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“YOUR SONS ARE IN THE MOUNTAINS”

THE COLLECTIVE PUNISHMENT OF CIVILIANS IN PANJSHIR BY
THE TALIBAN

AMNESTY
INTERNATIONAL



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Cover photo: In this photograph taken on July 8, 2022, a Taliban fighter holds a rocket-propelled grenade (RPG) at a road checkpoint near the Bazarak district in Panjshir Province. © WAKIL KOHSAR/AFP via Getty Images

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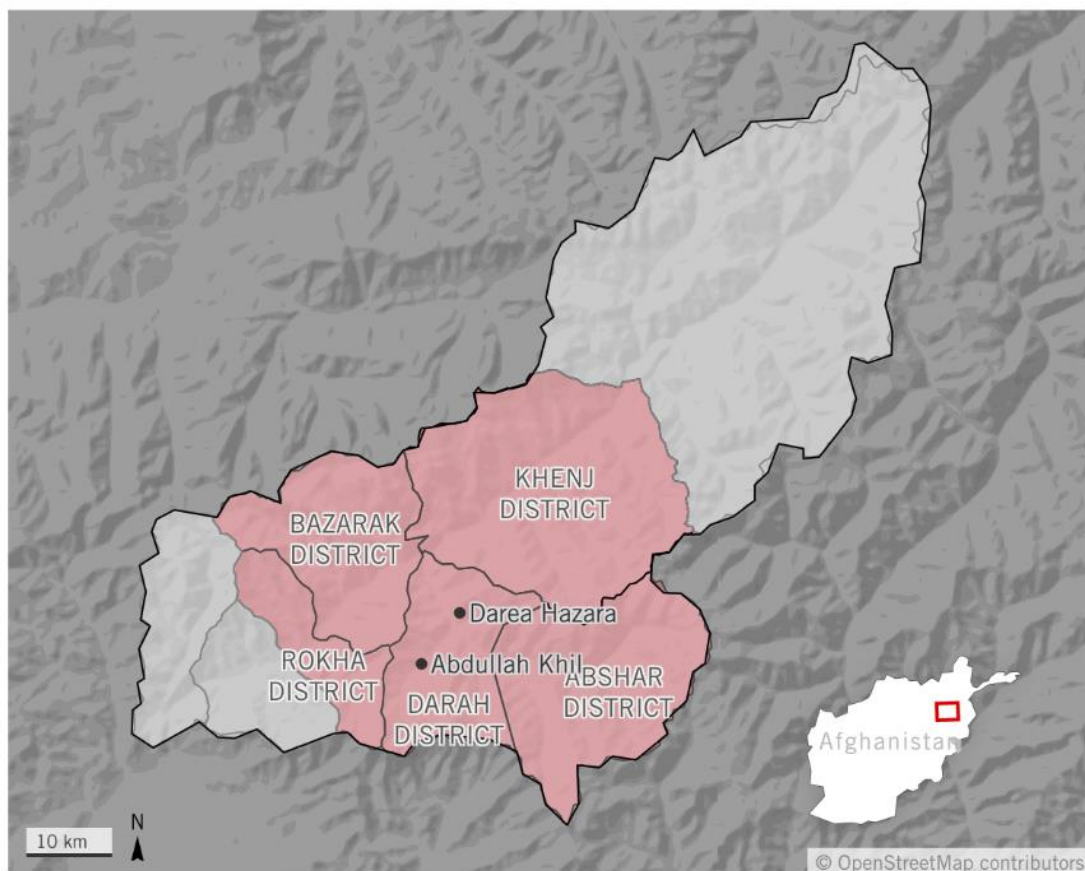


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MAP

Panjshir Province, Afghanistan



 Districts where Amnesty International documented potential war crimes

EXECUTIVE SUMMARY

In the middle of August 2022, the Taliban conducted a series of mass arrests in Darah district, in the province of Panjshir. That part of Afghanistan consists of extremely high bare mountains and lush river valleys, tight rocky canyons and shepherds guiding cattle. The villages lie along the valley floor, and the mountains are a traditional place of refuge during times of conflict. After the fall of the former government of Afghanistan, fighters fled to the mountains, to plan attacks against Taliban patrols.

During the mass arrests, the Taliban swept up men from a handful of villages in Darah, taking them to mosques and schools for detention and questioning. Even village elders were included in the round-up, bound and blindfolded. However, as the Taliban began interrogations, the fathers and grandfathers eventually realized that they were not the target of the operation at all. The Taliban were not looking for them, they were looking for their sons.

“Where are your sons?” the Taliban demanded, beating the men. “It is said that your sons are in the mountains.”

Since the Taliban seized control of Afghanistan in August 2021, they have directed collective punishment upon the residents of Panjshir province, particularly in communities where the Taliban have established and deployed their forces. In an effort to combat the National Resistance Front, an armed group that formed initially in Panjshir to oppose the Taliban, they have retaliated against captured fighters, and targeted the civilian population to force submission and compliance. The list of war crimes and violations of international humanitarian law committed by the Taliban in Panjshir is long: torture and other ill-treatment, extrajudicial executions, hostage-taking, the intentional burning of civilian homes, and arbitrary deprivation of liberty. But beyond each individual act designed to instil fear, this conduct in sum constitutes collective punishment, which in itself is a war crime.

This unlawful punishment began in the first days that the Taliban exercised de facto authority. In September 2021, members of the security forces of the former Afghan government fled to Panjshir with equipment and arms. After clashes with these new armed groups, the Taliban subjected captured fighters to torture and other cruel, inhuman, or degrading treatment, and unleashed a campaign of punishment that included the civilian population. Over the last 18 months, the Taliban have organized village-wide arbitrary arrests of adult men and older boys, detained them without charge, and subjected many of those so detained to beatings and other abuse. The Taliban have also burned homes, imposed the only curfew in all of Afghanistan, seized civilian homes, used schools for interrogations, and denied shepherds access to their traditional grazing lands.

After a series of clashes with the National Resistance Front in September 2022, the Taliban forced the surrender of dozens of fighters, bound their hands, and conducted a mass extrajudicial execution on the mountainside. In one video, showing five of the men being executed, the Taliban fire their automatic rifles continuously for 19 seconds, pause, and then gratuitously resume shooting bullets into the bodies.

To document and reconstruct these incidents, Amnesty International researchers had to work remotely, as the Taliban have severely restricted outsider access to Panjshir. Investigators used encrypted messaging apps to interview 15 survivors and other witnesses who had fled the province, obtaining testimonies that were further corroborated by another 14 people from Panjshir with knowledge of many of the incidents. In addition, researchers analysed available open-source information, including satellite imagery, videos, and photos, to prove where and when certain unlawful detentions and killings occurred. In many cases, the Taliban themselves filmed the violations and posted the videos online.

In light of these findings, Amnesty International calls upon the Taliban authorities to immediately cease their campaign of collective punishment, investigate the individual constituent cases presented here per international human rights law and standards, and where warranted hold fair trials in ordinary civilian courts without recourse to the death penalty. However, Amnesty International is aware that thus far the Taliban have shown themselves neither willing nor able to conduct such an accountability process in similar circumstances.

The people of Afghanistan have endured crimes under international law and other serious human rights violations and abuses with little accountability, both before and after August 2021. The lack of credible domestic infrastructure for accountability means that evidence of such crimes and violations, including those that have been documented in this report, is at a serious risk of disappearing or being destroyed. Therefore, Amnesty International again calls upon the UN Human Rights Council to establish an independent international accountability mechanism for Afghanistan, with a mandate to collect and preserve evidence for future international justice efforts, including prosecutions, and for UN member states and the International Criminal Court to use such evidence to conduct full investigations into all parties to the conflict, including cases documented in this report.

The civilians of Panjshir, and indeed of all Afghanistan, deserve an end to impunity and a road to justice, truth, and reparation.

METHODOLOGY

This report is based on remote research conducted by Amnesty International between June 2022 and May 2023 and focuses on war crimes and other human rights violations and abuses that, when considered in concert, amount to the crime of collective punishment in the province of Panjshir. Specifically, this report documents extrajudicial executions, arbitrary detentions, torture and other ill-treatment, the intentional destruction of civilian objects, and the use of civilian structures, including schools, by the Taliban. This report also sets out the legal framework for understanding these cases, and how together they amount to the collective punishment of civilians.

Amnesty International investigators conducted remote interviews via secure voice calls with survivors and other witnesses as well as with additional individuals with knowledge of the violations. Most of the people interviewed had fled from Panjshir to other parts of Afghanistan or abroad. Security concerns and access restrictions prevented Amnesty International researchers from traveling to Panjshir to conduct on-site investigations to gather physical evidence. In addition, due to a lack of internet connectivity in Panjshir, as well as restrictions on the use of smartphones, conducting such interviews safely was extremely challenging, and in many cases follow-up interviews were not possible. The findings presented in this report represent what could be substantiated within these limitations.

Amnesty International conducted interviews with a total of 29 persons from Panjshir. Many of these interviews were conducted during 2022, at the time of the most significant fighting and crimes documented in this report. Demographically, 28 of the interviewees were men and one was a woman. The gender disparity in interviewees was due to lack of access to Panjshir, domestic customs combined with the restrictions introduced by the Taliban that have limited women's access to encrypted messaging apps, and the reduced ability of women to travel to locations where it would be safer to be interviewed remotely.

The interviews were conducted in Dari, and the notes were translated into English for review. All potential interviewees were informed of the nature and purpose of the research, as well as how the information they provided would be used, before deciding whether to agree to an interview. No monetary compensation or other incentives were provided in exchange for their accounts. Oral consent was obtained from each interviewee, and all were given the option to not have their names included in the report.

In all cases, interviewees requested that their names not be used, for fear of reprisals from the Taliban. Amnesty International assesses that this risk is real and significant. No pseudonyms are used anywhere in this report. While all of the interviewees were survivors, other witnesses, family members of victims, or others with first-hand information about specific incidents, in several cases, for security reasons, they are only identified in this report as people with knowledge of the situation.

For certain incidents, the Crisis Response Programme's Evidence Lab also completed an open-source investigation of available social media material, and analysed 39 photos and 22 videos, some of which appeared online and some of which were privately provided by witnesses via secure transfer. Many of the videos were likely filmed by members of the Taliban. Where possible, the Evidence Lab attempted to corroborate the time and location where videos were filmed. Satellite imagery was also used in one case to corroborate shifts in the environment during the timeframe in question.

In addition to interviews with people from Panjshir and open-source investigations, Amnesty International interviewed other relevant experts, including analysts from international organizations and local human rights monitors. Researchers also consulted Afghan media, academic articles, and reports from other NGOs and international bodies. One report, written by the non-profit organization Afghan Witness, includes open-source documentation of executions and other killings, which overlap with several cases independently examined by Amnesty International.

On 25 May 2023, Amnesty International requested an official response from the Taliban to the allegations in this report. At the time of publication, they had not replied.

1. BACKGROUND

During the period covered by this report, there was a non-international armed conflict (NIAC) in the province of Panjshir in Afghanistan. The parties to this conflict are the National Resistance Front (NRF) of Afghanistan and the Taliban, who are the de facto authorities in the country. While fighting between armed groups continues sporadically in multiple areas of Afghanistan, this report focuses on violations that contribute to the finding of collective punishment in the context of the armed conflict in Panjshir.

The NRF, also known as the Second Resistance,¹ is an armed group made up primarily of Tajik fighters and former members of the Afghan National Defense and Security Forces (ANDSF). It is led by Ahmad Massoud, the son of Ahmad Shah Massoud, who led militias against the Soviet invasion in the 1980s and was involved in the civil war of the 1990s, including fighting against the Taliban. Ahmad Shah Massoud's fighters are accused of war crimes and other grave violations of international law, including the February 1993 Afshar massacre, in which hundreds of civilians were killed or disappeared.² Ahmad Shah Massoud was assassinated by Al-Qaida on 9 September 2001.³

While the Taliban, who are mainly Pashtuns, nominally assumed control of Afghanistan when the group seized Kabul on 15 August 2021, the province of Panjshir was not captured until mid-September. Thereafter, pockets of armed resistance against the Taliban continued in both Panjshir and adjacent Baghlan provinces, led by the newly formed NRF.

Violations by the Taliban against civilians and suspected fighters in Panjshir began almost immediately. As previously documented by Amnesty International, on 6 September 2021 Taliban forces detained approximately 20 men after capturing the village of Badqul.⁴ The detained men were beaten, threatened with execution, and denied food and water for two days. At least five of the men had been wounded in the previous fighting, and Taliban members denied them medical treatment. Torture and cruel or inhuman treatment, as well as willfully causing great suffering or serious injury, to body or health, of those deprived of liberty, both constitute war crimes.⁵

On the same day, the Taliban targeted civilians suspected of being associated with the former government. Also on 6 September 2021, in the village of Umarz, the Taliban arbitrarily detained and extrajudicially executed at least six men.⁶ Some of the men had previously been members of the ANDSF, but none were currently serving or taking direct part in hostilities. The deliberate killing of civilians and of those who are captured, injured, or otherwise *hors de combat* is a war crime.⁷

Since capturing Panjshir in September 2021, and as will be demonstrated in this report, the Taliban have put in place steadily increasing restrictions on civilian activities, seized civilian property, and conducted mass

¹ The First Resistance being the Northern Alliance, fighting the Taliban in the 1990s.

² Human Rights Watch, *Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity*, 6 July 2005, <https://www.hrw.org/reports/2005/afghanistan0605/4.htm>

³ Council on Foreign Relations, "The U.S War in Afghanistan," <https://www.cfr.org/timeline/us-war-afghanistan>

⁴ Amnesty International, *No Escape: War Crimes and Civilian Harm During the Fall of Afghanistan to the Taliban* (Index no. ASA 11/5025/2021), 15 December 2021, <https://www.amnesty.org/en/documents/asa11/5025/2021/en/>

⁵ International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law: Volume 1: Rules*, J-M Henckaerts and L Doswald-Beck, eds, 2005 (hereinafter: ICRC, Customary IHL Study), Rule 90; see also Rome Statute, Articles 8(2)(a)(ii) and (iii); Common Article 3 of the four Geneva Conventions of 1949; Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 4(2)(a).

