MEMORANDUM

Below are compiled sources that contain country of origin information for human rights defenders, including women's rights defenders, in Afghanistan. Please let me know if you have any questions regarding the sources identified below.

UPDATED ARTICLES AS OF MARCH 14, 2022

 Afghanistan: Human rights defenders living under "climate of fear" – UN expert, United Nations Human Rights Office of the High Commissioner (Nov. 3, 2021), available at <u>https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27762&LangID=E</u>

GENEVA (3 November 2021) – Human rights defenders in Afghanistan describe living under a climate of fear, threats, intense insecurity and growing desperation, a UN expert said today, calling for an urgent coordinated response from the international community.

"The threat is very real," said Mary Lawlor, the UN Special Rapporteur on human rights defenders. "Defenders tell me of direct threats, including gendered threats against women, of beatings, arrests, enforced disappearances, and of defenders being killed. They describe living in a climate of constant fear.

"Among those most at risk are defenders documenting alleged war crimes, women defenders, in particular criminal lawyers, cultural rights defenders, especially those working in banned sectors such as music, and defenders from minority groups. Defenders tell me that some have erased their online data history to evade identification, and that the Taliban are resorting to other ways of finding them - for example that one HRD was identified by an injury to his leg."

Lawlor said she had received online testimonies* from around 100 human rights defenders, including those in rural provinces, detailing specific tactics used against them. The Taliban have raided the offices of human rights and civil society organisations, searching for the names, addresses and contacts of those who used to work there, she said.

"Many defenders are well known in their local communities, in particular in rural areas, and have left for the anonymity of the cities, but even there they are forced to constantly change locations," the UN expert said. "Most have also lost their source of income, further limiting their options to find safety."

Lawlor called for immediate international support to act on concerns of local defenders, including an urgent plan for the evacuation of defenders at high risk, along with their families.

"These are the people who have been fighting for 20 years to advance human rights in their home towns and cities," she said. "Many say they feel abandoned. States who have supported their work for the past two decades must do more to provide visas, travel documents and routes to asylum for the hundreds of defenders left behind and at risk."

*Selection of anonymized testimonies:

"There is no freedom of association, no gatherings no freedom of expression. Every day 5 or 10 people are being arrested. Family members are afraid of being recognised. Human rights defenders and others are being pursued, arrested and killed. Family members don't even claim the dead bodies in the street. They are afraid. Human rights defenders were not prioritised in the evacuation efforts." - woman human rights defender (WHRD) in western Afghanistan.

"Freedom of expression is very limited. The media cannot operate freely. HRDs and WHRDs cannot raise their voices now. They will be threatened if they do." - HRD in south

"The Taliban cannot be expected to stick to their word. They are unanswerable to anyone. HRDs were the public face of the human rights movement, they are now at risk. Women are the victims of this takeover. The future looks dark."

"I worked in 34 provinces of Afghanistan for women's rights. I am at home and can't go to the office. There is no space for women leaders and activities for human rights defenders. HRDs are being smeared as foreign agents. Women want to keep working, to protect the gains made for women's rights in the last 20 years. Today there's no education or jobs for women."

"There are 38,000 prisoners who have been released. They were the people who had problems with the HRDs and those working on justice and rule of law. Released prisoners are a direct threat to HRDs."

"A mother came to me and complained about the torture of her 12-year-old child by the Taliban. She asked me to help him as a child rights activist. She thought that even now we could defend their children's rights, but what was not clear to her, was that I have no more authority and the ability to defend her and her son, as I myself have been sidelined along with human rights activism in Afghanistan."

[...]

 'Climate of fear' prevails for human rights defenders in Afghanistan, United Nations UN News (Nov. 3, 2021), available at https://news.un.org/en/story/2021/11/1104822 - [News release quoting and describing the UN Special Rapporteur's findings on the status of human rights defenders in Afghanistan that is excerpted in the immediately preceding bullet point]

Stating that "the threat is very real", Mary Lawlor, the UN Special Rapporteur on human rights defenders, called for an urgent coordinated response from the international community.

"Defenders tell me of direct threats, including gendered threats against women, of beatings, arrests, enforced disappearances, and of defenders being killed. They describe living in a climate of constant fear", she said.

Those most at risk are people documenting alleged war crimes, women, in particular criminal lawyers, cultural rights defenders, especially those working in banned sectors such as musical performance, and others from minority groups.

Some told Mrs. Lawlor that they have erased their online data history to evade identification, and that the Taliban are using other ways to find them. One of them, for example, was identified by an injury to his leg.

[...]

• Afghanistan Events of 2020, Human Rights Watch, available at: <u>https://www.hrw.org/world-report/2021/country-chapters/afghanistan#</u>

Attacks on Media and Human Rights Defenders

Fatima Natasha Khalil and Ahmad Jawid Folad, both employees of the Afghanistan Independent Human Rights Commission (AIHRC), were killed when an IED attached to their car in Kabul detonated on June 27. The AIHRC vehicle had government plates.

