

20 September 2021

United Nations High Commissioner for Human Rights, Ms. Michelle Bachelet

United Nations High Commissioner for Refugees, Mr. Filippo Grandi

United Nations Special Rapporteur on Extrajudicial Summary or Arbitrary Execution, Mr. Morris
Tidball-Binz

United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary
Lawlor

United Nations Special Rapporteur on the Human Rights of Migrants, Mr. Felipe González
Morales

United Nations Special Rapporteur on Violence Against Women, Ms. Reem Alsalem

United Nations Special Rapporteur in the Field of Cultural Rights, Ms. Karima Bennouna

United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of
Opinion and Expression, Ms. Irene Khan

Re: Human Rights Violations Committed in Afghanistan in the Wake of 2021 U.S. Withdrawal

Dear Madams and Sirs:

We, the under-signed, are writing to make an urgent appeal to you as diaspora Afghan scholars, activists, community organizers, attorneys, academics, students, working professionals, and gravely concerned citizens regarding the disastrous withdrawal and deplorable abandonment of Afghans and their fundamental human rights on the part of the United States (“U.S.”), its international allies, and the greater international community. Unquestionably, the U.S.’ hasty withdrawal, and its allies’ response, led to the human rights catastrophe that has ensued, paving the way for Taliban forces and its guarantors to backpedal democratic, human rights, and humanitarian gains. While the Afghan community welcomes the U.S. withdrawal of its military intervention, it was the U.S.’ responsibility to withdraw properly and safely, which it has unequivocally failed to do.

With Afghanistan’s humanitarian conditions drastically deteriorating in a matter of days, and continuing to do so over the following weeks and months, the international community has a legal and moral obligation to protect the right to life, dignity, and security of Afghan civilians, refugees, and allies including by holding the U.S. and the international community accountable for honoring its commitments to the Afghan people.

We call on you to honor and fulfill your obligations outlined by respective UN Resolutions and pressure member countries to support Afghan civilians and refugees against the routinely documented cruelty of Taliban rule. We, the under-signed, request that you advocate for the implementation of recommendations as a preventative measure and to reinforce International Law compliance to: (1) Denounce the

legitimization of the Taliban offensive as a formal government and any government's decisions to so legitimize it; (2) Act to issue an immediate cessation on all uses of drone strikes in the region, including, but not limited to, drone strikes from the U.S.; (3) Support Afghan nationals' right to self-determination and their advocacy for their right to life, dignity, security, and fundamental human rights; (4) Implement and expand upon existing evacuation and resettlement measures, and encourage member countries to do the same; (5) Ensure necessary humanitarian aid and relief reaches the most vulnerable; and (6) Establish international mechanisms to monitor human rights abuses with accountability measures to adjudicate human rights violations.

BACKGROUND AND HUMAN RIGHTS ABUSE SUMMARIES¹:

1. THE UNITED STATES, ITS ALLIES, AND THE GREATER INTERNATIONAL COMMUNITY IGNORED VERIFIED REPORTS OF A RAPIDLY UNFOLDING HUMANITARIAN CRISIS WITHIN AFGHANISTAN

The international community is no stranger to the refugee and displacement crises that has been ongoing in Afghanistan for decades; recent events have only reaffirmed the cries of caution and fear expressed by Afghan nationals about the deteriorating state of the nation. Most disturbingly, the international community is all too familiar with the Taliban's history and continued legacy of committing gross human rights violations and routine targeting of ethnic and religious minorities, women and girls, LGBTQIA communities, and attacking cultural rights. The United Nations Assistance Mission in Afghanistan ("UNAMA"), itself, has provided consistent reporting on the human rights and humanitarian atrocities unfolding in Afghanistan for over twenty (20) years. Of particular concern is UNAMA's most recent findings outlined in its [July 2021 Mid-Year Update Report](#) ("2021 Mid-Year Report"), revealing that "[b]etween 1 January and 30 June 2021, the United Nations Assistance [. . .] documented 5,183 civilian casualties"--of which 1,659 people were killed and 3,524 injured. The 2021 Mid-Year Report noted that this was a forty-seven (47) percent increase in civilian casualties compared to the first half of 2020. The Mid-Year report further emphasized: "This increase reversed the trend and progress made over the past four years of decreasing [Afghan] civilian casualties in the first six months of the year, with civilian casualties rising again [to] the record levels seen in the first six months of 2014 to 2018."²

