the use of water cannons and warning shots fired into the air. Four female protestors were arrested and released later the same day.

Women's freedom of movement

On 26 August, in Bamyan province, the *de facto* Minister of the Ministry for the Propagation of Virtue and Prevention of Vice announced that women are banned from visiting Band-e-Amir National Park due to non-compliance with the hijab order. Women had reportedly continued to visit Band-e-Amir despite a previously announced prohibition on women using parks, gyms and public baths country wide.^[3]

In early September, in Khost and Zabul, *de facto* Department of Propagation of Virtue and Prevention of Vice officials announced via loudspeaker that women are forbidden from going to local markets or shops without a mahram. At time of writing, this directive reportedly remains in force.

[1] All dates specified in this update are presumed to refer to 2023, unless otherwise specified.

[2] United Nations Security Council Resolution 2626 (2022), extended by Resolution 2678 (2023).

[3] Ban announced 10 November 2022: [MPVPV.\[@MOPVPE\], X \(formerly Twitter\)](#), 10 November 2022. (Pashto).

Women and girls' access to education

Women and girls continue to be excluded from secondary and tertiary education and the *de facto* authorities took various steps throughout July, August and September to ensure that existing bans were fully implemented.

In July, the *de facto* Ministry of Higher Education announced that only male students would be permitted to take part in the kankor (university entrance examinations) scheduled for later that month. On 23 August at Kabul International Airport, *de facto* Police prevented a group of female students from travelling to Dubai to pursue higher education, having been accepted to a program funded by a UAE businessman, because they were not all accompanied by mahrams. According to reports, at least some of the women were subsequently able to travel to Dubai.

Conflict-related casualties

In contrast with the same period in 2022, UNAMA documented far fewer civilian casualties, largely due to a significant reduction in improvised explosive device attacks. The occasions of Eid ul-Adha and Ashura passed without the major attacks seen in previous years. Cross border incidents in Nimroz and Nangarhar resulted in civilian casualties. On 1 July in Nimroz, four men and one woman were shot and killed, reportedly by Iranian Border Police, as they attempted to cross the border into Iran. Another man who was travelling with them was also wounded. On 6 September in Nangarhar, clashes between *de facto* security forces and Pakistani Military Forces at the Torkham border wounded eight civilians on the Afghan side of the border, including four children.

On 14 August at around 12.30pm in Khost city, next to Speen mosque, an explosion occurred at Mula Hotel. Five people were killed (one civilian and four Tehrik-e Taliban Pakistan (TTP) members) and at least 18 wounded (12 civilians, six TTP members). Some sources stated that the attack was carried out by a drone and that the targets were TTP fighters, who often frequented the hotel, however, there has been no claim of responsibility to date.

Unexploded ordnance was the leading cause of civilian casualties during the period killing at least 24 people and wounding at least 38 others. Among the victims were seven adults (four men, three women) and 53 children (44 boys, nine girls). In one instance, a rocket-propelled grenade shell that was being kept in a residence in Faryab detonated after a child picked it up and started playing with it. Three children were killed, and three others were wounded in the incident, all members of the same family. The ongoing harm caused by unexploded ordnance highlights the urgent need for both mine awareness education and mine clearance activities country wide.

Former government officials and former security force members

On 22 August, UNAMA released its third thematic human rights report for 2023, [A barrier to securing peace: Human rights violations against former government officials and former armed force members](#). The report found that despite senior *de facto* officials repeatedly, publicly expressing their commitment to a general amnesty protecting former government officials and former ANDSF members after their takeover of the country, widespread violations had taken place, with little accountability for perpetrators.

UNAMA documented at least 800 instances of extrajudicial killing, torture and ill-treatment, arbitrary arrests and detention and enforced disappearance carried out against former government officials and former ANDSF by the *de facto* authorities between 15 August 2021 and 30 June 2023. The report recommended that urgent steps be taken by the *de facto* authorities to fully uphold their publicly stated commitment to the “general amnesty”, noting that a failure to do so may have serious implications for the future stability of the country and prospects for lasting peace in Afghanistan.

Following the issuance of the report, *de facto* Deputy Prime Minister Hanafi said, with regards to the amnesty, that any act of revenge is considered a crime and perpetrators would be prosecuted. UNAMA continues its dialogue with the *de facto* authorities on this issue and the implementation of the report’s recommendations.