In late November 2019, the NDS detained and threatened two staff members of a human rights group that reported the widespread abuse of hundreds of schoolboys in Logar province. In January, the attorney general's office arrested 18 people in connection with the reported abuse. However, none of the police or senior officials alleged to have been responsible were arrested.

In June, media organizations, human rights groups, and other civil society organizations denounced the government's proposed amendments to the Media Law that would have compelled journalists to reveal sources and allowed government censorship of news reports. In response to the outcry, President Ghani withdrew the amendments.

• UN High Commissioner for Human Rights Michelle Bachelet visits Kabul, Afghanistan, available at <u>https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=28261&LangID=E</u>

Since 15 August 2021, following the Taliban's takeover, there have clearly been some drastic changes in the country. With the decline in hostilities since that date, conflict-related casualties have reduced dramatically. But we fear that the humanitarian and economic crises may claim far more lives. Today, one in three people in Afghanistan face emergency or crisis levels of food security and there is limited access to cash, high levels of unemployment and displacement. Furthermore, there remains an unfortunately high risk of attacks by the ISKP and others.

[...]

Attacks against these former officials, including judges, as well as human rights defenders and journalists, do continue. While the women protesters and their family members who were arbitrarily arrested and detained in January have now been released, their treatment has meant that there are no longer public demonstrations on women's rights in Afghanistan. We have, in recent weeks, been able to raise cases of individual human rights violations with the de facto authorities and I have urged them to ensure that it is made clear that these are not to be tolerated, that they are promptly investigated and those responsible properly held to account. All those detained for exercising their human rights need to be promptly released.

 AFGHANISTAN PROTECTION OF CIVILIANS IN ARMED CONFLICT MIDYEAR UPDATE: 1 JANUARY TO 30 JUNE 2021 (Jul. 26, 2021), UNITED NATIONS ASSISTANCE MISSION IN AFGHANISTAN, available at <u>https://unama.unmissions.org/sites/default/files/unama_poc_midyear_report_2021_26_july.pd</u> f

In addition to the fear of being harmed by the everspreading conflict, UNAMA has received reports from communities suggesting the implementation of a number of restrictions on individuals' rights by the Taliban, including those affecting personal and social freedoms in newly captured areas. These reports exacerbate the fears of many as to how their rights may be respected, how they may be treated, and how their ability to conduct their daily activities may be affected if Taliban control their areas. Communities have expressed fears for certain segments of society, including women, ethnic and religious minorities, human rights defenders and those who speak out against Taliban practices.

[...]

UNAMA remains deeply concerned about the continuation of attacks deliberately targeting civilians by Anti-Government Elements, particularly through the use of IEDs and shootings, including targeting of human rights defenders, media workers, religious elders, civilian government workers, and humanitarian workers, and sectarian attacks targeting members of the Hazara ethnicity and Shi'a Muslim religious minority.

 TALIBAN WASTING NO TIME IN STAMPING OUT HUMAN RIGHTS IN AFGHANISTAN SAYS NEW BRIEFING (Sept. 20, 2021), Amnesty International, available at <u>https://www.amnestyusa.org/press-releases/taliban-stamping-out-human-rights-in-afghanistan-says-new-briefing/</u>

[...]

Climate of fear for Human Rights Defenders

Attacks on human rights defenders have been reported on a near-daily basis since August 15. The Taliban are conducting door-to-door searches for human rights defenders, forcing many into hiding.

Researchers spoke to Mahmud*, an Afghan human rights defender who managed to get out of the country. Mahmud described how, on the day the Taliban entered Kabul, he received a call asking him to hand over his organizations' vehicles, equipment and money. The caller knew his name and warned him he had no choice but to cooperate.

Over the following days, Mahmud received further phone calls and WhatsApp messages, asking for his home address and requesting to meet him at designated locations. Two colleagues at his NGO had been beaten by the Taliban. Images shared by one of his co-workers and verified by Amnesty International and a forensic pathologist show classical assaultive 'whipmarks' to the back and yellowing bruising to the victim's left arm.

"The threat faced by human rights defenders stranded in Afghanistan is real. They are under attack on all fronts as they are seen as enemies of the Taliban. Their offices and homes have been raided. Their colleagues have been beaten. They are forced into permanent hiding. They live under the constant threat of arrest, torture or worse. Those who managed to leave the country are now stranded in military camps or in neighboring countries, not knowing their final destination nor how they will be able to rebuild their lives that have been shattered overnight," said Delphine Reculeau, Human Rights Defenders Program Director at the World Organisation Against Torture (OMCT).

"The international community must uphold its moral and political commitments and not fail the people who have dedicated their lives to the defense of human rights, gender equality, the rule of law and democratic freedoms in their country, but protect them at all costs."

[...]