According to the UNAMA report published on October 10, 2018:

"The combined use of suicide and non-suicide improvised explosive devices (IEDs) remained the leading cause of civilian casualties in the first nine months of 2018, causing nearly half of all civilian casualties. The majority resulted from suicide and complex attacks, which increased both in frequency and in lethality to civilians, driving the overall rise in civilian deaths. Ground engagements were the second leading cause of civilian casualties, followed by targeted and deliberate killings, aerial operations, and explosive remnants of war. Civilians living in the provinces of Nangarhar, Kabul, Helmand, Ghazni, and Faryab were most impacted by the conflict."

UNAMA's 2021 Mid-Year Report identifies the Taliban as the lead cause of Afghan civilian casualties.³ However, UNAMA's critical reporting has largely fallen on deaf ears with the United States and its allies, the United Nations Security Council, and the international community more broadly, despite sufficient

¹ The enumerated summary of abuses outlined in this letter is by no means an exhaustive list of human rights abuses in the region. While there are several areas of concern which require attention, those mentioned in this letter are meant to highlight the various facets of international human rights law that are violated. The under-signed will continue to monitor, follow up, and refer concerns and recommendations respectively as the need continues to arise.

² UNAMA's Mid-Year Update, 1 January To 30 June 2021: [Protection Of Civilians In Armed Conflict](#)

³ *Id.*

awareness about the increase in civilian harms and casualties. Still, foreign actors proceeded with an abrupt and what appears to be an uncalculated withdrawal from Afghanistan. The U.S.'s disorderly withdrawal comes after a 20-year occupation, failed policies, and false promises. It has further exacerbated violence and the death toll, in large part, by the U.S.'s failure to secure effective mechanisms to prevent the further loss of human life. In a drone strike emblematic of U.S. impunity during its decades-long occupation, the U.S. [targeted and killed](#) humanitarian aid worker Zamarai Ahmadi, along with nine other civilians, seven of whom were children.

2. THE INTERNATIONAL COMMUNITY MUST NOT ABANDON AFGHAN ALLIES

We hard press the United Nations to urgently call upon its member nations, including the U.S. and its allies, to honor their promises and stand by their Afghan allies with the utmost priority. The U.S. has thus far reneged on its promise to secure the safety of thousands of vulnerable Afghan civilians, including through expanding access to SIV status to tens of thousands of Afghans who assisted the U.S. as contractors, linguists, cultural advisors, or provided any other form of support with the U.S.'s mission inside Afghanistan.⁴

In 2020, the International Refugee Assistance Project (“IRAP”) [reported](#) that Afghan allies were forced to wait for unacceptable periods of time, often in the face of imminent and immense danger.⁵ IRAP’s data suggests that the average Afghan SIV applicant was likely waiting for more than four (4) years for a visa. In April 2019, the U.S. government reported a total average processing time for Afghan SIV applicants of 564 days.⁶ Given the untimely and inefficient processing of SIV applications, it is no wonder that thousands of Afghan allies remain stranded inside Afghanistan and are currently being hunted by the Taliban. The Afghan community calls on the United Nations and the greater international community to hold nation states accountable for fulfilling their guarantees to Afghan nationals, and provide mechanisms to safeguard successful evacuations from Afghanistan.

3. PROGRESS MADE ON AFGHAN WOMEN’S RIGHTS IS NOW COMPROMISED AND THE TALIBAN’S STATE-SANCTIONED GENDERED POLICIES VIOLATE THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Preamble to the Universal Declaration of Human Rights reaffirms the equal rights of all people. In 2020, civil society organizations reported that “the peace agreement between the [United States] and the Taliban made no mention of human rights or of women.”⁷ More so, under the peace agreement, “impunity was preserved for serious crimes under international law by all parties.” And despite efforts to secure women’s rights by receiving assurances from the Taliban that women and girls’ human rights will be honored, the actions and affirmative policies of the Taliban have forced women and girls initiatives to deteriorate.⁸ In recent days, reports have surfaced documenting the Taliban’s restrictions on women’s rights and access to education. While it remains unclear to what extent restrictions women will be expected to comply with in order to pursue education or participate in governance, the international