Treatment of detainees and conditions of detention

On 20 September, UNAMA released its fourth thematic report for 2023, Respecting human rights: A factor for trust – The treatment of detainees in Afghanistan. The report found that detainees in the custody of the *de facto* Ministry of the Interior and *de facto* General Directorate of Intelligence routinely experience torture and other forms of ill-treatment, predominantly in connection with the execution of arrests and questioning of detainees, with no accountability for perpetrators. Equally, these entities almost systematically violate legal and procedural safeguards, including notifying family and

allowing access to lawyers and doctors while in custody. These violations are occurring despite the issuance of decrees and policies which prohibit torture and ill-treatment^[4] and protect other procedural and due process rights, such as access to a defence lawyer.^[5]

The report found that in places of detention managed by the *de facto* Office of Prison Administration, instances of ill-treatment were rare and overall respect for procedural safeguards was higher. The report recommends a range of measures aimed at preventing torture and ill-treatment and also calls on the international community to support engagement with the *de facto* authorities with regards to compliance with international norms and standards.

Following the release of the report, *de facto* Ministry of Interior has established an internal Committee under the Office of the Minister to consider the findings and recommendations outlined by UNAMA. The *de facto* Office of the Prison Administration has also expanded UNAMA’s access to prisons throughout the country. UNAMA is also in discussion with both *de facto* entities regarding awareness raising sessions on standards and norms for the treatment of detainees.

By mid-September, the overall detainee population in prisons had surpassed 17,000 persons, an increase from the average of 10,000 which the *de facto* Office of Prison Administration has aimed to maintain since mid-2022. This poses serious challenges for the *de facto* Office of Prison Administration, which lacks adequate resources to ensure compliance with the minimum standards for the treatment of prisoners, including the provision of adequate food and healthcare.

[4] In January 2022, the Taliban leader issued the ‘Code of Conduct on Reforming the Prisoners’ System’, which contains numerous provisions prohibiting torture and ill-treatment.

[5] In April 2022, the *de facto* Ministry of Justice issued a ‘Defence Lawyers Integration Procedure’, which provides that that ‘every person can, upon arrest, appoint a defense lawyer to defend the accusation or to prove his or her right’.

Corporal punishment and the death penalty

The *de facto* authorities continue to implement public corporal punishments of convicted individuals across the country, sometimes against large groups. For example, on 16 August, 19 individuals (two women and 17 men) were publicly flogged in a sports stadium in Sar-e-Pul. On 17 September in Zabul, nine people (one woman and eight men) were publicly flogged, also in a sports stadium.

While no confirmed instances the death penalty being carried out were recorded, in late July, rumours circulated on social media of a planned stoning of two juveniles in Bahglan. Subsequent information gathered by UNAMA indicated that the detained individuals were adults (a woman and a man), arrested on accusation of adultery and being held in the *de facto* Police lock up in Pul-e-Khumri city. No execution has taken place and the case is reportedly proceeding through the judicial system. Neither of the accused has reportedly been granted access to a defence lawyer.

Khas Uruzgan

Between June and August, reports of alleged killings of Hazaras and destruction of property and agricultural crops belonging to Hazara farmers in Khas Uruzgan district of Uruzgan province began circulating on social media. It was also alleged that local *de facto* security forces may have been involved in these incidents.

UNAMA has, to date, confirmed the following violations in the district between January and September:

- killings of at least six Hazara residents of Khas Uruzgan by unknown perpetrators

- at least five incidents of destruction of property, including vehicles, houses and agricultural crops belonging to Hazara residents of Khas Uruzgan by unknown perpetrators
- at least two incidents of beatings of Hazara residents of Khas Uruzgan by unknown perpetrators.

On 16 September, a delegation from Kabul comprising representatives from the *de facto* Office of the Prime Minister, *de facto* Ministry of Justice, *de facto* Ministry of Defense and *de facto* General Directorate of Intelligence arrived in Khas Uruzgan to investigate the allegations and assess the security situation in the district. The delegation reportedly spoke to representatives of local Hazara and Pashtun communities, as well as *de facto* district officials. Following the delegation's visit, on 19 September, 16 individuals were reportedly arrested and are awaiting trial.

Restrictions on the commemoration of Ashura

On 17 July, Spokesperson for the *de facto* authorities, Zabihullah Mujahid, announced that while ceremonies for the commemoration of Ashura, a religious event commemorated mainly by the Shi'a community, would be permitted to take place, large gatherings and processions were prohibited in order to ensure the security of mourners. Localised restrictions were subsequently announced in some provinces, including a prohibition on displaying religious flags (in Helmand and Kandahar) and orders to confine events to designated areas (in Helmand, Kandahar, Nimroz and Uruzgan).

On 25 and 26 July, in Kabul, Shi'a mourners were reportedly slapped and beaten with sticks by *de facto* security forces for

allegedly failing to adhere to the previously announced security arrangements.