⁶ Amnesty International, *No Escape: War Crimes and Civilian Harm During the Fall of Afghanistan to the Taliban* (Index no. ASA 11/5025/2021), 15 December 2021.

⁷ ICRC, Customary IHL Study, Rules 89 and 156; Rome Statute, Article 8(2)(c)(i); Common Article 3 of the four Geneva Conventions of 1949; Protocol II, Article 4(2)(a).

arrests, in particular in areas where fighting occurred between Taliban forces and NRF fighters. Members of the Taliban have tortured detainees, in some cases to death. In August 2022, the Taliban announced that Abdul Qayum Zakir⁸ would serve as the chief military commander in Panjshir.⁹ Fighting between the Taliban and NRF significantly intensified soon after, culminating in three bloody days of mass extrajudicial executions, which are described below.

FIGHTING OUTSIDE PANJSHIR PROVINCE

While this report addresses crimes and violations committed by the Taliban during their armed conflict with the NRF, there is also fighting in other parts of Afghanistan. This includes attacks by the Islamic State in the Khorasan Province (ISKP) against both civilians and Taliban security targets, and skirmishes between the Taliban and a variety of armed groups formed after the collapse of the former government of Afghanistan. For example, a former Hazara commander of the Taliban turned against the de facto authorities, leading to fighting in the Balkhab district of Sar-i-Pul province in June 2022, and the Afghanistan Freedom Front has conducted attacks against Taliban targets in Kabul and Bagram Airfield.

⁸ Abdul Qayum Zakir is also the Taliban's Deputy Minister of Defence and a former detainee of the US in Guantanamo Bay. Before the Taliban takeover in 2021, Zakir had also once served as head of the Taliban military commission under the Quetta Shura in Pakistan.

⁹ Long War Journal, *Taliban Appoints Former Guantanamo Bay Detainee to Lead Fight in Panjshir*, 21 August 2022, <https://www.longwarjournal.org/archives/2022/08/taliban-appoints-former-guantanamo-bay-detainee-to-lead-fight-in-panjshir.php>

2. CRIMES IN PANJSHIR THAT AMOUNT TO COLLECTIVE PUNISHMENT

Since the earliest days of the Taliban's de facto authority in Afghanistan, they have meted out devastating punishment upon people, sometimes entire civilian communities, whom they suspected were supporting the NRF. The Taliban have conducted mass extrajudicial executions, mass arrests, and arbitrary detentions where civilians were tortured, sometimes to death. The Taliban have also restricted the movement of civilians, taken hostages to force the surrender of alleged NRF fighters, restricted access to traditional grazing areas, restricted the use of smartphones, and occupied homes, schools, and mosques, converting them into military bases, detention centres, and interrogation rooms where they hunt for supposed NRF collaborators. These crimes and violations, in sum, amount to collective punishment.¹⁰

2.1 EXTRAJUDICIAL EXECUTIONS

Taliban forces extrajudicially executed dozens of detainees from the Khenj, Darah, and Rokha districts of Panjshir province between 12 and 14 September 2022. The exact number of detainees killed during that time is still not clear. As described below, Amnesty International was able to confirm 14 extrajudicial executions by name, using a mixture of testimonial and digital evidence, in Khenj and Darah districts. In Rokha district, video evidence shows the bodies or likely associated graves of dozens more extrajudicially executed. A United Nations report lists a total of 48 unlawfully killed.¹¹ The actual number could well be much higher.

The detainees were bound, marched along a path on the mountainside, and shot in small groups. In many cases, the killings and aftermath were filmed by Taliban members. To document the incidents, Amnesty International analyzed the contents of the videos, verified their authenticity, geolocated where the killings occurred, spoke to witnesses and other people with knowledge of the executions, and reviewed media and other reports on the incidents.

The extrajudicial execution of persons deprived of their liberty for reasons related to a non-international armed conflict and attacks against fighters *hors de combat* are war crimes.¹²

¹⁰ ICRC Casebook, Collective Punishments, https://casebook.icrc.org/a_to_z/glossary/collective-punishments

¹¹ United Nations, "The situation in Afghanistan and its implications for international peace and security" 7 December 2022, p.7. (A/77/636-S/2022/916), https://unama.unmissions.org/sites/default/files/221207_sg_report_on_afghanistan_s.2022.916.pdf

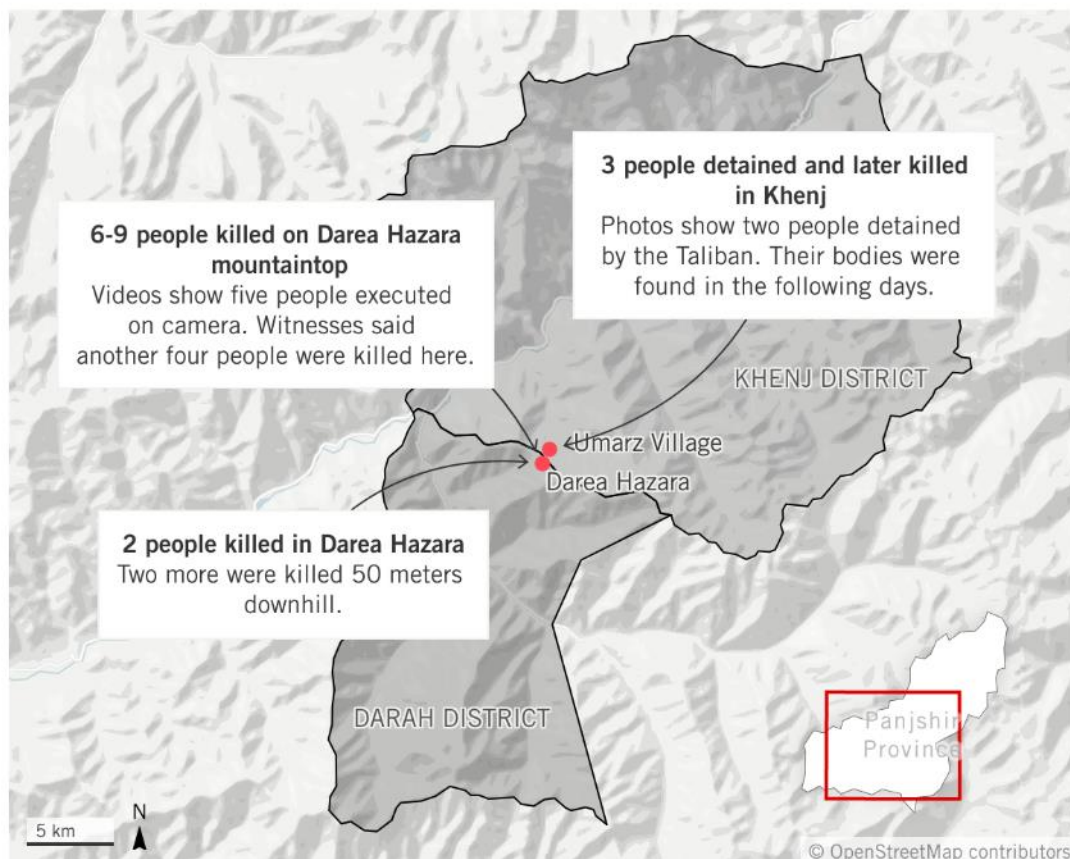
¹² Common Article 3 of the four Geneva Conventions of 1949; Protocol II, Article 4; ICRC, Customary IHL Study, Rules 89 and 47.

EXTRAJUDICIAL KILLINGS IN KHENJ AND DARAH DISTRICTS

On 12 September, after three days of fighting in Khenji and Darah districts, multiple NRF fighters surrendered to the Taliban. The NRF fighters were overwhelmed and had members wounded in the attacks, which had intensified in mid-August following the Taliban's appointment of Abdul Qayum Zakir as the chief military commander in Panjshir.

The NRF fighters surrendered in small groups. Taliban members detained, interrogated, and extrajudicially executed them separately. Some captured NRF fighters were led away and shot immediately. Others were brought to the village of Umarz for interrogation and then killed the next day. Taliban members filmed some of the detentions and executions and shared some of the footage online. Each separate case in these districts is described below.

Extrajudicial Killings in Darah and Khenj Districts, 12 Sep 2022



Source: Amnesty International

In one case, at least six people, and possibly nine, were extrajudicially executed on a mountain near Darea Hazara. Amnesty International analyzed five videos depicting portions of the execution process. The first video, released on social media on 13 September, shows members of the Taliban escorting six people, with their hands bound behind their backs, up a steep hillside towards the top of a mountain. A person with knowledge of the situation identified the six men as Mohammad-u Din, Ishaq, Daniyar, Modir Ahmad, Amir Hatam, and Mohammad Yar, all fighters in the NRF.¹³

Two subsequent videos – which also appear to be filmed by members of the Taliban – show a total of five people kneeling, one facing their captors and four people looking out towards a valley. The five men are Mohammad-u Din, Ishaq, Daniyar, Modir Ahmad, and Amir Hatam.¹⁴ In the videos, the detainees' hands are bound, their eyes are blindfolded, and armed members of the Taliban are positioned uphill, behind them.

¹³ Interview by voice call, 1 April 2023. The interviewee provided a private report with names and details of those killed, on file with Amnesty International.

¹⁴ Interview by voice call, 1 April 2023, and private report, on file with Amnesty International.

Then several Taliban members fire their rifles, executing those five men and causing at least three of their bodies to fall downhill over the rocks. The gunfire continues for 19 seconds, pauses, and then resumes again. At least five members of the Taliban participate in the execution, using a combination of bolt-action rifles and fully-automatic Kalashnikovs, making the exact number of shots fired difficult to determine. Behind the gunmen is a crowd of at least 20 people, presumably also members of the Taliban or other detainees.



Above: Five men held with their hands behind their backs seconds before being executed by the Taliban. © Private
Below: Excerpts from a video filmed earlier that day of the same men being brought to the mountaintop. © Private

All three videos showing the victims while they were alive appear to take place at a mountaintop near Darea Hazara, which is part of Pochava village in Darah district. This location was originally identified by Afghan Witness and has been independently corroborated by Amnesty International's Crisis Evidence Lab and South Asia team. Based on the direction of the sunlight and shadows in the videos, the executions happened early in the morning, likely in the hours soon after the 5:30am sunrise.

While five men were visibly executed on camera, a witness told Amnesty International that the Taliban killed a total of nine people in this incident.¹⁵ In addition to Mohammad Yar, the three other victims identified by the witness are named Feroz, Shah Faisal, and Torabaz. Out of these nine victims, two of them were Mohammad Yar's sons, and one of them his brother. These three additional victims were captured by the Taliban near the part of the mountaintop where they were killed, according to a witness interviewed by Amnesty International.¹⁶ In another video that surfaced on Twitter on 14 September, Taliban members are seen interrogating two detainees.¹⁷ A person with knowledge of the events told Amnesty International that the two detained people in the video are Feroz and Shah Faisal, and that Torabaz was also arrested at the same time with them.¹⁸ Another person, a witness to the incident, said that the bodies of Feroz, Shah Faisal, and Torabaz were found together, near the other six victims¹⁹ Amnesty International has reviewed a photo of their bodies, and their facial features and clothing are consistent with that of the two detained men seen in a video where they are alive.

¹⁵ Interview by voice call, 30 September 2022.

¹⁶ Interview by voice call, 30 September 2022.

¹⁷ See, for example, <https://twitter.com/samsamasirat/status/1569861365627785216>, <https://mobile.twitter.com/BahijPanjshiri/status/1570122034512023553>

¹⁸ Interview by voice call, 14 April 2023.

¹⁹ Interview by voice call, 30 September 2022.

Soon after recording videos of the extrajudicial executions, Taliban members seemingly filmed two additional videos showing the victims' bodies.²⁰ The topography, victims' clothing, and other details are consistent with the videos of the execution. All nine persons who had been executed on the mountainside were buried on 16 September 2022, under rocks near the site of their deaths, with permission from the Taliban.²¹

On 18 October, media reported that the Taliban had permitted these nine bodies of NRF members, including Mohammad Yar and eight others, to be moved from their initial graves and buried in their community in Khenj district of Panjshir province.²²

The dead bodies of two other NRF fighters, named Bashir and Rohullah, were also found near Darea Hazara, according to a witness interviewed by Amnesty International.²³ They were killed approximately 50 meters down the slope from the site where the nine people were extrajudicially executed, as documented above, at around the same time, on either 12 or 13 September. The witness said the two captured fighters had their hands bound and eyes blindfolded and were killed one by one, about twenty meters from each other.²⁴

In another case, on 12 September, the Taliban captured an additional three fighters, identified as Baba Jan, Ghulam Sayed (who a witness said was about 16 years old), and Mushtaq.²⁵ They were detained overnight in Umarz village of Khenj district. The dead bodies of Baba Jan and Ghulam Sayed were found in Bagh-e-Naw village of Khenj district on the next day.²⁶

Amnesty International reviewed a photo of the three captured fighters taken during their detention, and three photos and one video that show the bodies of two of them after they died.²⁷ The clothing and identifying characteristics of the victims are consistent with Baba Jan and Ghulam Sayed – the latter of whom, as noted above, was reportedly a boy around 16 years old – in the photo taken of them while they were still alive. Because the videos are shot very close to the bodies, it was not possible to independently corroborate the precise location and time that the images were taken. The types of wounds and placement of the injuries on their bodies suggests that they were likely executed by being shot in the head. In the images, there is blood on the right side of Ghulam Sayed's head, as well as underneath, where it appears to have pooled. A deep gouge on Ghulam Sayed's right arm is likely due to an errant bullet. There is also blood on Baba Jan's face and right eye, as well as blood and likely pieces of his skull and brain on the ground to the left of his head.²⁸

According to a witness, Baba Jan and Ghulam Sayed were buried in the Bagh-e-Naw village cemetery on the same day their bodies were discovered, on 13 September.²⁹ Amnesty International reviewed several photos of the alleged grave site, which are consistent with the descriptions provided by interviewees.