 AFGHAN WOMEN ACTIVISTS ABDUCTED BY THE TALIBAN WHILE JOURNALISTS ARRESTED AND BEATEN (Nov. 2, 2022), Civicus Monitor Tracking Civic Space, https://monitor.civicus.org/country/afghanistan/

Over the last two months, women human rights defenders have been abducted by the Taliban and their whereabouts remain unknown, while a prominent academic was briefly detained for his criticism of the Taliban. Journalists have been arrested by the Taliban and ill-treated, while some have been attacked by unknown persons with impunity. Further, protests by women activists have been disrupted with excessive force by the Taliban.

Afghanistan's civic space rating remains 'repressed' in ratings published by the CIVICUS Monitor in December 2021.

As previously documented, the Taliban takeover of the country in August 2021 led to an accelerating human rights and humanitarian crisis. Protests were stifled by the Taliban with excessive force, gunfire and beatings to disperse crowds, leading to deaths and injuries of peaceful protesters. Journalists were at increased risk following the Taliban takeover and have been attacked and had their homes raided for covering the situation on the ground. Human rights defenders also faced systematic intimidation throughout the country and some have been threatened or attacked.

On 14th December 2021, the UN Deputy High Commissioner for Human Rights detailed how the profound humanitarian crisis in Afghanistan is threatening basic rights. The UN mission in the country, UNAMA, has documented nearly 60 apparently arbitrary detentions, beatings and threats of activists, journalists and staff of the Afghanistan Independent Human Rights Commission. Many media outlets have shuttered, as have numerous civil society groups.

The Taliban must uphold the fundamental human rights of women and children, the United Nations chief has said, urging the international community to release frozen Afghan aid to prevent families from selling their babies to buy food.

Secretary-General Antonio Guterres on 26th January 2022 warned that "Afghanistan is hanging by a thread" as millions of impoverished citizens struggle to survive amid deteriorating humanitarian conditions. He expressed concern about recent reports of arbitrary arrests and abductions of women activists.

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Association

Women human rights defenders abducted by the Taliban

In January 2022, Taliban gunmen raided the homes of women's rights activists in Kabul, beating and arresting female campaigners in a string of actions apparently triggered by recent demonstrations.

According to human rights group Frontline Defenders, on 19th January 2022, women human rights defenders Tamana Zaryab Paryani and Parwana Ibrahimkhel were abducted from their houses in Kabul by a group of armed men. Three sisters of Tamana Zaryab Paryani, the youngest being 13 years old, were also taken.

Tamana Paryani posted a video on social media recorded moments before the men entered her house, in which she identifies the men as Taliban and calls for help. Several Taliban spokespersons have denied their involvement in the abductions. The whereabouts of the women human rights defenders are still unknown.

Tamana Zaryab Paryani and Parwana Ibrahimkhel have been working on women's rights in Afghanistan even in the context of violent suppression of dissent and activism. Days before their abduction they participated in a protest near Kabul University, demanding the right of women to work

Frontline Defenders reported that on 2nd February 2022, another woman human rights defender, Mursal Ayar, was similarly taken from her house in Kart-e-Naw district of Kabul. The woman human rights defender's family reported that at least ten armed men, also believed to be the Taliban, entered their house, physically assaulted Mursal Ayar and then abducted her.

On 3rd February 2022, woman human rights defender Zahra Mohammadi was abducted from her office in Kart-e-Parwan in Kabul and detained by the Taliban in an unknown location. Zahra Mohammadi is a member of the Afghan Women's Solidarity Team, which had organised an indoor protest to demand the release of Tamana Zaryab Paryani and Parwana Ibrahimkhel on 2nd February 2022.

On 8th February 2022, a spokesperson for the UN High Commissioner for Human Rights said: "we are gravely concerned for the safety of the disappeared women and their family members. We continue to

press the de facto authorities for information on these cases, and for an effective, transparent investigation. We stress the need to ensure their physical and mental integrity and call for their immediate release".

International human rights and women's rights organisations have condemned the continued mistreatment, harassment and human rights abuses perpetrated by the Taliban against female activists in Afghanistan.

Taliban detain individuals and raid safe houses

On 24th January 2022, the Taliban arrested 40 individuals who were planning to leave Afghanistan through evacuation flights in Mazar-e-Sharif city, including women and children. Subsequently, according to rights group Safety and Risk Mitigation Organisation, the Taliban raided a number of safe houses in Kabul and Mazar-e-Sharif cities and it is alleged that scores of people were arrested, including individuals who worked for international NGOs or local activists. It was claimed by some witnesses that most women who were arrested were women judges with children. The Taliban said they would only release the women after their family members showed up to collect them.

Taliban detains academic for critical comments online

Professor Faizullah Jalal, a Kabul University lecturer, was arrested on 10th January 2022 by the Taliban for 'making provocative remarks against the government'. Jalal has made several appearances on television talk shows since the US-backed government was pushed out in August 2021, blaming the Taliban for a worsening financial crisis and criticising them for ruling by force. In one television appearance, he called Taliban spokesman Mohammad Naeem a "calf", a grave insult in Afghanistan. Clips of his criticism went viral online.