⁴ International Rescue Commission: [Evacuations from Afghanistan: What is the Afghan Special Immigrant Visa \(SIV\) program?](#)

⁵ Processing Delays in the Special Immigrant Visa Program: Findings in *Afghan and Iraqi Allies v. Pompeo*: [\(SIV Delays - 2-pager -1\).docx](#)

⁶ *Id.* Data and evidence uncovered and examined by IRAP and Freshfields Bruckhaus Deringer US, LLP during the discovery phase of *Afghan and Iraqi Allies v. Pompeo*, filed in June 2018 in federal district court in the District of Columbia, revealed the wait for SIV applicants with pending applications is much longer than reported by the U.S. government: Applicants in the Chief of Mission (“COM”) phase had already waited an average of two (2) years, while applicants in the Post-COM phase awaiting final adjudication had already waited an average of three (3) years.

⁷ *Amnesty International*, Afghanistan 2020.

⁸ Human Rights Watch.

community must support Afghan women in their pleas for agency and autonomy over practicing their right to education and self-determination.⁹

The Taliban's Gender-Based Discriminatory Policies

On September 07, 2021, Taliban leadership failed to make good on its promise of ensuring an inclusive government when it announced an all-male cabinet and by the same stroke erased the previous Women's Affairs Ministry. The UN's Women's Agency expressed "profound" disappointment at the lack of female participants in Afghanistan's new Taliban transitional government.¹⁰

The Taliban's transitional government is in stark contrast to the 2004 Constitution in Afghanistan which "enshrined gender equality as a principle."¹¹ Over the past two decades, Afghan women have revived progress on women's rights, building on their work that began long before the U.S. occupation. Their disapproval of the Taliban's policies targeting women's rights is evident by recent women-led protests in Kabul, where majority Afghan women, as well as Afghan men, are defiantly expressing public outrage against the Taliban's discriminatory practices and policies and demanding equal rights¹². In doing so, demonstrators are met with disproportionate violence by the Taliban. Disturbing videos show the Taliban flogging women, including the killing of a pregnant Afghan woman in Dasht-e Barchi (Kabul).

Furthermore, legal progress made in the region to safeguard women from violence remains under imminent threat as the Taliban's fringe interpretations of Sharia law allows for publicly displayed violence against women in the form of lashings, stonings, and even summary executions.¹³

Lastly, one of the greatest areas of growth in the last twenty (20) years, among many others, was Afghan women's sports and their participation in sporting activities.¹⁴ On or around September 8, 2021, Ahmadullah Wasiq, the deputy head of the Taliban's Cultural Commission, expressed that Taliban leadership would not allow women to play cricket but would allow men's cricket to continue.¹⁵ In doing so, the Taliban have expressly codified gender-based discriminatory policies by banning women from participating in sports.

Forced and Early Marriages

Credible witness' statements recounted Taliban commanders in the past several weeks requesting and nonconsensually forcing unmarried women and young girls to become "wives" for their fighters, triggering gross sexual and women rights violations.¹⁶ Forced and early marriage deprives women and

⁹ Reuters, [Taliban Say Women Can Study University classes- must be segregated](#) (Sept. 13, 2021).

¹⁰ VOA News, [UN: Afghan Women Refuse to Be 'Erased'](#) (Sept. 08, 2021).

¹¹ *Id.*

¹² "We decided to protest to demand our basic rights: the right to education, to work, and political participation. We want the Taliban to know that they cannot eliminate us from society," explained Arezo, "a young woman from Kabul who took to the streets" in response to the Taliban's announcement that women will be excluded from holding any senior positions in Afghanistan's Taliban-led government. (footnote HRW Sept. 7, 2021 article and also footnote the following quote from there: "Protests by Afghan women against Taliban restrictions that began in Herat on September 2 have spread to Kabul and Mazar-e-Sharif. On September 4, around 100 women gathered in front of the presidential palace – now the Taliban's command center in Kabul – carrying banners and chanting slogans for an equal society.") [HRW article link: [Afghan Women Protest Against Taliban Restrictions](#)]

¹³ The under-signed note that while this level of violence is not exclusive to Afghan women, the Taliban's gender-based discriminatory practices and policies creates a disproportionately high and adverse effect on Afghan women who will more likely than not be found to be in violation of state-sanctioned gendered practices and policies and, as a result, become prime targets for such violence.