The dead body of Mushtaq was found in the Tampana area of Darah district on 14 September.³⁰ Amnesty International was not able to obtain photos of Mushtaq's body after his likely extrajudicial execution.

EXTRAJUDICIAL KILLINGS IN ROKHA DISTRICT

On 14 September 2022, after five days fighting, the Taliban extrajudicially executed dozens of NRF fighters whom they had detained at two sites in the mountains, in the areas of Khouz-e-Lalan and Jar-e-Houz, which are part of Hesarak district of Panjshir.³¹ After the fighters were captured, they were moved down the mountain where they were executed, many of them with their hands bound.³²

As in the Khenj and Darah districts, fighting in Rokha district began on 9 September. Due to the increasing attacks by the Taliban, the NRF fighters in the Darah and Rokha districts slowly moved up the mountains,

²⁰ Videos provided over encrypted messaging app, on file with Amnesty International.

²¹ Interview by voice call, 14 April 2023.

²² Radio Azadi, *Bodies of a "National Resistance Front" commander and eight others were buried in Panjshir*, 18 October 2022, <https://da.azadiradio.com/a/32089872.html>

²³ Interview by voice call, 30 September 2022.

²⁴ Interview by voice call, 30 September 2022.

²⁵ Interview by voice call, 30 September 2022.

²⁶ Interview by voice call, 30 September 2022.

²⁷ Photo and video material, on file with Amnesty International.

²⁸ Photo and video material, on file with Amnesty International.

²⁹ Interview by voice call, 30 September 2022.

³⁰ Interview by voice call, 3 April 2023.

³¹ Interview by voice call, 6 January 2023.

³² Interview by voice call, 6 January 2023.

and they met in the Khouz-e-Lalan area on 13 September.³³ The Taliban surrounded the outnumbered NRF fighters and overwhelmed them, capturing them after a brief fight.³⁴ The NRF fighters were detained early the next morning, and they were extrajudicially executed around 9am in a number of nearby locations, including Khouz-e-Lalan and Jar-e-Houz, where they were first detained, as well as Malam Khak and Khouz-Khosh Ka, which are a short distance away.³⁵ According to a witness, the Taliban took the mobile phones and money of the men they had killed in the wake of their executions.³⁶

The exact number of people who were extrajudicially executed at this time is unclear. According to four interviewees with knowledge of the situation, dozens of people from Darah district alone were executed at this time.³⁷ One of the interviewees said that at least 38 people were killed.³⁸ A list provided to Amnesty International indicates that the names of those killed are Malik Khan, Mohammad Mirza, Jamalu-din, Haji Khanjar, Ahmad Siar, Dur Mirza, Del-Agha, Malik Bismillah, Amir Hamza, Ahmad Zahir, Shamshir Khan, Mohammad Rafiee, Qias, Miraj, Sadr-u-din, Majid, Habil, Farman, Shakir, Gul Bacha, Sharin Agha, Amanu-din, Dad-ullah, Darya Khan, Alim Qadir, Rahim Halla,³⁹ Murid Khan, Abdullah Khan, Nisar Ahmad, Nasri Hallah,⁴⁰ Sabir, Najim Khan, Langar Khan, Eidi Mohammad, Rahmat Hallah,⁴¹ Shah Darwish, Ali Ahmad, and Hafiz.⁴²

In addition, in the same incident, Afghan media reported that at least 18 people from Rokha district were also killed after they were detained by the Taliban between 12 and 14 September.⁴³ They are: Muhibullah, Mohammad Arif, Jaland, Muti-ullah, Abdul Wahab, Massoud, Sayed Rahman, Abdul Majid, Haq-Nawaz, Mohammad Abass, Abdull-Anas, Hazrat Amir, Zia-Urahman, Sayed Rahman, Abdul Ghayor, Azizu-din, Feroz, and Rahim Dada.⁴⁴

However, Amnesty International is unable to independently confirm that 56 total people were extrajudicially executed. Due to security concerns, as well as challenges in communications, Amnesty International was unable to speak to family members of each of those reportedly killed.

Digital evidence, though, is able to demonstrate that at least some of the detained fighters were extrajudicially executed. Amnesty International reviewed 16 photos and two videos related to this incident, showing the bodies of deceased people or their graves in this area.⁴⁵ There are at least 15 different bodies visible across the photos and videos, and 22 sets of gravestones. Several photos of the victims show gunshot wounds to the back of the head or bound arms, which are consistent with an extrajudicial execution.

Most of the photos are close ups of the deceased people. The photos show a terrain consistent with the mountains of Panjshir but on their own do not contain enough details to independently corroborate the location where they were taken. In an October 2022 report, Afghan Witness also published these photos alongside an additional 31 photos of dead bodies.⁴⁶ According to Afghan Witness, the photos are “evidence of a further 17 executions and 30 deaths that allegedly took place in Panjshir during the Taliban’s anti-resistance effort in early September”.⁴⁷ They were also unable to corroborate the location where the photos were taken.

A person interviewed by Amnesty International shared close-up photos and provided further context on the bodies and their burial, including additional photos and videos.⁴⁸ For security reasons, Amnesty International is only making public select photos and stills from videos. At least one of these new videos overlaps with the previously published close-up images of the bodies. The victim in at least one of the close-up photos is also visible in a video showing the surrounding area. The victim, identified as Abdullah Khan,⁴⁹ is wearing a

³³ Interview by voice call, 6 January 2023.

³⁴ Interview by voice call, 6 January 2023.

³⁵ Interview by voice call, 6 January 2023.

³⁶ Interview by voice call, 6 January 2023.

³⁷ Interviews by voice calls, 19 December 2022, 25 December 2022, 6 January 2023, and 1 April 2023.

³⁸ Interview by voice call, 6 January 2023.

³⁹ May also be spelled Rahim-ullah.

⁴⁰ May also be spelled Nasri Allah.

⁴¹ May also be spelled Rahmatullah.

⁴² Interview by voice call, 1 April 2023, and private report, on file with Amnesty International.

⁴³ Hasht e Subh, *War crimes and genocide: Taliban shot 70 captives in Panjshir last week* 17 September 2022, <https://8am.media/war-crime-and-genocide-taliban-shot-70-prisoners-in-panjshir-last-week/>

⁴⁴ Hasht e Subh, *War crimes and genocide: Taliban shot 70 captives in Panjshir last week* 17 September 2022, <https://8am.media/war-crime-and-genocide-taliban-shot-70-prisoners-in-panjshir-last-week/>

⁴⁵ Photo and video material, on file with Amnesty International.

⁴⁶ Afghan Witness, *Systematic and Summary: Investigating Evidence of Prisoner Executions in the Panjshir Valley in September 2022*, 17 October 2022, <https://www.afghanwitness.org/reports/investigating-evidence-of-prisoner-executions-in-the-panjshir-valley-in-september-2022>

⁴⁷ Afghan Witness, *Systematic and Summary: Investigating Evidence of Prisoner Executions in the Panjshir Valley in September 2022*, 17 October 2022, p. 12.

⁴⁸ Interview by voice call, 1 April 2023, and private report on file with Amnesty International.

⁴⁹ Interview by voice call, 1 April 2023, and private report, on file with Amnesty International.

dishdasha and jacket (traditional clothing that is common in that area) that are a distinctive blue and match between the photo and video.

After showing Abdullah Khan's body (and two other deceased people next to him), the video pans to show the horizon of the mountain where their bodies were found. Based on the testimony of the individual interviewed, as well as geographical features visible in the videos and in satellite imagery, Amnesty International has corroborated the location where the bodies were buried.

Below, a partial still of the private video provided to Amnesty International shows part of the horizon that is visible around the grave site. The rock formations next to the graves are visible in satellite imagery, as shown below.



Left: Close up of Abdullah Khan's body. © Private

Right: Abdullah Khan's body in a video provided to Amnesty International. © Private



A different partial still from the burial video shows the sun as it dips below the ridge line to the west. Using PeakVisor, a tool that creates interactive 3D maps of mountain ranges, it appears that the video was likely filmed around 4:30pm.⁵⁰

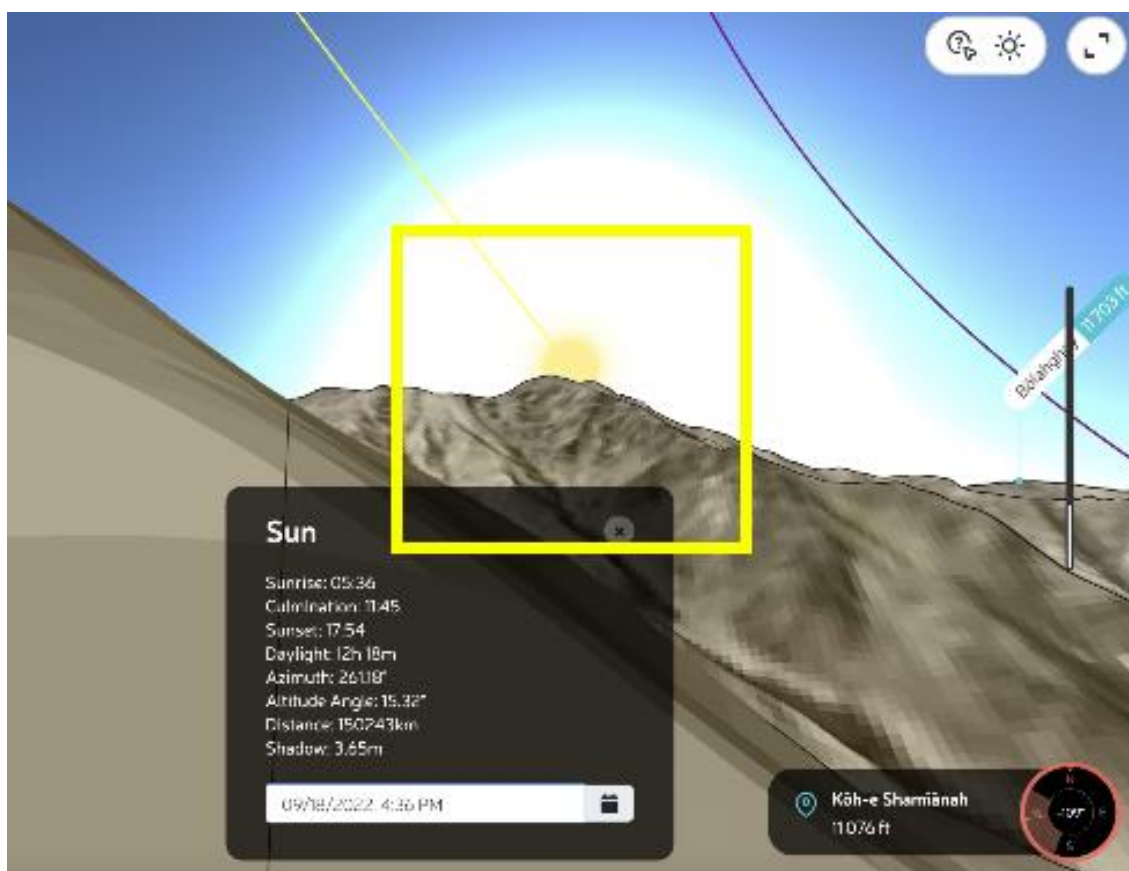
⁵⁰ PeakVisor, "Mountain Explorer", <https://peakvisor.com/panorama.html?lat=35.176264&lng=69.541022&alt=3376&yaw=73.27&pitch=16.18&hfov=90.00> (accessed on 24 May 2023).



Other ridges, valleys, and rock formations throughout the video are also consistent with 3D maps of this area, shown on PeakVisor and in imagery from Google Earth.

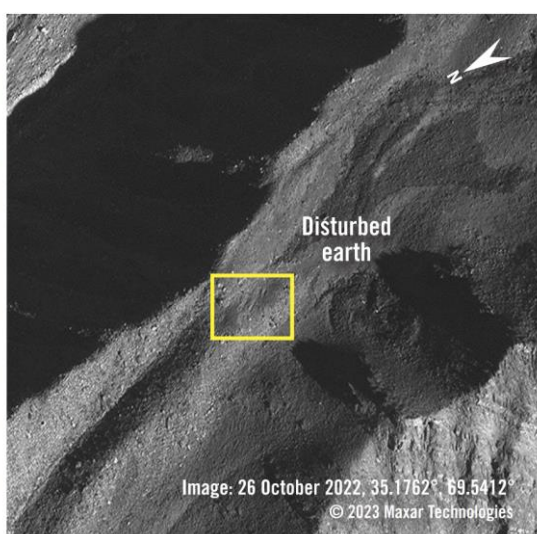
Amnesty International's remote sensing specialist reviewed satellite imagery of the area and found notable changes to the ground that are consistent with the alleged timeline of the burial. Between 11 and 17 September 2022, false colour near-infrared images show a significant decrease in red hues suggesting the vegetation in the area has been disturbed and likely cleared within those six days. This aligns with the time frame that the graves were dug which would have caused a disturbance in the vegetation.

In addition, high resolution panchromatic imagery from 26 October 2022 (below) shows divots in the soil in the same area. The soil disturbance looks similar to that seen in the ground photos of the grave area.





False colour near-infrared satellite imagery shows a remote, mountainous area approximately 11.5 kilometres southeast of Rukbah. With this band combination, vegetation appears in reddish hues while rocks and soil will appear in whites, browns, and black hues. Between 11 and 17 September 2022, there is a distinct shift in the vegetation in a small area. In the images above the red colours decreasing in the area indicates the vegetation has been disturbed.