His family was denied the right to visit him since his arrest and received no updates about his wellbeing or any other information beyond confirmation of his arrest and detention.Jalal's family said the tweets shared were from a fake Twitter account they had tried to get shut down.

Responding to the arrest, Samira Hamidi, Amnesty International's South Asia campaigner, said:

"This arrest marks just the latest effort by the Taliban to stifle dissent. Professor Faizullah Jalal, a renowned intellectual with decades of experience working in Afghanistan, was simply exercising his right to freedom of expression by pointing out the Taliban's failure to address the humanitarian catastrophe currently devastating Afghanistan during a televised debate. Instead of respecting his views and heeding his comments, the Taliban arrested him for allegedly provoking people on a fake Twitter account."

He was released after four days in detention.

[...]

• Taliban continue crack down on Human Rights defenders (Nov. 12, 2021), ANI South Asia's Leading Multimedia News Agency, available at :

https://www.aninews.in/news/world/asia/taliban-continue-crack-down-on-human-rightsdefenders20211112170154/https://www.aninews.in/news/world/asia/taliban-continue-crackdown-on-human-rights-defenders20211112170154/ [Page will not let me copy the text, but article generally describes crackdown and beatings of civil society activists]

• Freedom House, Afghan and International NGOs Launch the Afghanistan Human Rights Coordination Mechanism (Jan. 27, 2022), Freedom House, available at <u>https://freedomhouse.org/article/freedom-house-afghan-and-international-ngos-launch-afghanistan-human-rights-coordination</u>

[...]

"International support for those defenders who remain on the ground is going to be hugely important now and over the coming years," said Professor Mary Lawlor, UN special rapporteur on the situation of human rights defenders, in welcoming the creation of the coalition.

"In order for that support to be effective, it's going to have to be guided by the needs of the defenders themselves, and so I'm glad to [see] the involvement of Afghan civil society in the new mechanism and its aim of surveying the needs of defenders inside the country," Lawlor added.

Participants in the launch agreed that with talks between the Taliban and American and European diplomats underway in Oslo, Norway, this week, ensuring respect for the human rights of all Afghans must be a top priority.

"Whether the discussion relates to humanitarian aid, security needs, sanctions relief, or economic stagnation, the need to restore basic human rights for all Afghans is absolutely paramount," said Horia Mosadiq, founder of the Afghan nonprofit Safety and Risk Mitigation Organization (SRMO), which is a founding member of the mechanism. "We are concerned about the urgent need to protect Afghan human rights defenders and civil society leaders and to ensure that universal human rights are at the center of the diplomatic focus in Afghanistan."

"By organizing this platform and working together, we will help Afghan human rights defenders, civil society leaders, and women's rights and democracy advocates—in Afghanistan and in exile—to come together, identify their needs, and set out what the Taliban and the international community need to do to ensure that all Afghans are able to exercise their rights," said Nicole Bibbins Sedaca, executive vice president of Freedom House.

Bibbins Sedaca described the mechanism as "helping to shine a light on what is needed, where the gaps are, and where the diplomatic community is falling short," adding that "we must leverage all resources to ensure that Afghan human rights defenders and civil society can continue to press for their basic rights."

[...]

* * *

FROM SEPTEMBER 29, 2021 MEMORANDUM

 Afghanistan 2020 Human Rights Report, U.S. Department of State, 2020, available at https://www.state.gov/wp-content/uploads/2021/03/AFGHANISTAN-2020-HUMAN-RIGHTS-REPORT.pdf

Government Human Rights Bodies: The constitutionally mandated AIHRC continued to address human rights problems, but it received minimal government funding and relied almost exclusively on international donor funds. On June 27, an IED killed two members of the AIHRC. Perpetrators of the bombing were not identified. Three Wolesi Jirga committees deal with human rights: the Gender, Civil Society, and Human Rights Committee; the Counternarcotic, Intoxicating Items, and Ethical Abuse Committee; and the Judicial, Administrative Reform, and Anticorruption Committee. In the Meshrano Jirga, the Committee for Gender and Civil Society addresses human rights concerns.

[...]

Female political figures and activists were the targets of assassinations and assassination attempts throughout the year. On December 24, unknown gunmen killed women's rights activist Freshta Kohistani, along with her brother.

[...]

Saboor Husaini, a transgender activist and artist, died in a Herat hospital after being beaten by an unidentified group of men December 25.

[...]

In 2019 human rights defenders exposed the sexual abuse of at least 165 schoolboys from three high schools in Logar Province, alleging that teachers, principals, vice principals, fellow students, and at least one local law enforcement official participated in the abuse. The release of videos of some the rapes and exposure of the scandal led to at least five honor killings of the victims. Two human rights defenders were subsequently placed in NDS detention after exposing the allegations, forced to apologize for their reporting, and continued to face threats after their release, prompting them to flee the country.