¹⁴ UNAMA: [Afghan Women Break New Ground Through Sport](#) (June 02, 2013).

¹⁵ <https://time.com/6096243/taliban-women-sport-afghanistan/>

¹⁶ The Wall Street Journal, [Afghans Tell of Executions, Forced 'Marriages' in Taliban-Held Areas](#) (Aug. 12, 2021).

young girls of their basic human rights. The United Nations regards forced and early marriages as serious human rights violations that specifically violates Article 16 of the Universal Declaration of Human Rights.

Banning of Women and Girls from Education

Accounts from the ground reveal that in some provinces, women are instructed not to leave their home without a male relative escorting them. In Herat, Afghanistan, Taliban gunmen have guarded university gates and barred female students and instructors from entering campus. This is not unique to Herat. In other cities, there are disturbing accounts that women's health care clinics were shut down and girls' schools have been closed since the Taliban seized control of them in November of 2020.

The following is an excerpt from a statement received on September 12, 2021, via private electronic communications between the under-signed and an Afghan woman¹⁷ currently living inside Afghanistan:

"My last name is XXXX¹⁸ from XXXX province, Mazar-e-Sharif city of Afghanistan. Born in 1999. In the city of Mazar-e-Sharif. Graduated from XXXX University of Engineering faculty. And I live with my family in Afghanistan. And I'm going through hard times. I have reached this point in difficult conditions and with thousands of problems. And I studied with difficulties. And I fought hard. Hoping to work and serve my people and my homeland. And be free and self-sufficient like other human beings. And I'm still doing all these activities, while I know I'll be in danger. The fate of our Afghan youth inside the country is unknown. Our voices may be silenced, we may be repressed, or we may be killed, or we may be tortured, or we may be flogged. As you are aware of the oppression of the oppressors. My young people who are abroad, please continue. And do not leave us alone."

As of September 17, 2021, in violation of Article 26 of the Universal Declaration of Human Rights,¹⁹ the Taliban have issued a statement only [instructing](#) male teachers and students to attend their educational institutions.²⁰

According to locals in Kabul, women who previously held government positions are receiving messages with their pictures, title of their position, and threats from Taliban members.²¹ The Taliban has instilled fear and terror in civilians by beating, abusing, and mistreating them.

The above-mentioned are merely a sample of the Taliban's gender-based discriminatory policies and practices which must be addressed by the international community with the utmost urgency. The erasure of women from every aspect of Afghan society fosters more violations of human rights and jeopardizes the safety of not only Afghan women, but for women around the world at large.

¹⁷ Many Afghan citizens reporting human rights abuses expressed concern and fear over retaliation and requested that, to the extent possible, their identities and location not be disclosed. Thus, we have sought to anonymize individuals as much as possible, while ensuring that the bases for our recommendations can be fully understood. We have not anonymized individuals whose identities are already publicly known, individuals whose conduct is implicated in allegations, or those who did not raise any concerns about retaliation. However, more information may be made available upon request, to the extent possible, to verify such reports.

¹⁸ See footnote no.: 17.

¹⁹ Article 26 of the Universal Declaration of Human Rights provides that "everyone has the right to education [. . .] education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."

²⁰ Reuters, [Taliban say Afghan boys' schools to reopen, no mention of girls](#) (Sept. 17, 2021).

²¹ See footnote no.: 17.