High resolution satellite imagery from before the reported event and after shows disturbed earth. On 26 October 2022, satellite imagery shows divets in the soil.

A person with direct knowledge told Amnesty International that an estimated 55 NRF fighters were buried on 17 and 18 September 2022, in the same places they were killed.⁵¹ Around 37 of them were buried in the first day, and 18 others on the second day.⁵² Photos and videos of the gravesite show at least 22 sets of gravestones arranged in four groups on the side of the mountain. The analysis of relevant digital material as well as witness testimony demonstrate that a majority of the buried NRF fighters were extrajudicially executed by the Taliban, but Amnesty International cannot exclude that some were killed in the fighting that preceded the mass execution. A witness said that after the extrajudicial executions, the bodies were laid together in groups of up to five people, or separately alone, which is consistent with the videos provided to Amnesty International.⁵³

REACTIONS TO THE EXECUTIONS

On 13 September, in an interview with BBC Persian, the NRF spokesperson, Sebghatullah Ahmadi, claimed that 11 people had been killed by the Taliban during the previous day of fighting, eight of whom were detainees.⁵⁴ The NRF spokesperson did not clarify where the 11 were killed; on 11 September, the NRF had told media that the Taliban had attacked them in several places in Panjshir.⁵⁵ On the same day, the Taliban spokesperson, Zabihullah Mujahid, told media that the Taliban forces had killed 40 NRF members and arrested 101 others, from Darah, Rokha, and Abshar districts of Panjshir province, in a “clearance operation”.⁵⁶ The Taliban has not publicly said what happened to those who were detained as part of the operation, or provided details about the circumstances in which it reportedly killed NRF members.

The Taliban indicated that a target of the operation was Haji Malik Khan,⁵⁷ a local former Mujahideen commander who was part of the Taliban until early 2022, and had a senior military role in the group before he defected and joined the NRF.⁵⁸ Initially, Taliban spokesperson Mujahid said that they arrested Malik Khan alive, but he later issued a “correction” that Malik Khan was killed in the fighting.⁵⁹ Amnesty International is not able to conclusively determine whether Malik Khan died during the clashes, or was one of the NRF fighters executed later.

Reports differ on the number of people extrajudicially executed by the Taliban in Panjshir between 12 and 14 September. A report of the United Nations Secretary-General to the General Assembly and Security Council on the situation in Afghanistan recorded at least 48 extrajudicial executions of NRF members.⁶⁰ Afghan Witness and the Centre for Information Resilience reported that they had verified evidence of 57 deaths, at least 17 of which were apparent extrajudicial executions at the hands of the Taliban, during this period.⁶¹ Many of these cases overlap with those documented by Amnesty International above. On the other hand, Etilaatroz, an Afghan media site, reported that over 70 people were extrajudicially executed between 12 to 14 September.⁶² Another Afghan news site, Hasht e Subh, reported a list of 73 people who were extrajudicially executed, of whom three are listed as civilians; the majority of those killed are reported as

⁵¹ Interview by voice call, 25 December 2022.

⁵² Interview by voice call, 25 December 2022.

⁵³ Interview by voice call, 6 January 2023; and video material, on file with Amnesty International.

⁵⁴ BBC Persian, “The Taliban say that they have killed 40 NRF members in a military operation in Panjshir Province”, 13 September 2022, <https://twitter.com/bbcpersian/status/1569765151145861123>

⁵⁵ Statement by the NRF, *A Taliban Offensive in Panjshir Failed: 25 fighters Killed, and many were Wounded*, 11 September 2022.

<https://www.nationalresistance.org/en/press-and-media/news/news/101632.html>

⁵⁶ BBC Persian, “Fierce Fighting in Panjshir; the Taliban say that they have launched a clearance operation”, 13 September 2022, <https://www.bbc.com/persian/articles/c2e1r1q0ng9o#:~:text=%D8%AC%D9%86%DA%AF%20%D8%B4%D8%AF%DB%8C%D8%AF%20%D8%AF%D8%B1%20%D9%BE%D9%86%D8%AC%D8%B4%DB%8C%D8%B1%D8%9B%20%D8%B7%EF%BB%BF%D8%A7%98%84%D8%A8%D8%A7%D9%86%20%D9%85%DB%8C%E2%80%8C%DA%AF%D9%88%DB%8C%D9%86%D8%AF%20%D8%AF%D8%B3%D8%AA%20%D8%A8%D9%87%20%DB%8C%DA%A9%20%D8%B9%D9%85%D9%84%DB%8C%D8%A7%D8%AA%20%C2%AB%D9%BE%D8%A7%DA%A9%D8%B3%D8%A7%D8%B2%DB%8C%C2%BB%20%D8%B2%D8%AF%D9%87%E2%80%8C%D8%A7%D9%86%D8%AF>

⁵⁷ Tweet by Zabihullah Mujahid, https://twitter.com/Zabehulah_M33/status/1569684060527542272

⁵⁸ Interview by voice call, 6 June 2022.

⁵⁹ Tweet by Zabihullah Mujahid, https://twitter.com/Zabehulah_M33/status/1569684060527542272

⁶⁰ United Nations, “The situation in Afghanistan and its implications for international peace and security” (A/77/636-S/2022/916), 7 December 2022, https://unama.unmissions.org/sites/default/files/221207_sg_report_on_afghanistan_s.2022.916.pdf

⁶¹ Afghan Witness, *Systematic and Summary: Investigating Evidence of Prisoner Executions in the Panjshir Valley in September 2022*, 17 October 2022.

⁶² Etilaatroz, *Taliban have shot 70 people after they were detained* 17 September 2022,

<https://www.etilaatroz.com/154664/%D8%AA%DB%8C%D8%B1%D8%A8%D8%A7%D8%B1%D8%A7%D9%86-%D8%A7%D8%B3%DB%8C%D8%B1%D8%A7%D9%86-%D8%AF%D8%B1-%D9%BE%D9%86%D8%AC%D8%B4%DB%8C%D8%B1/#:~:text=%D9%85%D9%86%D8%A7%D8%A8%D8%B9%20%D9%85%D8%AD%D9%84%DB%8C%20%D8%AF%D8%B1%20%D9%88%D9%84%D8%A7%DB%8C%D8%AA%20%D9%BE%D9%86%D8%AC%D8%B4%DB%8C%D8%B1%20%D8%AF%D8%B1%20%D8%B4%D9%85%D8%A7%D9%84%20%DA%A9%D8%A7%D8%A8%D9%84,%D9%88%20%D8%BA%DB%8C%D8%B1%D9%86%D8%B8%D8%A7%D9%85%DB%8C%D8%A7%D9%86%20%D8%B1%D8%A7%20%D9%BE%D8%B3%20%D8%A7%D8%B2%20%D8%A7%D8%B3%D8%A7%D8%B1%D8%AA%D8%8C%20%D8%AA%DB%8C%D8%B1%D8%A8%D8%A7%D8%B1%D8%A7%D9%86%20%DA%A9%D8%B1%D8%AF%D9%87%E2%80%8C%D8%A7%D9%86%D8%AF>

being from Darah district (43 persons), with the rest from Rokha (18 persons) and Khenj (11 persons) districts of Panjshir province.⁶³ One of the victims is reported to be from Kapisa province, and he was member of the NRF as well.⁶⁴ The details of the individuals identified in the Hasht e Subh report are almost identical to the list that Amnesty International has documented.

In early October, the Taliban Ministry of Defense announced that they were investigating the videos of extrajudicial executions that surfaced online from Panjshir, and said that if they were verified, the perpetrators would be held accountable.⁶⁵ The Taliban has not since provided any further public information regarding any such investigation. In its May 2023 letter to the Taliban de facto authorities outlining the main findings in this report, Amnesty International included a specific query about the Taliban's claimed investigation into these extrajudicial executions, but the Taliban has not responded.

2.2 TORTURE AND OTHER ILL TREATMENT

In at least three cases, the Taliban tortured to death civilians whom they had arrested in the Bazarak and Rokha districts of Panjshir province. All of the men were farmers and cattle ranchers, who were operating under traditional rules that allowed for the sending of animals to the mountains in the summer. They also believed they had permission from local Taliban officials to access areas set aside for raising animals.⁶⁶ The torture and unlawful killings of shepherds, detained as they were following well-established farming practices, is another example of the Taliban's collective punishment of the people of Panjshir.⁶⁷

Two of the victims, Noor Mohammad and Ghulam Ishan, who were tortured to death in Rokha district, were residents of Darah district and had gone to Rokha in search of their cattle. The third individual, Abdull Muneer Amini, was detained in his home district of Bazarak. Videos and photos taken after their bodies were recovered were shared on both social media and privately with Amnesty International.⁶⁸

CASE OF NOOR MOHAMMAD AND GHULAM ISHAN

On 25 October 2022, Noor Mohammad and Ghulam Ishan, both residents of Abdullah Khil, were unable to find their cattle in the mountains of Darah district, so they went to look in the Hesarak area of Rokha district. The two districts border each other. According to a person with knowledge of the situation, local cattle farmers have often sent their animals into the mountains without a shepherd during the year. "Those cattle that do not give milk, people take and leave them in the mountains. They are brought back home around September," the person said.⁶⁹ The two farmers believed they had the permission of local Taliban officials in both the Hesarak area of Rokha district and in Darah district to look for their cattle.⁷⁰

People with direct knowledge who spoke with Amnesty International said the two men were detained after arriving in Hesarak area the same day.⁷¹ Local elders' efforts to find the men's whereabouts failed on both the 25th and the morning of the 26th of October. Later that afternoon, the dead body of Noor Mohammad was recovered under a rock, in the Hesarak area where he was reported missing.⁷² His body was transported to his home village that night, and then he was buried the next day, on 27 October. Noor Mohammad was about 40 years old, and he had been working as a driver at the time.⁷³

Ghulam Ishan, who was detained with Noor Mohammad, was reported to be alive but injured, due to beatings from the Taliban, on the day he was taken.⁷⁴ According to a person with knowledge of the situation, his relatives were barred from searching Taliban prisons for him.⁷⁵ His dead body was recovered four days

⁶³ Hasht e Subh, *War crimes and genocide: Taliban shot 70 captives in Panjshir last week*, 17 September 2022, <https://8am.media/war-crime-and-genocide-taliban-shot-70-prisoners-in-panjshir-last-week/>

⁶⁴ Hasht e Subh, *War crimes and genocide: Taliban shot 70 captives in Panjshir last week*, 17 September 2022, https://8am.media/war-crime-and-genocide-taliban-shot-70-prisoners-in-panjshir-last-week

⁶⁵ Radio Azadi, *Taliban Ministry of Defense: We are investigating the videos of prisoners of war being shot in Panjshir*, 5 October 2022, <https://da.azadiradio.com/a/32038953.html>

⁶⁶ Interview by voice call, 28 October 2022.

⁶⁷ The United Nations Assistance Mission in Afghanistan has documented additional cases where *ad hoc* corporal punishment resulted in death. UNAMA Human Rights, "Corporal Punishment and the Death Penalty in Afghanistan," 3 May 2023. <https://unama.unmissions.org/file/hrbriefoncpdp03052023-englishpdf>

⁶⁸ Photo and video material, on file with Amnesty International.

⁶⁹ Interview by voice call, 28 October 2022.

⁷⁰ Interview by voice call, 2 November 2022.

⁷¹ Interviews by voice call, 27 October 2022, 28 October 2022, and 2 November 2022.

⁷² Interview by voice call, 27 October 2022.

⁷³ Interview by voice call, 27 October 2022.

⁷⁴ Interview by voice call, 2 November 2022.

⁷⁵ Interview by voice call, 27 October 2022.

later in the Pochava area of Abdullah Khil, in Darah district.⁷⁶ He was about 43 years old, and buried on the same day as his body was recovered.

As detailed in the text box below, photo and video material reviewed and analysed by Amnesty International strongly indicates that both men were subjected to torture.

The local Taliban commander, who visited the community after Noor Mohammad and Ghulam Ishan were buried, reportedly offered words of condolence to the bereaved families, likely as a sign that they were wrongly killed.⁷⁷ Arbitrary deprivation of liberty, torture and other ill-treatment, and the targeted killing of civilians are all crimes under international law.

CASE OF ABDULL MUNEER AMINI

Abdull Muneer Amini, a civilian who was around 40 years old, was reportedly detained by the Taliban on 2 or 3 June 2022.⁷⁸ He had gone to the Taliban's Bazarak checkpoint to ask officials why Taliban members had stopped his shepherd, despite having written permission to work.⁷⁹ The Taliban then arrested Abdull Muneer Amini, on the accusation of being a member of the NRF.⁸⁰ According to a person with direct knowledge interviewed by Amnesty International, and corroborated by an analysis of video material (see text box below), Taliban members tortured Abdull Muneer Amini to death at the checkpoint, and his dead body was returned to the community two days later.⁸¹

On 5 June 2022, Radio Azadi reported, based on local sources, that after Abdull Muneer's death his body was taken to Rokha's hospital. The Taliban told Radio Azadi that he died due to a heart attack.⁸² On 6 June, the Taliban reportedly visited Abdull Muneer Amini's community and offered money as a condolence payment to the bereaved family, as a likely sign of his wrongful death.⁸³

⁷⁶ Interview by voice call, 27 October 2022.

⁷⁷ Interview by voice call, 28 October 2022.

⁷⁸ EtilaatRoz, "A confessing to the torture that led to the death of a man in Panjshir; The Taliban promised to pay compensation" 5 June 2022, <https://www.etilaatroz.com/143963/confession-of-torture-leading-to-the-death-of-a-man-in-panjshir-the-taliban-promised-compensation/> and EtilaatRoz, "A man died in Panjshir under Taliban torture," 2 June 2022, <https://www.etilaatroz.com/143749/a-man-died-in-panjshir-under-taliban-torture/>

⁷⁹ Interview by voice call, 10 June 2022.