• Afghanistan 2020 International Religious Freedom Report, U.S. Department of State, May 12, 2021, available at https://www.state.gov/wp-content/uploads/2021/05/240282-AFGHANISTAN-2020-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf

There were reports that ISIS-K, an affiliate of ISIS and a U.S.-designated terrorist organization, continued to target and kill members of minority religious communities and that the Taliban targeted and killed individuals because of their religious beliefs or their links to the government.

 UN High Commissioner for Refugees (UNHCR), UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan, Apr. 19 2016, HCR/EG/AFG/16/02, available at <u>https://www.refworld.org/docid/570f96564.html</u> (cites below omitted)

1. Individuals Associated with, or Perceived as Supportive of, the Government and the International Community, Including the International Military Forces

AGEs are reported to systematically target civilians who are associated with, or who are perceived to be supporting the Afghan Government, Afghan civil society and the international community in Afghanistan, including the international military forces and international humanitarian and development actors.204 In 2015, UNAMA attributed 1,335 civilian casualties (790 deaths and 545 injured) to incidents of targeted killings or attempted targeted killings to AGEs, among which the Taliban claimed responsibility for 135 incidents causing 336 civilian casualties (168 deaths and 168 injured). The number of such casualties increased by 25 per cent from 2014 (716 deaths and 353 injured), while the number of Taliban-claimed incidents increased by 59 per cent. UNAMA also attributed 26 civilian casualties (17 deaths and nine injured) from 17 targeted and deliberate killing incidents to ISIS-affiliated groups in 2015. Among the primary targets of such attacks are national and local political leaders, government officials, teachers and other civil servants, off-duty police officers, tribal elders, religious leaders, women in the public sphere, civilians accused of spying for pro-government forces, human rights activists, humanitarian and development workers, and construction workers.

[...]

f) Human Rights Activists

AGEs are reported to target human rights activists, with activists having been killed or injured in targeted attacks. Women human rights defenders are reported to be at particularly high risk.

[...]

i) Women in the Public Sphere

Although women have attained some leadership roles in Afghan Government and civil society since 2001, including as judges and members of parliament, women in the public sphere and those holding public office continue to be subjected to threats, intimidation and violent attacks. There are widespread reports of the targeting of women in the public sphere, including female parliamentarians, provincial council members, civil servants, journalists, lawyers, police officers, teachers, human rights activists and women working for international organizations. They have been targeted by AGEs, local traditional and religious power-holders, community members, and government authorities. Women who seek to engage in public life are often perceived as transgressing social norms, condemned as "immoral" and targeted for intimidation, harassment, or violence. AGEs reportedly use threats and intimidation against women in the public sphere. There are also numerous reports of women in the public sphere having been killed.

• The fate of thousands hanging in the balance: Afghanistan's fall into the hands of the Taliban, Amnesty International, OMCT SOS-Torture Network, and FIDH, Sept. 2021, available at https://www.ecoi.net/en/file/local/2060589/ASA1147272021ENGLISH.pdf (citations omitted)

Kobra shared that she was a vocal human rights defender in Afghanistan, often travelling to the provinces and appearing on television, speaking for women's rights. She said that she covered her face when passing Taliban checkpoints to the airport to escape attention. Despite having left the country, Kobra said she still fears for her family left behind, since the Taliban were enquiring about her in her neighbourhood. She said, "women's rights activists who raise their voices, people who were working with foreigners, journalists, and Afghan government army" are at high risk of reprisals.

These fears are corroborated by the number of incidents that are documented in this report. Kobra said: "As an Afghan woman, I worked in difficult situations with grassroots women in different provinces of Afghanistan, to create awareness and educate them about their rights according to Islamic perspective, and create awareness for them to stand on their own and educate their children to live in peace and rebuild Afghanistan. Today, for what sin did we have to leave our homeland, our loved ones, and our life and for which sin we suffered such hardship at the gates to enter the Kabul airport."

Mahmud, a male human rights defender, also described to Amnesty International, how even before the Taliban had taken over the country, he and his colleagues had faced death threats and had to relocate temporarily. He recounted that a female colleague who was a project manager had in the past received calls from the Taliban informing her that their human rights work was not aligned with Islamic values. The day the Taliban entered Kabul, he had received a call asking him to hand over his organizations' vehicles, equipment, and money- he says the Taliban fighter who spoke to him, knew his name, and said he had no choice but to cooperate with the Taliban. He says "A few days later another person contacted me from [name of province withheld] and asked for my home address and came to the area close to our house. [He] called me, [but] I did not [go]".

After Mahmud managed to leave the country, the Taliban beat one of his staff members badly. Images shared with Amnesty International shows injuries suffered as a result of the beating. Amnesty International and an independent forensic pathologist analysed images of these injuries. The images show classical assaultive 'whip marks' to the back. An additional image shows yellowing bruising to the back of the victim's left arm, likely reflecting deep bruising of the underlying tissues from injury which occurred several days prior to the capture of the images. "They are searching for me. They found another colleague who was beaten by them. Other than that, all my staff members are under ground. I hope with the assistance of the international organizations, we will be able to take my team members and my family [out of Afghanistan]".