4. TALIBAN'S EXTRAJUDICIAL EXECUTIONS AND THE HAZARA GENOCIDE

The Taliban were designated as the leading cause of civilian casualties in UNAMA's 2021 Mid-Year Report. Despite the release of various reports in the public media, the true cost of civilian casualties and Internally Displacement Persons ("IDP") remain to be seen. In part, this is due to the lack of stability in the region coupled with the Taliban's irregular presence. UNAMA notes that there have been consistent denials of responsibility, especially for some of the most recent incidents, by various actors including the Taliban. Due to the nature of their work, human rights defenders risk constant exposure to threats, intimidation, harassment, surveillance, arbitrary detention and the clear objective of silencing specific individuals by killing them, while sending a chilling message to the broader community. In order to sanitize its international image, the Taliban has reportedly evaded responsibility for suicide attacks and targeted killings.

Notwithstanding these persistent gaps in information, the following is a compilation of extrajudicial executions and acts of genocide waged by the Taliban against various civilian groups, including Hazara Afghans:²²

- (1) On September 25, 2018, in Kandahar city, gunmen shot and killed Mohammad Naser Mubarez, a civic activist and candidate for the 2018 Wolesi Jirga elections. The Taliban claimed responsibility for the attack.
- (2) In Kandahar, the Taliban detained and executed suspected members of the provincial government and security forces, and in some cases their relatives.²³
- (3) On July 22, 2021, Taliban fighters abducted and executed popular Kandahari comedian Nazar Mohammad, known as Khasha Zwan, from his home in southern Kandahar, beat him, and then [shot him multiple times](#). After a video of two men slapping and abusing Khasha Zwan appeared on social media, the Taliban [admitted](#) that two of their fighters had killed him.²⁴ Khasha Zwan had [reportedly](#) also worked with the local police.
- (4) Hazaras in Afghanistan, who have historically, politically, and systemically been discriminated against, suffered thousands of deaths and injuries during the National Unity Government (NUG) in the last five years.²⁵ Almost all suicide and orchestrated attacks along with various targeted killing, beheadings, kidnappings, taking hostage, and road blockages were proclaimed by the Taliban and other Islamic radical extremist networks.²⁶ A report published by Australian Government's Department of Foreign Affairs and Trade (DFAT) also describes that only in the dawn of the 20th century around 60 percent of the entire Hazara population has been eliminated in different ways, most often by killing, selling into slavery, or forced into exile.²⁷
- (5) According to the Commission's findings, after capturing Malistan district in July of 2021, the Taliban searched houses in Miradina, Shirdagh, and Pashi areas and killed civilians who had no role in the clashes.

There are also reports that the Taliban is targeting civilians by way of cyber hacking to identify those who worked with Ghani's administration. The Taliban's technological advances and proficiency could be attributed to an influx of younger recruits during the past decade as well as support from their partners.

²² The under-signed note that this is not an exhaustive compilation of abuses, but only serves to highlight examples of extrajudicial killings and acts of genocide committed by the Taliban.

²³ HRW: [Afghanistan: Mounting Taliban Revenge Killings](#)

²⁴ *Id.*

²⁵ OHCHR: [Over A Century Of Persecution: Massive Human Rights Violation Against Hazaras In Afghanistan](#)

²⁶ *Id.*

²⁷ *Id.*

Just over a month before the Taliban takeover of Afghanistan, reputable civil society organizations, such as Human Rights Watch (“HRW”), warned the international community against Taliban forces detaining [more than 300 people](#) in their custody in unidentified locations. HRW has expressed grave concerns that Taliban forces may likely commit further atrocities.²⁸

5. TALIBAN ON TRACK TO ERASE AND ANNIHILATE AFGHAN CULTURE AND HERITAGE

The United Nations, its member states, and the greater international community must act with urgency to safeguard Afghanistan and its citizens from the Taliban’s systematic attempts to erase and annihilate Afghan culture and heritage. Under Article 27 of the International Covenant on Economic, Social and Cultural Rights (ICCPR) which 171 states are parties to, “[e]veryone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” During the last twenty years, Afghanistan has experienced a revived cultural renaissance, reflected in its diverse ethnicities and languages. A folk music scene flourished; a new generation of authors, poets and filmmakers created exciting new works; an explosion of media outlets entrenched a vibrant, free press culture; and a surge in translation and academic study elevated and unearthed the ancient culture of modern-day Afghanistan.²⁹ The Taliban’s efforts to exert their dominance and control over the Afghan people threatens to rid Afghanistan of its rich cultural identity, risking the advancement made over the last two decades.