⁸⁰ Interview by voice call, 10 June 2022.

⁸¹ Interviews by voice call, 8 June 2022, and video on file at Amnesty International.

⁸² Radio Azadi, *Some residents of Bazarak: a civilian died as a result of torture by the Taliban*, 5 June 2022, <https://da.azadiradio.com/a/31884143.html>

⁸³ Interview by voice call, 10 June 2022.

FORENSIC EVIDENCE OF TORTURE

Amnesty International obtained five photographs of the body of Noor Mohammad, and two videos showing the bodies of Ghulam Ishan and Abdull Muneer Amini as they were prepared for burial.⁸⁴ Their individual identities were confirmed by people with who knew the three men.⁸⁵ All three bodies showed extensive signs of torture. In order to understand the nature of the wounds and causes of death, Amnesty International researchers engaged a forensic pathologist to provide an expert opinion, which made the following analysis and conclusions as to each individual:

Noor Mohammad

“A photo of the head and chest shows bleeding from the mouth and nose, what appear to be shallow horizontal cuts on the neck, and on the lower chest and abdomen the presence of classic parallel ‘rail track’ abrasions (crushing of the skin) with associated bruising typical of blows from a linear object. A minimum of four heavy blows have been struck. There is scattered bruising to the upper chest and shoulders. Bruising and abrasion are present to the crook of the left elbow, an uncommon location for injury, and there is a linear horizontal mark on the right elbow strongly suggesting that he was bound at the elbows.

A photograph of the right lateral buttock and thigh shows extensive confluent fresh red and deep purple bruising. Within the confluent bruising are multiple ‘rail track’ parallel abrasions and accentuated bruises typical of blows from a linear object. These marks are of two distinctly different widths which may reflect the use of two weapons or alternatively two different edges of the same weapon. There have been more than a dozen heavy blows struck. A photograph of what appears to be the left buttock and thigh shows similar confluent bruising and ‘rail track’ bruise/abrasions representing at least a further half dozen heavy blows. A third photograph shows some of the same injuries to the right buttock and also injury to the right hand. The back of the right hand is bruised and swollen and there is an arrowhead shaped laceration with abraded margins possibly reflecting a blow from the end of the weapon used in the beating. The fourth photograph of the anterior (inner) aspect of the arm shows extensive patchy bruising of the forearm and the lower part of the upper arm where there is a prominent irregular large abrasion.

Taken together the injuries strongly indicate that this man has been very heavily beaten with multiple blows from a weapon struck across the buttocks and thighs to the extent that the buttocks and thighs show extensive confluent bruising. At least four similar blows have been struck across the front of the lower chest and abdomen. In all a minimum of twenty blows have been struck using a weapon. Bleeding from the nose and mouth likely reflect a blow or blows to the face, and there are bruises to an arm and the shoulders. Injuries to his elbows suggest that he was restrained by binding of the elbows. The extensive bruising visible externally is very likely associated with severe deep bruising sufficient to account for death.”⁸⁶

Ghulam Ishan

“In the video the deceased is seen to have fresh confluent purple bruising extending from the iliac crests (hip bones) down across both buttocks and the backs of both thighs as well as around the outer and inner aspects of the thighs. The pattern of injury suggests repeated blows to the buttocks and thighs. There is insufficient clarity to identify any marks within the bruises which would indicate the type of weapon used. There are injuries to both shins with prominent bruising suggesting blows to the shins. The back of the left hand is swollen and bruised, the nail on the little finger is crushed and the tip of the ring finger shows fresh purple bruising around and beneath the nail, with a prominent abrasion at the base of that finger strongly suggestive of a crushing blow to the hand. The pattern of injuries is consistent with repeated blows to the buttocks and thighs very likely resulting in death from bleeding into the tissues.”⁸⁷

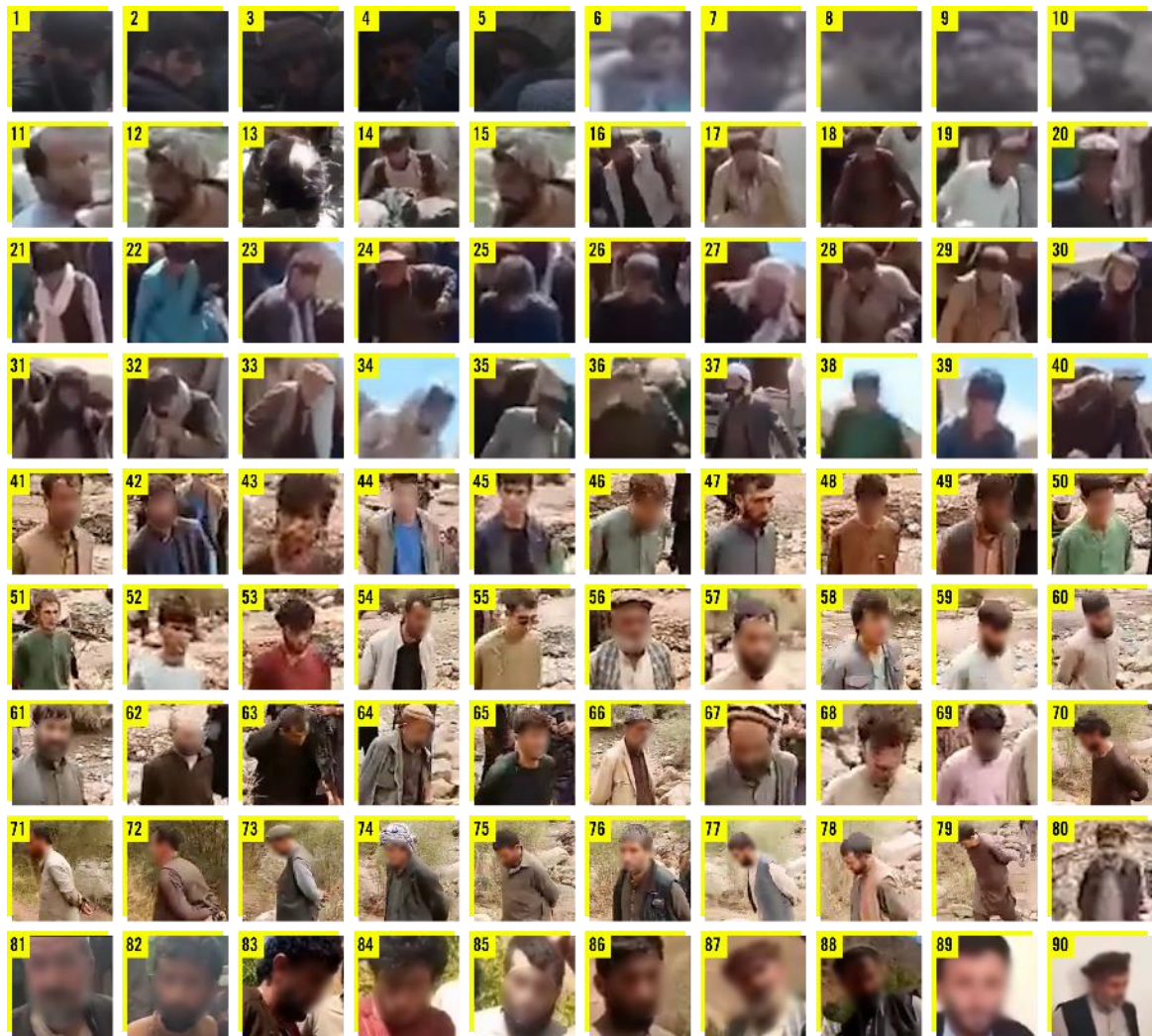
Abdul Muneer Amini

“In the video the deceased shows extensive confluent fresh purple bruising to both buttocks and the upper thighs of a type found after repeated blows. There is insufficient clarity to identify marks which might indicate the nature of the weapon used. There are scattered rounded abrasions with associated purple bruising in the area of the right elbow and a few to the right knee but these are too non-specific to indicate causation. There are less prominent abrasions to the left elbow. There are also at least four areas of abrasion to the left side of the face. The deceased has been heavily beaten on the buttocks and thighs resulting in extensive visible bruising. It is possible that associated internal bleeding has caused death, if there was a pre-existing natural disease, such as heart disease.”⁸⁸

2.3 ARBITRARY DETENTIONS

The Taliban have carried out collective punishment by arbitrarily arresting and detaining local civilian men and older boys, often large groups at one time, over suspicion of affiliation with the NRF. These arrests have largely occurred in Darah, Abshar, and Khenj districts, either during Taliban military operations in villages, or as part of targeting specific households where the Taliban suspect family members have joined the NRF. Detainees remained in Taliban custody for various lengths of time, from hours to months.

Amnesty International reviewed photos and videos that appear to show the Taliban detaining people in a total of eight incidents. All of the digital content was posted to social media, circulated in private WhatsApp channels, or both, between May and August 2022. Across the eight incidents, at least 90 different people were visible being detained by the Taliban. In six incidents, the people being detained had their hands bound. Taliban members were armed in most of the videos. In some videos, the person filming claims that the detainees are NRF (often referred to as “the opposition” or “opposition fighters”), but additional research shows that in many cases, those detained are civilians, often family members of NRF fighters.



Grid: Above are the faces of 90 people shown on camera being detained by the Taliban in Panjshir. Each image is a still from a video analyzed by Amnesty International's Crisis Evidence Lab

⁸⁴ Photo and video material, on file with Amnesty International.

⁸⁵ Interviews by voice call, 7 June 2022, 8 June 2022, and 10 June 2022.

⁸⁶ Forensic pathologist report, on file with Amnesty International.

⁸⁷ Forensic pathologist report, on file with Amnesty International.

⁸⁸ Forensic pathologist report, on file with Amnesty International.

MASS ARRESTS IN DARAH ABDULLAH KHIL IN MAY 2022

Abdullah Khil, which is part of the Darah district of Panjshir province, is a large area with an estimated population of over 12,000 people, according to interviews with people who live there.⁸⁹ It contains many small villages, including Tankhul village, which is geographically isolated.⁹⁰ In early May 2022, when tensions were already heightened between NRF forces and the Taliban, a Panjshir religious leader disputed the Taliban's announcement of Eid al-Fitr, marking the end of Ramadan. A person with knowledge of the situation told Amnesty International:

What happened indeed is that our Mawlawi⁹¹ did not observe Eid al-Fitr the same day as the Taliban had announced. [The Mawlawi and his supporters] told the Taliban that your Eid al-Fitr observation was a political decision. We want to observe the Eid al-Fitr accordingly.⁹²

The Taliban then attempted and failed to arrest the religious leader, according to several people with knowledge of the incident who spoke with Amnesty International.⁹³ On 7 May, soon after the Eid al-Fitr holiday, a Taliban military convoy was ambushed near Abdullah Khil village by forces led by Malik Khan, an NRF commander.⁹⁴ According to a person with knowledge of the events, both the Taliban and NRF had forces injured during this ambush, though the Taliban took more casualties.⁹⁵ The next day, the Taliban attacked the village.⁹⁶ According to a person from the area:

In the Darah district, the key conflict occurred after Malik Khan separated from the Taliban. This caused the conflict, and several people were killed after the Taliban were ambushed by him [Malik Khan]. Then the Taliban began house-to-house searches [in the community].⁹⁷

On 8 May, while fighting between the two groups continued, the Taliban conducted an arbitrary village-wide arrest of men and older boys in Abdullah Khil.⁹⁸ Out of fear, some families had previously fled the village for the mountains. Of those who remained, the Taliban arrested and detained all those they perceived to be of military age during their house-to-house search, including boys above the age of 15, according to a person with direct knowledge of the events.⁹⁹ The Taliban arrested about 200 people in this period.¹⁰⁰

Those who were arbitrarily arrested were detained for up to a week either in private homes in the community, or in shipping containers (which had been converted into a shop) in the Abdullah Khil bazaar. Some of the detainees, specifically those who were considered underage, were released on the same day that they were arrested by the Taliban.¹⁰¹ The rest of the detainees were released almost a week later, after the Taliban had obtained a written guarantee from community leaders that they would prevent individuals from "creating insecurity", and if they could not, that they would inform the Taliban forces.¹⁰² Those detained were mainly interrogated at Malik Mirzayee Shahid school, where the Taliban had a military base.¹⁰³ Malik Mirzayee Shahdi school is one of the oldest schools in the area, established in the 1960s and upgraded to include a high school in the 2000s.¹⁰⁴

Arresting around 200 civilian men and older boys in a village, to coerce behavior from an armed group, is a form of collective punishment, and is a war crime.

On 10 May 2022, two days after the house-to-house searches, a video was posted to Instagram showing at least 11 people detained by the Taliban in the back of pickup trucks.¹⁰⁵ The video, which also circulated widely in Whatsapp groups, was filmed on a mountainous road consistent with the Abdullah Khil area of Darah district. In the video, detainees, many with their hands visibly bound behind their backs, sit in the back of two white pickup trucks that have white Taliban flags.

⁸⁹ Interviews by voice call, 6 June 2022.

⁹⁰ Interview by voice call, 6 June 2022.

⁹¹ The name of the Mawlawi has been withheld for security reasons.

⁹² Interview by voice call, 8 June 2022.

⁹³ Interviews by voice call, 8 June 2022 and 9 June 2022.

⁹⁴ Radio Azadi, "New Reports Of Fighting In Afghanistan's Panjshir Trigger Fresh Claims Of Taliban War Crimes" 13 May 2022. <https://www.rferl.org/a/afghanistan-panjshir-taliban-atrocities/31848654.html>

⁹⁵ Interview by voice call, 15 March 2023.

⁹⁶ Interview by voice call, 8 June 2022.

⁹⁷ Interview by voice call, 1 August 2022.