Nazir, another human rights defender who spoke with Amnesty International, said that he faced the risk of reprisals from the Taliban because of his work in human rights, his previous work as a journalist, and because of his ethnic and religious identity as a Shia-Hazara. He said he was under scrutiny by the Taliban on social media- "I was personally bullied and trolled by the Taliban sympathizers on social media until I had to resort to self-censoring and deleted some of my twitter posts. Also, several friends who were journalists and activists were savagely beaten by the Taliban." He said that if he had not left Afghanistan, he would have undoubtedly faced their retribution. He added that, "journalists, activists and anti-Taliban intellectuals, writers/artists, female journalists, former police, army, and intelligence officers, as well as female athletes, judges, advocates and singers are all at immediate risk".

Nazir also described how a friend, Parwiz, who was a male Afghan intellectual and academic, was arrested and beaten by the Taliban when participating in a protest. "Parwiz was detained during the women's protests on September 8 [location withheld]. He was severely tortured. He had his arm broken by the group fighters [Taliban]. He was taken inside the Police district [district number withheld]. When Taliban released him, they made him wear new clothes because his clothes had become wet from his blood. It happened as part of the groups suppression policy to silence any opposition voice and those who question them".

Nazir had faced threats from the Taliban for his work, even before 15 August. He had already

changed his work routines and was living partially underground because of threats by the Taliban. Nazir's colleagues had received messages asking the organization to register with the Taliban. "One of our local coordinators in one district [name withheld] had to cancel an event because of Taliban threatening him that they 'will kill him and his sister' if they were not going to cancel their event. They cancelled the event late evening before the day it was scheduled for," he said. Nazir added that many of his friends who were women human rights defenders had left the country, but many also remained in Kabul, some of whom were participating in the protests. He said others had gone under-ground, fearing for their lives.

Hundreds of defenders who tried to access Kabul airport during the evacuation period faced huge obstacles, like a woman human rights defender who was on an evacuation list from a European country but was not allowed to enter the airport because of lack of coordination between the forces on the ground. Instead, she got injured while waiting at the entry gate, and ended up at the hospital. Another human rights defender echoed the distress: "We couldn't make it to the airport. I was beaten up several times on the way. My son disappeared in the crowd (he was found later with an injured leg) and my wife had a heart attack. It was the worst day of my life." Further, many human rights defenders who managed to leave the country are now stranded in military camps or in neighbouring countries, without knowing their final destination or how they will be able to rebuild their lives that have been shattered overnight.

The right to freedom of association and peaceful assembly has also been seriously curtailed. Several NGO offices were raided and searched by the Taliban, and their accounts frozen, pending "future assessment" by the Taliban. NGOs have also stopped their women's rights programmes, with most of the offices remaining closed due to fear of reprisals. This puts human rights defenders in a dire financial situation, with many not having received a salary since July, with little prospect of receiving one, or of resuming their human rights work, soon. Many human rights defenders report that they are fast running out of money and food.

On 25 August, a number of national NGO premises were searched by the Taliban in Kabul city. The Taliban asked questions regarding the vehicles, assets, and names of Directors and senior staff members of the NGOs.

On 12 September, about 30 Taliban members came to an NGO office [location withheld], asking about the organization, its director, and its activities, and wrongly accusing it of organizing the recent demonstrations on women's rights and holding a women's shelter. As they could not find any staff member present, they arrested the guard before releasing him shortly after.

On 7 September 2021, Taliban shot Omid Sharifi, a civil society activist, and Bashir Ahmad Bayat, a schoolteacher at Herat Revolution High School, as they were protesting against the Taliban in Herat province. Both died as a result of their injuries.

On 8 September 2021, a women rights' protester was whipped several times in Kabul while she and other protesters were chanting "freedom, freedom". On 8 September, 2021, the Ministry of Interior of Taliban issued an order banning all demonstrations and gatherings across Afghanistan "until a policy of demonstration is codified.

• Afghanistan Recent developments in the security situation, impact on civilians and targeted individuals, Country of Origin Information Brief Report, Ministry of Immigration and Integration,

the Danish Immigration Service, September 2021, available at https://www.ecoi.net/en/file/local/2060188/Afghanistan_Targetedindiv_FINAL.pdf (citations omitted)

As the Taliban expanded their territorial control in May, June, July and August, there are documented examples of the civilian population perceived as opposing the ideology of Taliban being targeted by the Taliban around the country. The targeted individuals include government officials, journalists, human rights defenders, Afghans employed by foreign forces as well as former members of the Afghan security forces.