Ahmad Rashid Salim, a doctoral fellow at University of California, Berkeley specializing in Islam, Afghan History, and Farsi Literature, challenges the notion that the Taliban follow a fringe Quranic interpretation of idol destruction and puts forward the following:

“The Taliban are an armed extremist group who are rooted in the deployment of violence [. . .] When you kill history, when you kill language, when you kill leaders, when you kill intellectuals, when you kill the religious and spiritual leaders of a society, you can do whatever you want with the people who no longer have a past.”³⁰

As Ms. Karima Bennoune, Special Rapporteur in the field of cultural rights, addressed in her appeal to the international community and government actors on August 17, 2021, “[i]t is deplorable that the world has abandoned Afghanistan to a fundamentalist group like the Taliban whose catastrophic human rights record, including practice of gender apartheid, use of cruel punishments and systematic destruction of cultural heritage, when in power, is well documented [. . .] all governments and the international community must act with urgency today to prevent a massive human rights and cultural disaster in Afghanistan.”³¹

Within the first several days of the Taliban’s seizure of Afghanistan, many Afghan civilians were executed in a calculated effort to annihilate cultural practice or rights. Most recently, on August 27, 2021, Afghanistan’s former Minister of Interior, Massoud Andarabi, reported that Fawad Andarabi, a well-known folkloric singer from the Andarab Valley was executed by the Taliban. According to a local journalist, the singer “was dragged from his home and killed by the Taliban in a restive mountain province north of Kabul.”³²

²⁸ HRW: [Afghanistan: Threats of Taliban Atrocities in Kandahar](#)

²⁹ ABC NEWS, [Taliban Pose Threat to Afghan Cultural Heritage as they Sweep Back into Power](#) (Aug. 22, 2021).

³⁰ *Id.*

³¹ OHCHR, [Afghanistan: UN Expert Warns of “Cultural Disaster”, Urges Visas for the Vulnerable](#) (Aug. 17, 2021).

³² CNN, [Afghan Folk Singer Taken From His House and Killed By the Taliban](#) (Aug. 30, 2021).

The Taliban also exercise prohibition of music on TV channels, including the RTA and have even gone so far as to destroy musical instruments. Out of fear, many Afghan musicians have also destroyed their own musical instruments.

6. TALIBAN'S TARGETING OF JOURNALISTS AND ATTEMPTS TO SUPPRESS FREE SPEECH IS A WAR CRIME AND VIOLATES ARTICLE 19 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS & ICCPR

In a statement [on June 24](#), 2021, the Taliban threatened to target all Afghan TV channels, radio stations, and other media outlets that aired or published advertisements critical of their fighters.³³ Article 19 of the Universal Declaration of Human Rights grants everyone the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.³⁴ Freedom of opinion and expression is also enshrined in Article 19 of the International Covenant of Civil and Political Rights, ratified by 160 states, as an "indispensable condition for the full development of the person," and a "necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights."³⁵ The freedom of expression is a fundamental universal human right. It is therefore an essential element of any society insofar as it promotes free thought, information, and ideas and enriches the public debate.

On August 24, 2021, The Committee to Protect Journalists (CPJ) reported that at least two members of the press were subjected to home raids.³⁶ When the Taliban took control of Afghanistan, it raided the homes of [at least four other news journalists](#) and news agency employees.³⁷

The International Women's Media foundation also reported to Voice of America (VOA) that the Taliban have been searching for journalists on the ground and raiding homes. [Taliban militant forces have been reported](#) outside the buildings of news agencies, despite promises from Taliban spokespeople that they would leave. Journalists have also reported being assaulted by the Taliban while covering recent events in the region. Ziar Khan Yaad, who works for Tolo news channel, one of the most prominent channels in Afghan television, was beaten and his reporting equipment, including cameras and his own mobile phone, were stolen.³⁸

Notably, this record started long before the fall of Kabul and the Taliban takeover. Two weeks before the Taliban usurped the presidential palace, the Arg, Taliban spokesperson Zabihullah Mujahid ("Spokesperson Mujahid") claimed Taliban responsibility for killing Dawa Khan Menapal, the director of the Afghan government's Information Media Center.³⁹

Consequently, a number of journalists and persons in the media have fled the country as their safety and security is now compromised, including the first woman journalist to interview the Taliban on air, [Beheshta Arghand](#).