⁹⁸ Interview by voice call, 6 June 2022.

⁹⁹ Interview by voice call, 9 June 2022.

¹⁰⁰ Interview by voice call, 6 June 2022.

¹⁰¹ Interview by voice call, 22 March 2023.

¹⁰² Interview by voice call, 6 June 2022.

¹⁰³ Interview by voice call, 15 March 2023.

¹⁰⁴ Interview by voice call, 20 April 2023.

¹⁰⁵ Video, on file with Amnesty International.



Excerpts from a video showing 11 people detained in the back of two trucks by the Taliban. © Private

According to two people interviewed by Amnesty International, the individuals seen in the video were part of the group of civilians arrested on 8 May.¹⁰⁶ Throughout the video, Taliban members discuss the detainees and claim that they are NRF fighters from Panjshir who were captured in the mountains and are being taken to prison. When asked what they will do with the detainees, one Taliban member responds, “I have no idea but if it was up to me, I would kill them here.”¹⁰⁷

ARBITRARY ARRESTS OF FAMILY MEMBERS IN MAY AND JUNE 2022

In addition to conducting mass arrests and detention of civilians during military operations, the Taliban have also punished households they suspect of having family members who have joined the NRF.

For example, in early May, the Taliban arrested a 17-year-old boy after attempting and failing to arrest his father. The boy’s father was a member of the former government in Afghanistan and was suspected of being an NRF member in Darah district. Amnesty International interviewed the father who described the incident, in part based on his direct experience and in part from speaking with his son after he was released from Taliban detention:

The Taliban besieged my house, and then arrested my son and took him with them... They had beaten and tortured him. They asked him to find his father for them. He was taken to the Abdullah Khil post, which is at the Malik Mirzayee Shahid school.

The Taliban threatened him that he should find his father; otherwise, when they come next time and he was not able to find his father, he would be arrested again. Then my son fled from the province.¹⁰⁸

The father said the Taliban came to his home again two days later and threatened his young daughter at gunpoint to tell them his whereabouts:

They searched the house again... This time they asked my daughter where her father was. She told them that he was not around. Then they put a weapon on the chest of this 11-year-old girl and asked her to tell them where her father is. The Taliban also threatened my family that they [the family] should provide my whereabouts by [the middle of May].

In another case in Darah district, a man told Amnesty International that the Taliban had arbitrarily arrested his father in June 2022, in an attempt to find the man and his brothers whom the Taliban believed had joined the NRF:

[The Taliban] had taken my father by one o’clock from [village name omitted]. He was taken to the mosque, and there they unbound his blindfold. A huge gathering, including several Mawlawis, were there. They made him sit on a mattress. Three other whitebeards were also detained. They were brought from other villages. The Taliban had beaten the other whitebeards a lot. However, they had not beaten my father.

¹⁰⁶ Interviews by voice call, 22 March 2023.

¹⁰⁷ Video and translation, on file with Amnesty International.

¹⁰⁸ Interview by voice call, 7 November 2022.

There they began questioning, “Where are your sons? It is said that your sons are in the mountains.”¹⁰⁹

Arbitrarily arresting and detaining the civilian family members of suspected fighters is a clear violation of international human rights law and international humanitarian law, and can amount to the war crime of collective punishment.

MASS ARRESTS IN ABDULLAH KHIL IN AUGUST 2022

Clashes between the Taliban and the NRF resumed in Darah district on 8 August 2022, leading to intense fighting on 12 August.¹¹⁰ After the fighting, the Taliban returned to the villages in the valley and began house-to-house searches and arrests of people whom they suspected were NRF members. Those who faced arbitrary arrest were from small villages in the Abdullah Khil area, near the conflict zones. Some of those arrested were released soon after, while others remained in Taliban detention for two to three months.¹¹¹ According to a person from the area:

On 12 August, the fighting began again. After one and half days, the NRF fighters fled from the area. When they the Taliban returned ...[they] entered the houses, and they arrested 54 people from the community. Forty-four of them are released now. They were released after two days [of detention]. They were released after intervention by the whitebeards. The whitebeards from Abdullah Khil and Tankhul had gone to the Taliban to get them released.¹¹²

Another person independently described the mass arrests of people from Abdullah Khil and that some of the detainees were released immediately; they indicated that Taliban was still detaining around 13 people as of two weeks after the arrests, a slightly higher figure than indicated by the other person interviewed.¹¹³ Amnesty International was not able to confirm the exact number of people in prolonged unlawful detention after the mid-August arrests.

During the August 2022 fighting between the Taliban and NRF, a 17-year-old girl was reportedly killed by the Taliban forces while she took cover in her home in Abdullah Khil, according to a person with knowledge of the incident who spoke with Amnesty International:

Around this time, a 17-year-old girl was killed too. She was killed on the 21st of Asad.¹¹⁴ She was killed at her home. The Taliban killed her in her house. The Taliban had thought they were being attacked from the house [thus they shot to the house and the girl was killed].¹¹⁵

News of the fighting and subsequent arrests did eventually make it out of Panjshir. On 17 August, Afghan media reported that the Taliban had arrested 50 civilians from Abdullah area of Darah district, on suspicions of being affiliated to the NRF.¹¹⁶ As noted above, Amnesty International’s documentation indicates the fighting and arrests had occurred in the previous days.

In addition, a video filmed by Taliban members, and released on social media, shows some of the detainees.¹¹⁷ In the video, 40 people with their hands bound are being led across a river in a line. None of them are wearing military clothing or appear to be armed. One of the Taliban members can be heard in the video saying, “Yesterday there were ongoing operations in Darah district of Panjshir, they were caught there. All of them captured, none of them surrendered.”¹¹⁸

Armed members of the Taliban are escorting the detainees. Several of the detainees appear to be young and may be older boys, based purely on their appearance and absence of facial hair, although Amnesty International was not able to confirm their ages. In addition, several of the detainees appear to be older men, based on their physical appearance. The video first appeared online on 22 August 2022, though the exact time it was filmed remains unclear. A person with knowledge of the incident told Amnesty International that the video shows the same people who were detained on 12 August.¹¹⁹ Amnesty International’s Evidence Lab geolocated the video to riverside road in Abdullah Khil.

¹⁰⁹ Interview by voice call, 1 September 2022.

¹¹⁰ Interview by voice call, 25 August 2022.

¹¹¹ Interview by voice call, 25 August 2022.

¹¹² Interview by voice call, 25 August 2022.

¹¹³ Interview by voice call, 29 August 2022.

¹¹⁴ This date on the solar calendar, used in Afghanistan, corresponds to 12 August 2022.

¹¹⁵ Interview by voice call, 25 August 2022.

¹¹⁶ Amu TV, *Taliban arrests dozens of civilians in Panjshir: Sources*, 17 August 2022, <https://amu.tv/en/15145/>

¹¹⁷ See, for example, <https://twitter.com/bsarwary/status/1561789419841093632>

¹¹⁸ Video and translation, on file with Amnesty International.

¹¹⁹ Interview by voice call, 30 March 2023.

A person interviewed by Amnesty International shared an additional video that shows people being marched along the same river.¹²⁰ The person filming says on camera, “The people you [are] seeing here are all innocent civilians captured by Taliban. Their hands are tied back.”¹²¹



Excerpts from a video showing 40 people being marched across a river with their hands bound by the Taliban. © Private

MASS ARRESTS IN THE JIR ALI AREA OF ABSHAR DISTRICT

In early May 2022, in the Jir Ali area of Abshar district of Panjshir province, which is located next to Darah district, a local NRF commander took approximately 20 fighters into the mountains. Around the same time, a Taliban patrol in the area was attacked. Jir Ali includes several small villages, and its population is estimated to be over 2,300 people.¹²²

On 10 May, the Taliban attacked the Jir Ali area and arbitrarily arrested and detained male members of the community, including older men. Those detained were held by the Taliban for various lengths of time, from several hours to two days. Accounts from witnesses and other people with direct knowledge of this operation suggest the Taliban held the civilians – whom the Taliban suspected had family members in the NRF – as hostages so as to force the surrender of NRF fighters in the mountains.

One person with knowledge of the incident told Amnesty International:

When the Taliban arrested them, the fighters’ brothers and fathers, they put them through hard times. They were tortured and forced to confess [to having family members with NRF]. When the fighters came down and surrendered, their weapons were taken and their houses were searched. The Taliban had taken bread, cooking oil, and money from people.

Some of those who had gone for fighting, they did not come down at first. So, the Taliban created hard times for their families – they finally had to come back too.¹²³

Another person with direct knowledge of the incident said the family members were only released after the fighters surrendered.¹²⁴

A third person, a witness, independently corroborated that the Taliban arbitrarily detained civilians and used them as hostages so as to force the surrender of NRF fighters whose relatives were being held:

All the people were taken hostage, this included whitebeards. After the ones who had gone to mountains to fight the Taliban came back and surrendered, the Taliban released [the civilians they had detained]. In fact, even boys above the age of 12 or 14 years were arrested...

In the sub-village of Khuja-ghar, about 80 people were taken hostage. Then by telephone, people had to contact their sons to come down and not fight the Taliban. They must come down from the mountains. They told their sons that if they did not come down, the Taliban would kill them. So, the whitebeards intervened, and tried to prevent the fighting. The whitebeards met the Taliban. They got permission to solve the issue. Then those who had gone to the mountain to fight the Taliban came and handed over their weapons to the Taliban.¹²⁵

¹²⁰ Private video, on file with Amnesty International.

¹²¹ Private video and translation, on file with Amnesty International.

¹²² Interview by voice call, 1 August 2022.

¹²³ Interview by voice call, 26 August 2022.

¹²⁴ Interview by voice call, 8 June 2022.

¹²⁵ Interview by voice call, 8 June 2022.

The witness added that the Taliban, in addition to arresting the civilians, made the local communities feed those who were detained and took food and other materials for themselves:

The [detainees] were given food by their female family members. Females would prepare and take the food to [the detainees]. The Taliban were also eating the community's food, and they used local blankets for sleeping. They took people's blankets.¹²⁶

Another person with knowledge of the incident said:

The Taliban had gone to Jir Ali to get the NRF members down to the village. There they had arrested relatives of those who had gone to the mountains. They were kept imprisoned for 24 to 48 hours before those who had gone to the mountains came back and surrendered to the Taliban and handed over their weapons.¹²⁷

The arbitrary deprivation of liberty of civilians violates international humanitarian law, and where such detention is used to coerce surrender by fighters who are members of an armed group, constitutes the war crimes of hostage-taking and of collective punishment.

MASS ARREST IN DASHT-I-RIVAT AREA

On the night of 1 June 2022, Taliban forces conducted patrols in the Dasht-i-Rivat area of Khenj district in Panjshir. The next morning, on 2 June, they entered the village of Dan-i-Rivat nearby. A witness said:

On the Dasht-i-Rivat incident, the Taliban had done operations in the night. Then in the morning, they went [to] an area called Dan-i-Rivat. From the mosque, they called via loudspeakers to have a meeting. When the [men and older boys] had gathered, they bound their hands with their handkerchiefs. They were beating people with the back of their rifles. They arrested people who even do not have a knife. The Taliban had collected their weapons a month before. The Dan-i-Rivat village has about 50 houses. All of these people were arrested or taken from Dan-i-Rivat area.¹²⁸

On 3 June, a video was posted to social media showing people climbing out of the back of a large tan truck after being detained by the Taliban. At least 27 men leave the truck and move into a village centre. Throughout this process, observers can be heard on video describing the detainees as NRF members who were captured the night before. A Taliban member talking on the video claims that 101 people were detained.¹²⁹



Excerpts from a video showing 27 people being released from the back of a truck after being detained by the Taliban. © Private

¹²⁶ Interview by voice call, 8 June 2022.

¹²⁷ Interview by voice call, 15 March 2023.

¹²⁸ Interview by voice call, 10 June 2022.

¹²⁹ Video and translation, on file with Amnesty International.

2.4 DESTRUCTION AND SEIZURE OF CIVILIAN PROPERTY, AND RESTRICTIONS ON CIVILIAN MOVEMENTS

2.4.1 USE, SEIZURE, AND DESTRUCTION OF CIVILIAN PROPERTY

The Taliban have established military bases inside residential areas in the Darah, Abshar, Pariyan and Khenj districts of Panjshir. Under international humanitarian law, there is no prohibition of such co-location, but parties to a conflict “must, to the extent feasible, avoid locating military objectives within or near densely populated areas”.¹³⁰ In its right of reply letter, Amnesty International asked the Taliban why they have located many of their positions within populated civilian areas of Panjshir; as noted above, the Taliban has not responded.

Many of the bases in populated areas that the Taliban established have been in schools, mosques, and private homes. The Taliban have used these civilian objects on both a long- and short-term basis, even converting some of these locations into detention facilities. The lawfulness of the seizure of civilian homes, as well as Afghanistan’s commitments to protect education facilities from attack, are considered below. Determining the lawfulness of the Taliban’s use of mosques requires additional research that was not possible for this report.¹³¹

The schools, mosques, and civilian homes that the Taliban have used for military purposes have been integral to the war crimes and other human rights violations the Taliban have committed during their Panjshir operations, including collective punishment.

SCHOOLS

In Panjshir province, the Taliban have regularly converted functioning schools into military bases. These include both boys’ schools and girls’ schools that the Taliban had declared “temporarily” closed to students and educators.¹³² One Afghan media site reported that the Taliban have bases in 28 schools across the Panjshir province, as of March 2023.¹³³ The UN Special Rapporteur on the situation of human rights in Afghanistan, in his February 2023 report to the Human Rights Council, documented that the Taliban had placed forces in 24 out of a total of 129 schools across Panjshir province.¹³⁴ Amnesty International has previously reported on the Taliban’s policies, decrees, and guidelines that violate the right to education for women and girls, including by preventing the vast majority of girls at the secondary level from returning to school.¹³⁵

Witnesses in Panjshir who were interviewed by Amnesty International corroborate this broad finding. One person from Pariyan district of Panjshir province said:

¹³⁰ ICRC, Customary IHL Study, Rule 23. Location of Military Objectives outside Densely Populated Areas.