In the wake of the Taliban takeover, the UN Human Rights Special Rapporteurs have also expressed concerns regarding the safety of journalists, human rights defenders and civil rights activist as the insurgents prepare to govern the country. SER advised that Taliban perceive human rights defenders as an extension of the American presence in the country because they find that the idea of human rights undermine the principles of Islam.

Recent incidents of targeted attacks against journalists and human rights defenders include:

- 17 July: Reuters Journalist Danish Siddiqui killed and mutilated by Taliban at Spin Boldak border crossing.
- 1 August: Reporter from Pajhwok Afghan News shot and killed by Taliban fighters in Herat province.
- 2 August: Interpreter working with German newspaper Die Zeit killed in Jalalabad.
- 6 August: The Taliban kills the director of Afghanistan's government media in Kabul
- 8 August: Radio Station manager shot dead by Taliban in Paktia province.
- 9 August: Journalists kidnapped by Taliban in Helmand province.
- 14 August: Civil rights activist, Haji Azizullah, detained and killed by Taliban in Kandahar.
- 18 August: Family member of Afghan journalist shot dead by the Taliban, another injured during a house-to-house search.
- Protect human rights defenders in Afghanistan, says UN rights expert, United Nations News, Aug. 17, 2021, available at https://news.un.org/en/story/2021/08/1097982

The independent rights experts called for all forms of culture and cultural heritage to be protected, as well as those who defend it, and implored cultural and educational institutions everywhere to extend invitations to Afghan artists, cultural workers and students, especially women and members of minorities, to enable them to continue their work in safety.

"It is not enough for foreign governments to secure the safety of their own nationals", said Ms. Bennoune. "They have a legal and moral obligation to act to protect the rights of Afghans, including the rights to access to education and to work, without discrimination, as well as the right of everyone to take part in cultural life."

The Special Rapporteur said she was gravely concerned at reports of gross abuses by the Taliban, including attacks on minorities, the kidnapping of a woman human rights defender, the killing of an artist, and the exclusion of women from employment and education.

 TALIBAN WASTING NO TIME IN STAMPING OUT HUMAN RIGHTS IN AFGHANISTAN SAYS NEW BRIEFING, Amnesty International, Sept. 20, 2021, available at https://www.amnestyusa.org/press-releases/taliban-stamping-out-human-rights-inafghanistan-says-new-briefing/

Climate of fear for Human Rights Defenders

Attacks on human rights defenders have been reported on a near-daily basis since August 15. The Taliban are conducting door-to-door searches for human rights defenders, forcing many into hiding.

Researchers spoke to Mahmud*, an Afghan human rights defender who managed to get out of the country. Mahmud described how, on the day the Taliban entered Kabul, he received a call asking him to hand over his organizations' vehicles, equipment and money. The caller knew his name and warned him he had no choice but to cooperate.

Over the following days, Mahmud received further phone calls and WhatsApp messages, asking for his home address and requesting to meet him at designated locations. Two colleagues at his NGO had been beaten by the Taliban. Images shared by one of his co-workers and verified by Amnesty International and a forensic pathologist show classical assaultive 'whipmarks' to the back and yellowing bruising to the victim's left arm.

"The threat faced by human rights defenders stranded in Afghanistan is real. They are under attack on all fronts as they are seen as enemies of the Taliban. Their offices and homes have been raided. Their colleagues have been beaten. They are forced into permanent hiding. They live under the constant threat of arrest, torture or worse. Those who managed to leave the country are now stranded in military camps or in neighboring countries, not knowing their final destination nor how they will be able to rebuild their lives that have been shattered overnight," said Delphine Reculeau, Human Rights Defenders Program Director at the World Organisation Against Torture (OMCT).

"The international community must uphold its moral and political commitments and not fail the people who have dedicated their lives to the defense of human rights, gender equality, the rule of law and democratic freedoms in their country, but protect them at all costs."

[...]

Women and girls and the right to protest

As a result of a climate of fear bred by the Taliban's takeover, many Afghan women are now wearing the burka, refraining from leaving the house without a male guardian, and stopping other activities to avoid violence and reprisals. Despite the myriad threats now presented to women's rights, women across the country have been holding protests.

While some protests have been allowed to continue peacefully, many were violently repressed by the Taliban. On September 4, approximately 100 women at a protest in Kabul were dispersed by Taliban special forces, who fired into the air and reportedly fired tear gas.

Nazir*, a human rights defender, told Amnesty International how his male friend Parwiz* was severely beaten by the Taliban after attending a women's rights protest on September 8.

"Parwiz was detained during women's protests on September 8. He was severely tortured. He had his arm broken. He was taken inside the Police district [district number withheld]. When the Taliban released him, they made him wear new clothes because his clothes had become wet from his blood."

On September 8, the now Taliban controlled Ministry of Interior issued an order banning all demonstrations and gatherings across Afghanistan "until a policy of demonstration is codified."