³³ Link: *See generally* HRW, [World Report 2020: Afghanistan](#).

³⁴ United Nations Universal Declaration of Human Rights, Article 19.

³⁵ Human Rights Committee, International Covenant of Civil and Political Rights, General Comment No. 34, CCPR/C/GC/34 ¶ 2-3.

³⁶ Committee to Protect Journalists, [Taliban Raids Homes of 2 More Journalists in Afghanistan](#) (Aug. 24, 2021).

³⁷ *Id.*

³⁸ VOA NEWS, [Taliban Assault Afghan Journalist in Latest Attack on Media Freedom](#) (Aug. 26, 2021).

³⁹ During the Taliban's first press conference, Spokesperson Mujahid claimed responsibility, at the time stating Mr. Menapal "was killed in a special attack." *See* BBC News, [Afghanistan: Mysterious Taliban Spokesman Finally Shows His Face](#) (Aug. 27, 2021).

In the Taliban's first address to the nation after the militant group's recent takeover, Spokesperson Mujahid proclaimed that the press may continue to report as usual on the express condition that there would be no "fake news." The determination for what qualifies as "fake news" and the punishment for publishing said "fake news" remain unspecified.

HRW has recorded repeated incidents of the Taliban using force, including lethal force, threats, and intimidation against journalists, reporters, and media personnel. These attacks force the members of the press to either censor themselves, abandon the field, or flee the country to safeguard against intimidation, harassment, physical violence or worse, deadly force for failure to comply with the Taliban's media coverage conditions. HRW has also documented a number of cases of the Taliban detaining journalists for hours or days at a time. The Afghan Journalists Security Committee noted several cases of the Taliban declaring killings of members of the media as a "religious duty," in light of their presumed Western influence and education.

The blockade of a free press, especially in a time when civil liberties and human rights are gravely under threat, is not only placing journalists' lives at risk, but is extremely dangerous for civilians in Afghanistan living under an insurgent militant force. This suppression not only silences their expression, but also bars their access to unbiased and non-Taliban controlled information.

The freedom of expression is a fundamental universal right enshrined in international and human rights instruments,⁴⁰ and the Taliban's state-sanctioned suppression thereof is a critical violation of Article 19 of the Universal Declaration of Human Rights and Article 19 of the ICCPR.

7. TALIBAN'S RECENT OFFENSIVE ATTACKS IN PANJSHIR IS AN ACT OF GENOCIDE

Panjshir Valley, Afghanistan, the epicenter of ongoing fighting between the Taliban and resistance forces, is cause for serious international concern as reports of an active genocide, willfull killing, blockage of food and humanitrian aid, and electricty and media blackouts have been emerging. Notably, hundreds of thousands of Afghans from all ethnic and religious backgrounds fled to Panjshir to seek refuge, including ethnic and religious minorities largely at risk, democratically elected officials, and human rights defenders.

Although Panjshir is the last city in Afghanistan that has not fallen to Taliban rule, gross human rights violations and crimes against humanity are being orchestrated on a mass scale. These include, but are not limited to the following: (1) civilians currently in Afghanistan report that the Taliban are forcing Panjshir citizens into containers and setting said containers on fire,^{41 42} (2) persons are being executed wilfully;⁴³

The Northern Resistance Front confirmed that the Taliban air force was being supplied by Pakistan. More disturbing still are reports that foreign mercenaries are supporting the Taliban.

The UN must bring attention to this and provide humanitarian aid to the people of Afghanistan, especially in the Panjshir Valley where they are actively targeted because of their stance in favor of democracy, liberty, and justice.

The UN must take all adequate measures to support the Panjshir-led efforts to protect innocent civilians as this massacre must not and cannot continue.

⁴⁰ OHCHR: <https://www.ohchr.org/en/issues/freedomopinion/pages/standards.aspx>

⁴¹ See footnote no.: 17.