¹³¹ People interviewed by Amnesty International said, for example, that the Taliban had established bases in the Shuhadayee Maqawamat mosque in Pariyan district as well as the Khuja-Ghar and Girdee mosques in Abshar district, and had 30 members occupy a mosque in Darah district for two months. Interviews by voice call, 8 June 2022, 25 June 2022, and 1 August 2022. International humanitarian law requires “special care” to be taken to avoid damage to religious buildings, among other cultural property. ICRC, Customary IHL Study, Rule 38. Attacks Against Cultural Property. It also prohibits the military use of places of worship that “constitute the cultural or spiritual heritage of peoples”. Additional Protocol II, Article 16. See also ICRC, Customary IHL Study, Rule 39; and ICRC, Commentary of 1987 on Additional Protocol II: Article 16, <https://ihl-databases.icrc.org/en/ihl-treaties/apii-1977/article-16/commentary/1987?activeTab=undefined> Amnesty International was unable to determine the feasibility of the Taliban positioning forces in locations other than these mosques, and whether the specific Taliban-occupied mosques qualify as the “cultural or spiritual heritage of peoples”, as defined in international humanitarian law, is beyond the scope of this report.

¹³² Interview by voice call, 25 June 2022.

¹³³ Etilaatroz, *Taliban Have Bases in 28 School in Panjshir: Students Are Deprived of Education*, 22 March 2023, <https://www.etilaatroz.com/168247/%d8%a7%d8%b3%d8%aa%d9%82%d8%b1%d8%a7%d8%b1-%d8%b7%d8%a7%d9%84%d8%a8%d8%a7%d9%86-%d8%af%d8%b1-%d9%85%da%a9%d8%a7%d8%aa%d8%a8-%d9%be%d9%86%d8%ac%d8%b4%db%8c%d8%b1-2/%d8%a7%d8%b3%d8%aa%d9%82%d8%b1%d8%a7%d8%b1-%d8%b7%d8%a7%d9%84%d8%a8%d8%a7%d9%86-%d8%af%d8%b1-%d9%85%da%a9%d8%a7%d8%aa%d8%a8-%d9%be%d9%86%d8%ac%d8%b4%db%8c%d8%b1-2/> استقرار طالبان در مکاتب پنجشیر؛ دانش‌آموزان ۲۸ مکتب از آموزش محروم‌اند (etilaatroz.com). Another Afghan media outlet reported in January 2023 that the Taliban had used 50 schools in Panjshir since September 2021, and cited the burning of one high school. Kabul Now, “Taliban torches a high school in Panjshir”, 31 January 2023, <https://kabulnow.com/2023/01/taliban-torch-school-in-panjshir/>

¹³⁴ United Nations, “Situation of human rights in Afghanistan – Report of the Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett” (A/HRC/52/84), 9 February 2023, <https://www.ohchr.org/en/documents/country-reports/ahrc5284-situation-human-rights-afghanistan-report-special-rapporteur>

¹³⁵ Amnesty International, *Death in Slow Motion: Women and Girls under Taliban Rule* (Index: ASA 11/5685/2022), 27 July 2022, pp. 18-27.

They had also turned the girls' school into their military base for a while. This girls' school is called Cheshta High School. The high school was a temporary base for the Taliban. About two days ago, the Taliban have moved from the school to the mosque there. The mosque is called Shuhadayee Maqawamat.¹³⁶

Likewise, a person from Darah district of Panjshir said:

The Taliban have taken over the Tariq School of Par-Chul sub village of the Tankhul area. The school of Malik Mirzayee Shahid is also taken over in Abdullah Khil village. It is about three months that the Taliban have occupied these schools.¹³⁷

As described previously in this report, on multiple occasions civilians who were part of arbitrary mass arrests were taken to the Malik Mirzayee Shahid school for interrogation.

Regarding a girls' high school, the person from Darah district added:

The girls' school of Paraza is also taken over by the Taliban. It is in Tankhul village. Now, girls are studying in a home. In some of these schools, the Taliban have about 50 personnel.¹³⁸

A person from Abshar district told Amnesty International that in his district and across the province, the Taliban had occupied many schools:

In Jir Ali, the Taliban have occupied private houses. The house owners are not there. There are about 18 or 20 schools that are occupied by the Taliban across the province.¹³⁹

The Taliban's use of schools for military purposes is a longstanding pattern that existed before they took over the country in August 2021. Amnesty International has previously documented such actions in Sar-e-Pul, Kunduz, and Laghman provinces.¹⁴⁰ In Panjshir, the Taliban has committed war crimes in some of the schools they have used, for example as detention centres and interrogation facilities, including acts that together amount to collective punishment.

International humanitarian law requires "special care" to be taken to avoid damage to educational buildings, among other cultural property,¹⁴¹ but there is no prohibition against using schools for military purposes, if the party meets its general obligation to take "all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks".¹⁴² However, in 2015, the Government of Afghanistan endorsed the Safe Schools Declaration, a political commitment aimed at strengthening the protection of education during armed conflict. The Safe Schools Declaration includes an endorsement of the *Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*, which urge parties to a conflict to not use "functioning" schools or universities "in any way in support of the military effort," including schools "temporarily closed... during vacation periods."¹⁴³ Under the *Guidelines*, "abandoned or evacuated" schools should only be used "in extenuating circumstances when [forces] are presented with no viable alternative, and only for as long as no choice is possible between such use of the school or university and another feasible method for obtaining a similar military advantage".¹⁴⁴ As the de facto authorities in Afghanistan, the Taliban should abide by the commitments in the Safe Schools Declaration, in addition to international humanitarian and human rights law.

The failure to respect schools' civilian character places the schools – as well as students, teachers, and other education officials – at risk of attack. It can also undermine children's right to education, very often with a disproportionate impact on girls. Attacks on schools have occurred repeatedly throughout the last two decades of armed conflict in Afghanistan and have been carried out by all sides, with little to no accountability.¹⁴⁵

¹³⁶ Interview by voice call, 25 June 2022.

¹³⁷ Interview by voice call, 25 August 2022.

¹³⁸ Interview by voice call, 25 August 2022.

¹³⁹ Interview by voice call, 1 August 2022.

¹⁴⁰ Amnesty International, "Afghanistan: Taliban must allow girls to return to school immediately – new testimony," 13 October 2021, <https://www.amnesty.org/en/latest/news/2021/10/afghanistan-taliban-must-allow-girls-to-return-to-school-immediately-new-testimony/>

¹⁴¹ ICRC, Customary IHL Study, Rule 38. Attacks Against Cultural Property.

¹⁴² ICRC, Customary IHL Study, Rule 22. Principle of Precautions against the Effects of Attacks; see also Rules 23 and 24.

¹⁴³ *Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*, December 2014, Guideline 1.

¹⁴⁴ *Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*, December 2014, Guideline 2.

¹⁴⁵ Global Coalition to Protection Education from Attack (GCPEA), *Education Under Attack 2022*, pp 92-97 (indicating that GCPEA had "identified over 130 attacks on schools during the 2020-2021 reporting period," following 70 UN-verified attacks in 2019, and 192 UN-verified attacks in 2018); GCPEA, *The Impact of Explosive Weapons on Education: A Case Study of Afghanistan* (identifying, between January 2018 and June 2021, more than "200 reported attacks on schools, school students and personnel, and higher education in

SEIZURE AND DESTRUCTION OF PRIVATE HOMES

The Taliban have also occupied and used civilian homes, at times for prolonged periods. Some of the homes were abandoned before the Taliban seized them; in other cases, the Taliban seized homes that the civilian owners were still living in – at times causing the civilians to flee. In some instances, the Taliban have also destroyed civilian homes.

In June and July 2022, Amnesty International received photos and videos showing that the Taliban had burnt two houses that were used for the summer agricultural harvest in Shaba Valley of Khenj district. Individuals with knowledge of the case reported that the burnings had happened in late May and early June 2022.¹⁴⁶ Though Amnesty International was unable to determine the exact day when these two houses were torched, people with knowledge of the situation told Amnesty International that the Taliban had burnt the houses in retaliation, after a nearby clash with NRF fighters.¹⁴⁷ The people interviewed said they believed the Taliban had burnt the two houses to prevent NRF members using them as shelters.¹⁴⁸

Both houses were close to each other and were two-story buildings. The first floors were used for fodder and cattle stock, the top floors for living rooms and kitchens.¹⁴⁹ According to photos that Amnesty International verified, the top floors were mainly affected by the fire. In addition to the building, all of the equipment and possessions in the houses were damaged.¹⁵⁰ As they were seasonal residences, no one was staying in these two houses at the time when the Taliban burnt them.¹⁵¹

Civilian objects are protected from attack under international humanitarian law, “unless and for such time as they are military objectives”¹⁵², which does not appear to be the case here, though cannot be ruled out definitively. Moreover, there is a clear prohibition on attacking “objects indispensable to the survival of the civilian population”, which includes foodstuffs and livestock.¹⁵³

In addition, the Taliban have occupied houses belonging to former government officials and others who had left their villages out of fear of the Taliban. In a few other cases, the Taliban temporarily occupied part of houses – known as guesthouses – as a person from Abshar district explained:

The second [Taliban] check post was in a house where the house owner also lived. The Taliban had occupied the guesthouses [while the house owners were still living in the building]. The house of [name omitted] was also occupied by the Taliban while they were in the community.¹⁵⁴

According to a witness from Darah district, the Taliban took over and used three homes in his community for military purposes. Regarding one of the homes the Taliban seized, the witness told Amnesty International:

The homeowner’s sons were in Panjshir. It has been about three months since [the Taliban] have taken his house. His sons were at home, but the Taliban told them they should vacate the house as [the Taliban] needed it... [The homeowner] himself had died. His elder son was working with the former government. He was working with the NDS.... Their mother, with some of her grandsons, were living there.¹⁵⁵

Amnesty International documented several other cases in which the Taliban seized, at times through breaking down a house’s door, property belonging to civilians who had, or who had family members who had, worked for the previous government, including in Khenj¹⁵⁶ and Pariyan¹⁵⁷ districts. Seizing civilian property is prohibited absent imperative military necessity; the incidents documented by Amnesty International may constitute violations. Moreover, these cases, especially as a pattern across multiple districts, may further demonstrate collective punishment by the Taliban against civilians perceived to oppose its rule, whether due to perceived affiliations with the former government or with the NRF.

Afghanistan that involved explosive weapons”, with a particularly high number coming in the first half of 2021); and GCPEA, *Attacks on Education in Afghanistan, Briefing Paper*, November 2018 (detailing attacks on schools, students, teachers, and other education personnel since 2007 and the military use of schools since 2015).

¹⁴⁶ Interviews by voice call, 28 June 2022.

¹⁴⁷ Interviews by voice call, 28 June 2022.

¹⁴⁸ Interviews by voice call, 28 June 2022.

¹⁴⁹ Photos, on file at Amnesty International.

¹⁵⁰ Interview by voice call, 1 July 2022.

¹⁵¹ Interviews by voice call, 28 June 2022.

¹⁵² ICRC, Customary IHL Study, Rule 10. Civilian Objects’ Loss of Protection from Attack.

¹⁵³ ICRC, Customary IHL Study, Rule 54. Attacks against Objects Indispensable to the Survival of the Civilian Population; Additional Protocol II, Article 14.

¹⁵⁴ Interview by voice call, 8 June 2022.

¹⁵⁵ Interview by voice call, 29 August 2022.

¹⁵⁶ Interview by voice call, 8 June 2022.

¹⁵⁷ Interview by voice call, 25 June 2022.

2.4.2 RESTRICTION OF MOVEMENT

In carrying out its operations in Panjshir, the Taliban have established restrictions on civilian life. On 20 October 2022, after the videos of extrajudicial executions related to the September killings surfaced on social media, the Taliban began to ban and confiscate smartphones capable of shooting photos and videos.¹⁵⁸ The ban applied to officials in the de facto authorities, as well as Taliban fighters themselves, but it also impacts civilians as they are subject to random stops to search their phones.¹⁵⁹ According to an interviewee with knowledge of the restrictions, if photos or content related to the NRF or former government officials are found on a phone, it can lead to the arrest and harassment of the smartphone's owner.¹⁶⁰

The Taliban have also instituted curfews and movement restrictions, particularly in communities where they have established military posts. Such restrictions include preventing people from taking their livestock for grazing in the mountains without written permission, and restricting people from farming agricultural fields located away from their home villages. These constraints are apparently imposed to disrupt NRF supply lines, but such restrictions also harass civilians and disrupt day-to-day lives, and constitute another facet of the Taliban's campaign of collective punishment against civilians.

CURFEW

The Taliban imposition of an oppressive night-time curfew in Panjshir – the only one like it that Amnesty International has documented being currently in place in the country – has restricted civilians' freedom of movement, including their ability to attend to their day-to-day activities at the village level. This curfew is imposed in areas where the Taliban have based forces. Such arduous restrictions appear to be disproportionate to any legitimate security reason, as the fighting remains concentrated in mountain areas and away from the villages where the curfews are enforced. The restrictions threaten the human rights of many civilians, as they undermine people's access to livelihoods and food, amid a devastating economic situation across Afghanistan.