On 28 July, in Ghazni city, *de facto* security personnel opened fire to disperse a crowd of Shi'a mourners. Four people were killed, including one child and one woman who was shot through the window of her house, and six were injured. In response to the incident, the *de facto* Provincial Governor's office issued a tweet stating that some Ashura mourners threw stones and opened fire at the *de facto* security forces, resulting in the casualties. The statement expressed sympathies to the victims and stated that a committee, including members of the Shi'a community, would be established to investigate the incident.

Arbitrary arrests and detentions of human rights defenders and media workers

The *de facto* authorities continue to arrest human rights defenders, in particular women's rights activists, and media workers, on unknown grounds.

- On 12 July, in Nangarhar, radio journalist Irfanullah Bidar was arrested. He was subsequently released on 25 July.
- Between 6 and 19 August, a total of 11 journalists were arrested by the *de facto* General Directorate of Intelligence. Most of them were accused of providing information to foreign media or spreading propaganda against the *de facto* authorities. They were all subsequently released, with periods of detention ranging from six to 22 days.
- On 20 August, in Kabul province, Kabul city, *de facto* General Directorate of Intelligence arrested eight female protesters in a house affiliated with the "Unity and Solidarity for Afghan Women Movement". They were reportedly released after three hours, having signed

written guarantees to refrain from participation in future protests.

- On 19 September, in Kabul province, Kabul city, the *de facto* General Directorate of Intelligence arrested a member of the "Spontaneous Movement of Protesting Women in Afghanistan", Neda Parwani, together with her husband and her four-year-old son (who was later handed over to relatives). On 27 September, *de facto* General Directorate of Intelligence arrested the head of the same movement, Zholya Parsi, together with her adult son. At time of writing, both women and their male relatives remain in detention.
- University professor Rasool Parsi (arrested 6 March) and Head of NGO PenPath Matiullah Wesa (arrested 27 March) all remain in detention. Journalist Mortaza Behboudi (arrested 7 January) was released from detention on 18 October.

Freedom of the media

On 25 July, the *de facto* Ministry of Information and Culture commenced the distribution of identification cards to male and female journalists. While this has the potential to facilitate journalists' access to reporting sites and press conferences, some media actors believe that the move may instead further increase pressure on and censorship of the media by the *de facto* authorities.

On 1 August, in Nangarhar province, Jalalabad city, *de facto* Police forcibly closed the office of Hamisha Bahar radio and TV station, because it had run mixed-gender journalism classes. The *de facto* Police also forced two other radio stations located in the same compound to close, accusing them of being affiliated with Hamisha Bahar. The latter two radio stations were allowed to resume operations after a week and Hamisha Bahar after 20 days.

On 12 August, the *de facto* Ministry of Information and Culture convened a meeting of the Media Violations Commission, whose membership had expanded to include an increased number of representatives from the media. On 19 September, another meeting of the Commission was held. The meeting discussed the *de facto* authorities' plans to evaluate media outlets affiliated with political parties.

Activities of the *de facto* Ministry for the Propagation of Virtue and the Prevention of Vice

On 7 August, the *de facto* Ministry of Propagation of Virtue and the Prevention of Vice announced that jadoo (black magic/sorcery) is prohibited and that those who disobey the prohibition will be brought before a court. Following the announcement, there was a notable increase in instances of arrests of people accused of sorcery. In addition to the restrictions imposed by the *de facto* Ministry on women (see above, under Women's participation in employment and Women's freedom of movement), it continues to enforce a general prohibition on music and to monitor men's beard length and hairstyles.

For example:

- On 27 July, in Badakhshan province, *de facto* Department for the Propagation of Virtue and the Prevention of Vice arrested seven young men because they had shaved their beards. They were released after several hours.
- On 10 September, in Faryab province, the *de facto* Department for the Propagation and Prevention of Vice arrested 29 university students accused of playing

music in the dormitory during the engagement party of one of their classmates. Some of the students were allegedly slapped and had their heads forcibly shaved. All were released after 18 hours.

Justice system

On 11 July, the *de facto* Ministry of Justice published the fourth Official Gazette since the Taliban takeover. The fourth Gazette contained five decrees, setting out the mandate of four *de facto* oversight entities and arrangements, including the *de facto* High Directorate of Supervision and Prosecution of Decrees and Edicts, and established the membership of the *de facto* Independent Commission for Final Revision of Legislative Documents.

On 24 July and 9 August, the *de facto* Ministry of Justice's General Directorate of Legal Aid in Kabul held legal awareness-raising sessions, in which they conveyed that indigent suspects and accused persons, including women and children in family cases, are entitled to request legal assistance to defend their rights before judicial institutions.