⁴² This was reported by an Afghan woman in Afghanistan on September 16, 2021.

⁴³ BBC Persian, Instagram Video, Sept. 10, 2021.

CONCLUSIONARY REMARKS & REQUESTS:

The U.S. and its allies played an undeniable role in the instability and corruption in Afghanistan that led to the current Taliban takeover. During the first Soviet invasion in 1979, the U.S., through Pakistan, supplied many mujahideen leaders with military and monetary support to fight against the USSR. This unchecked flow of funding and weaponry to mujahideen leaders based out of Pakistan, eventually led to infighting between different factions, and the formation of the Taliban in the 1990s. The role these foreign actors played in sustaining violence in the region is indisputable. It was this spark that eventually resulted in tens of thousands of civilian casualties in Afghanistan.

Since then, foreign actors have continued to exert their influence, often in ways extremely detrimental to the Afghan people. The United States, as a permanent member of the United Nations Security Council, had ample warning and awareness about the increase in civilian harms and casualties its withdrawal was likely to precipitate. Nonetheless, the U.S. hastily and abruptly withdrew without securing any mechanisms to prevent the further loss of human life.

The UN has received multiple letters and public pleas from Afghan nationals, leaders, and the diaspora community urging international action, including delivery and disbursement of aid. We urge you to take swift action to further prevent the additional loss of civilian life, greater human suffering, displacement, and insatiability in an effective and immediate manner. It is essential that the UN and the international community act quickly given the ongoing and escalating risks to Afghans.

As independent mandate-holders, we call on you to honor and fulfill your obligations outlined by the respective UN Resolutions and pressure the international community to support Afghan civilians and refugees against routinely documented cruelty and Taliban rule.

Based on the foregoing, We, the under-signed, request that you advocate for the implementation of both immediate and short-term measures, make recommendations as a preventative measure, and to reinforce International Law compliance, including but not limited to, the following:

1. Denounce the legitimization of the Taliban offensive as a formal government and any government's decisions to so legitimize it;
2. Act to issue an immediate cessation on all uses of drone strikes in the region, including, but not limited to, drone strikes from the U.S.;
3. Support Afghan nationals' right to self-determination and their advocacy for their right to life, dignity, security, and fundamental human rights;
4. **Evacuations & Resettlement:**
 - a. Assist in facilitating the immediate evacuation of the remaining hundreds of American citizens, foreign nationals, as well as SIV, P1, P2, and Humanitarian Parolees stranded in Afghanistan;
 - b. Secure the parameters in and around Kabul Airport and urge neighboring countries who have not already done so to resume commercial flights for evacuation efforts;
 - c. Call on neighboring countries to ensure borders remain open for free passage of Afghan civilians and urge the international community to welcome Afghan refugees without delay by raising their respective refugee caps;
 - d. Demand that the international community expand its definition of humanitarian parole, refugee, asylum, and permanent status for arriving citizens;
5. **Humanitarian Aid:**
 - a. Increase humanitarian aid and assistance at borders, countries hosting Afghan refugees, and third countries providing safe passage to Afghan evacuees;

- b. Immediately continue the dispersal of frozen humanitarian aid and funds to Afghanistan, including but not limited to, the World Bank and International Monetary Fund accounts, in a strategic manner so as to ensure funds reach the most vulnerable;
 - c. Press the international community to not leave Afghan civilians' livelihoods to remain dependent on Taliban leadership and agreement. The international community must work with civilians and NGOs to disburse and distribute aid in Afghanistan;
6. **International Monitoring:**
- a. Establish immediate international monitoring mechanisms of human rights abuses and violations against the people of Afghanistan, especially against ethnic and religious minority communities, women, and members of the LGBTQIA community;
 - b. Secure and ensure education, artistic and cultural expression, and the rights of women to self determination; and
 - c. Support the position that human rights abuses and violations occurred in Afghanistan and against the Afghan people shall be investigated by the International Criminal Court (ICC) with a special focus on all actors and foreign governments involved, including reports of Pakistan's Airforce providing support during the Taliban's offensive attack on Panjshir, Afghanistan, this month.

Sincerely,

Global Advocates for Afghanistan
Scholars for Afghanistan