One person from Pariyan district told Amnesty International:

After coming to the village, the Taliban have been insulting and intimidating locals. The Taliban have created night-time curfew. Whoever disobeys the Taliban rules, they will not be able to live.¹⁶¹

Another person from Bazarak district described the details of the curfew:

Now, people cannot [generally] go out after 8PM. During nights, only one person is allowed to irrigate lands, and he must have light on. It must only be one person. They do not allow us to go to the mountains.¹⁶²

A resident of Abshar district likewise told Amnesty International about the nighttime restrictions in their area, and the resulting risks inherent to basic activities:

At nights, people cannot go out. In the communities, toilets are outside the building or houses. If you go out [to use the toilet], the Taliban will put laser [light] on you.¹⁶³

RESTRICTIONS AFFECTING LIVESTOCK AND IRRIGATION MANAGEMENT

In addition to the imposition of a night-time curfew, the Taliban also implemented restrictions on the ability of civilians in Panjshir either to take their livestock for grazing or to go to their agriculture areas without prior permission from Taliban officials. Most likely, such restrictions by the Taliban are meant to prevent supplies from reaching the NRF. As with the imposed curfew, these restrictions threaten the human rights of many civilians in Panjshir, as they undermine people's access to livelihoods.

A person from Darah district said to Amnesty International, "To take your cattle to the mountains for grazing, it is needed to acquire permission from the Taliban."¹⁶⁴ A resident of Abshar district indicated the Taliban have required similar permissions for people to go outside of their village agricultural areas.¹⁶⁵

¹⁵⁸ Kabul Now, *Taliban Ban Usage of Smartphones in Panjshir*, 20 October 2022. <https://kabulnow.com/2022/10/taliban-ban-usage-of-smartphones-in-panjshir/>

¹⁵⁹ Interview by voice call, 18 May 2023.

¹⁶⁰ Interview by voice call, 18 May 2023.

¹⁶¹ Interview by voice call, 28 August 2022.

¹⁶² Interview by voice call, 21 September 2022.

¹⁶³ Interview by voice call, 8 June 2022.

¹⁶⁴ Interview by voice call, 25 August 2022.

¹⁶⁵ Interviews by voice call, 8 June 2022.

A resident from Bazarak district said that those who attempt to go to the mountains without the permission have faced arrest and imprisonment, citing a specific incident in which eight boys or younger men were arrested around a month before he was interviewed, in September 2022:

The situation is really bad in Panjshir... Eight boys had gone to the mountains to collect or find their cattle, but the Taliban arrested them. The village whitebeards went to the Taliban to get them released, but the Taliban told them that they had not been investigated yet.¹⁶⁶

According to witnesses, similar requirements for permission exist in Anaba district as well.¹⁶⁷

Two people interviewed by Amnesty International said the restrictions imposed by the Taliban, together with the fear created by the presence of Taliban fighters in the communities, have led to an inability to irrigate their farms and trees located outside their villages.¹⁶⁸ They feared this could lead to them being unable to collect their yearly harvest.¹⁶⁹

One of them, who was from Khenj district, told Amnesty International:

Before this fighting, people could go on their lands for irrigation. People could take their cattle. So, for now, for land irrigation away from the village and cattle pasturing, people should take a letter from the Taliban commander... Due to this situation, people's farmland is dry.¹⁷⁰

A third person from the area said the Taliban's requirements of written permission to take cattle to the mountainside for grazing had led to an erosion of the traditional community-based cattle grazing system, which can also negatively impact people's ability to make a livelihood.¹⁷¹

¹⁶⁶ Interview by voice call, 21 September 2022.

¹⁶⁷ Interviews by voice call, 10 June 2022.

¹⁶⁸ Interviews by voice call, 10 June 2022 and 28 June 2022.

¹⁶⁹ Interviews by voice call, 10 June 2022 and 28 June 2022.

¹⁷⁰ Interview by voice call, 10 June 2022.

¹⁷¹ Interview by voice call, 10 June 2022.

3. INTERNATIONAL LAW

During the period covered by this report, there was a non-international armed conflict (NIAC) in Afghanistan. A NIAC arises when there are protracted armed confrontations in the territory of a state between governmental authorities and one or more organized armed groups, or between such groups.¹⁷² For the armed confrontations to be classified as a NIAC they must reach a requisite level of intensity and the parties involved must have a requisite degree of organization.¹⁷³ In this case, the violations documented above occurred in the context of the conflict between the forces of the Taliban, as the de facto authorities in Afghanistan, and the NRF, which is based in Panjshir.

International humanitarian law (IHL) sets out legal rules that bind all parties to an armed conflict, whether state armed forces or non-state armed groups. These rules aim to minimise human suffering in armed conflicts and offer particular protection to civilians and those who are not directly participating in hostilities. In this non-international armed conflict in Afghanistan, parties to the conflict are bound to comply with the norms contained in Common Article 3 of the Geneva Conventions, Additional Protocol II to the 1949 Geneva Conventions, and customary international humanitarian law. Afghanistan is a party to the four Geneva Conventions of 1949, their Additional Protocols I and II,¹⁷⁴ and the Rome Statute of the International Criminal Court.

In terms of Additional Protocol II to the Geneva Conventions and customary international humanitarian law, collective punishments are prohibited.¹⁷⁵ This is a fundamental guarantee for civilians and other persons who are not directly participating in hostilities, including persons *hors de combat*, and includes not only criminal sanctions, but also “sanctions and harassment of any sort, administrative, by police action or otherwise”.¹⁷⁶ Many of the acts committed by Taliban forces – such as extrajudicial executions and torture and other ill-treatment, as documented in this report – each constitute war crimes.¹⁷⁷ The arbitrary deprivation of liberty of civilian relatives of suspected NRF fighters to pressure them to surrender constitutes the war crime of hostage-taking.¹⁷⁸ In addition, the summation of those acts, plus the additional unlawful detentions, intentional burning of homes and other civilian objects, and restrictions on the civilian population, also constitute the war crime of collective punishment.¹⁷⁹

Afghanistan is also bound by international human rights law (IHRL) and standards, which continue to apply during armed conflict. It is a party to the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The Taliban, as the de-facto authority in Afghanistan, has a legal obligation to uphold Afghanistan’s international commitments and to respect, protect, and fulfil, among others, the right to life and to prohibit torture and

¹⁷² Based on the relevant international treaties (Article 3 Common to the Four Geneva Conventions of 1949 and Protocol II to the Geneva Conventions) and jurisprudence of international tribunal, the International Committee of the Red Cross (ICRC) defines non-international armed conflicts as: “protracted armed confrontations occurring between governmental armed forces and the forces of one or more armed groups, or between such groups arising on the territory of a State [party to the Geneva Conventions]. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum of organisation.” ICRC, *How is the term “Armed Conflict” defined in international humanitarian law?*, Opinion Paper, March 2008. <https://www.icrc.org/en/doc/assets/files/other/opinion-paper-armed-conflict.pdf>

¹⁷³ For list of indicative factors for each of these criterion, see *Prosecutor v. Ljube Bošković* (IT-04-82-T), ICTY Trial Chamber, Judgment, 10 July 2008, paras 175-206.

¹⁷⁴ ICRC, *Treaties, State Parties and Commentaries*. https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=AF&nv=4

¹⁷⁵ ICRC Customary IHL Study, Rule 103. Collective Punishments.

¹⁷⁶ Yves Sandoz, Christophe Swinarski, Bruno Zimmermann (eds.), *Commentary on the Additional Protocols*, ICRC, Geneva, 1987, § 3055, see also § 4536.

¹⁷⁷ See, for example, Rome Statute, Articles 8(2)(c)(i) and (ii).

¹⁷⁸ See, for example, Rome Statute, Article 8(2)(c)(iii); and ICRC Customary IHL Study, Rule 156. Definition of War Crimes.

¹⁷⁹ See ICRC, Customary IHL Study, Rule 103: Collective punishments; and Additional Protocol II, Article 4(2)(b).

other ill-treatment.¹⁸⁰ Afghanistan is also a party to the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children in Armed Conflict.

As regards the right to life, the Human Rights Committee, the body responsible for monitoring compliance with the ICCPR, has explained that the right to life entails not only the “duty to refrain from engaging in conduct resulting in arbitrary deprivation of life”, but also that the state or de facto authorities “must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State”.¹⁸¹ This remains applicable in situations of armed conflict, where the de facto authorities have a duty to protect the population from the threat to life posed by armed groups and other non-state actors. The duty to prevent arbitrary deprivation of life also requires “establishing by law adequate institutions and procedures for preventing deprivation of life, investigating and prosecuting potential cases of unlawful deprivation of life, meting out punishment and providing full reparation”.¹⁸²

¹⁸⁰ United Nations Human Rights Treaty Bodies, UN Treaty Body Database.

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=1&Lang=EN

¹⁸¹ Human Rights Committee, General Comment 36, Article 6 (Right to Life), 3 September 2019, CCPR/C/GC/35, para. 7.

¹⁸² Human Rights Committee, General Comment 36, para. 19.

RECOMMENDATIONS

TO THE TALIBAN AUTHORITIES IN AFGHANISTAN

Amnesty International calls on the Taliban to respect and ensure respect for international humanitarian law and international human rights law and in particular to:

- Immediately cease all extrajudicial executions and other unlawful killings, all hostage-taking, and all acts of collective punishment, and comply with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as required under international law;
- Conduct prompt, independent, impartial, and thorough investigations into all credible allegations of crimes under international law and other human rights violations, including extrajudicial executions, torture and other mistreatment of detainees, arbitrary deprivation of liberty, and hostage-taking. These investigations should include a focus on crimes committed against children, women, older people, and people with disabilities;
- Where there is sufficient admissible evidence of crimes, bring all those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts, as per international human rights law and standards and without recourse to the death penalty;
- Ensure that commanders and members of the Taliban forces are given appropriate training, including training in international human rights law and international humanitarian law, including, in particular, the proper treatment of detainees;
- Provide victims of violations of international humanitarian law, and their families, access to justice, truth, and full reparation, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition;
- Fully adopt the Rome Statute of the International Criminal Court, and comply with any requests from the Office of the Prosecutor;
- Take swift and concrete steps to cease and prevent the use of schools by Taliban forces, using the Guidelines on Protecting Schools and Universities from Military Use During Armed Conflict as a minimum standard, in line with the country's commitments as an endorser of the Safe Schools Declaration;
- Immediately re-open all schools beyond the primary level to girls and women and put a stop to all harassment, threats, and attacks against teachers and students;
- Ensure non-discrimination in any reparation or compensation scheme for violations of international human rights law or international humanitarian law. Ensure that children, including girls specifically, are not excluded;
- Cooperate fully with, among other international agencies and organizations, the mandate of the UN Special Rapporteur on the Situation of Human Rights in Afghanistan, the United Nations Assistance Mission in Afghanistan (UNAMA), the International Criminal Court, and any other duly established independent international accountability mechanisms.

TO THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT

- Conduct a full investigation in Afghanistan into allegations of Rome Statute crimes by all parties to the conflict, including those documented in this report;

- While conducting investigations of crimes committed by all parties to the conflict, include a focus on crimes committed against children, women, older people, and people with disabilities.

TO THE UN HUMAN RIGHTS COUNCIL

Amnesty International strongly recommends the strengthening of existing options for justice and accountability for crimes under international law and other serious human rights violations committed in Afghanistan. To this end, the UN Human Rights Council should:

- Urgently establish an independent international accountability mechanism to investigate crimes under international law and other serious human rights violations as well as to collect and preserve evidence of such violations with a view to support future accountability efforts, including prosecutions, and ensure the mechanism has sufficient resources, including financial and technical, to carry out its mandate. This mechanism would complement the work of the mandate of the UN Special Rapporteur on the situation of human rights in Afghanistan. The establishment of such a mechanism is one of the recommendations formulated by the Special Rapporteur in his first report.¹⁸³
- Such a mechanism should have the specific mandate to:
 - Independently investigate all alleged crimes amounting to crimes under international law and other serious human rights violations in Afghanistan, including all allegations of collective punishment;
 - Collect, consolidate, and analyse evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information and evidence consistent with international law and standards, with a view to support future accountability efforts, including by future prosecutorial and judicial mechanisms;
 - Monitor, document, and verify relevant information and evidence, including through field engagement, and cooperate with judicial and other entities, national and international, as appropriate;
 - Identify, where possible, those individuals and entities for whom there are credible allegations of responsibility for violations and abuses;
 - Be staffed with independent international experts, including those with expertise on international human rights law, international criminal law, the command structure of armed forces and armed groups, sexual and other gender-based violence, children's rights, the rights of people with disabilities, video and image verification, and forensic analysis; and
 - Report to the Human Rights Council and the UN General Assembly on findings and brief other relevant UN bodies and entities.

¹⁸³ United Nations, "Situation of human rights in Afghanistan – Report of the Special Rapporteur on the situation of human rights in Afghanistan" (A/HRC/51/6), 9 September 2022. <https://www.ohchr.org/en/documents/country-reports/ahrc516-situation-human-rights-afghanistan-report-special-rapporteur>

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“YOUR SONS ARE IN THE MOUNTAINS”

THE COLLECTIVE PUNISHMENT OF CIVILIANS IN PANJSHIR BY THE TALIBAN

Since the Taliban seized control of Afghanistan in August 2021, they have directed collective punishment upon the residents of Panjshir province, particularly in communities where the Taliban have established and deployed their forces. In an effort to combat the National Resistance Front, an armed group that formed initially in Panjshir to oppose the Taliban, they have retaliated against captured fighters, and targeted the civilian population to force submission and compliance. Over the last 18 months, the Taliban have organized village-wide arbitrary arrests of adult men and older boys, detained them without charge, and subjected many of those so detained to beatings and other abuse. The Taliban have also burned homes, imposed the only curfew in all of Afghanistan, seized civilian homes for military use, and denied shepherds access to their traditional grazing lands.

The list of war crimes and violations of international humanitarian law committed by the Taliban in Panjshir is long: torture and other ill-treatment, extrajudicial executions, hostage-taking, the intentional burning of civilian homes, and arbitrary deprivation of liberty. But beyond each individual act designed to instill fear, this conduct in sum constitutes collective punishment, which in itself is a war crime.