"The international community must not turn a blind eye to the violations being committed by the Taliban. Taking concrete action at the UN Human Rights Council will not only send the message that impunity will not be tolerated, but also contribute to preventing violations on a broader scale. This should go hand in hand with support for the ongoing investigation at the International Criminal Court, in order to secure accountability for crimes against humanity and war crimes committed by all parties," said Juliette Rousselot, FIDH's Program Officer for South Asia.

• Areeba Atique, Event recap: "On the frontline: Protecting Afghanistan's human rights defenders," Atlantic Council, Aug. 23, 2021, available at https://www.atlanticcouncil.org/blogs/southasiasource/event-recap-on-the-frontline-protecting-afghanistans-human-rights-defenders/

The Taliban's targeted audiences

Subsequent to the 2020 US-Taliban agreement, the Taliban began targeted killings and beatings of individuals openly supporting democratic values, government officials, and the rights of Afghan people, consequently catapulting HRDs, journalists, civil society activists, educators, and more under serious threat as primary targets of the group. Indeed, Mr Raufi emphasized that the Afghanistan war is a war of "values and traditions" where HRDs are perceived as soft targets. While Mr Raufi was living under the control of the Taliban, for instance, he witnessed various acts of brutality—civilian beatings, executions, and more. In fact, just last month nearly 200 activists were killed by the Taliban in Kandahar during a seminar to promote civic engagement, human rights, and democratic values for Afghanistan. With US evacuations underway, the safety and protection of HRDs are more crucial now than before.

International communities lack of support to human rights defenders

There has yet to emerge effective action plans and protection mechanisms for HRDs since the US withdrawal, a critical concern for Afghanistan's activists. Notably, Ms Hamidi highlighted the Taliban's earlier demand to release 5,000 prisoners and the ensuing dynamics following so: the extremist group gained authority, recognition, and power while HRDs were left disempowered and defeated. Ms Hamidi further emphasized that for years, HRDs have been pleading for help from international actors such as the European Union delegation, the United Nations, the US embassy, and the UK embassy, however, such actions remain unanswered, and the only effort to address HRD safety in Afghanistan, spearheaded by Amnesty International and 37 other human rights organizations in January 2020, offered no solutions. Another issue of concern, per Ms. Hamidi, remains that of international communities shutting down visa support or provisions to human rights defenders and activists. In many cases, Afghan HRDs work several years for allies, only to be abandoned amid difficult times. Although extensive protection mechanisms are needed for all Afghanistan, protection placements for human rights defenders in Afghanistan are most critical.

 Dr. Ewelina U. Ochab, A Whole Generation of Human Rights Defenders May Perish in Afghanistan, Forbes, Sep. 12, 2021, available at <u>https://www.forbes.com/sites/ewelinaochab/2021/09/12/the-whole-generations-of-human-rights-defenders-may-perish-in-afghanistan/?sh=114314882d5e</u>

The threat faced by human rights defenders is real. Among human rights defenders, female lawyers and judges are at particular risk. Not only because of their sex and daring to have high-flying careers. No. It is because many of them were involved in the trials of Taliban fighters. Now that prisoners are being released, including those who they put in jail, they have a constant target on their backs. Women in any position of power, whether judges, lawyers, politicians, who are spared, would be confined to their homes and dependant on a male escort to leave the house.

Women protesting against the over-night decline of women's rights in the country are facing Taliban fighters using whips to silent them.

[...]

Human rights defenders in all shape and forms are seen as the enemy of the Taliban because they fight for what the Taliban do not agree with - human rights.

In the U.K., Baroness Kennedy QC, a distinguished barrister and director of the International Bar Association's Human Rights Institute, took on the challenge to assist the human rights defenders in Afghanistan. As she stated "I am working with a large team of pro-bono lawyers in the United Kingdom and across the world to save the brave female Judges, lawyers, women's rights activists, and human rights defenders. They are in immense danger and need help immediately." She called upon the international community to provide them with help.

What can be done? Resettlement. Many human rights defenders will not be able to stay in Afghanistan as staying means certain death. As such, they need resettlement to a safe country. However, currently, very few countries are willing to come forward and take them in. As such we run the risk that a whole generation of Afghan human rights defenders may perish at the hands of the Taliban. If they do, a brighter future for Afghanistan will not be achieved in our lifetimes.

 The situation of human rights in Afghanistan and technical assistance achievements in the field of human rights, Report of the United Nations High Commissioner for Human Rights, Jan. 11, 2017, available at <u>https://documents-dds-</u> ny.un.org/doc/UNDOC/GEN/G17/004/63/PDF/G1700463.pdf?OpenElement

68. Many Afghan human rights defenders have reported that the attacks by antigovernment elements, the threats against journalists and human rights defenders and the increasing insecurity all affected their ability to advocate for human rights and created a climate of fear, and that the Government provided inadequate support to ensure their safety. Expanded Taliban armed activities in Farah, Helmand and Kunduz provinces have led to scores of journalists and civil society actors fleeing those provinces for fear of reprisals.

• Concluding observations on the third periodic report of Afghanistan, United Nations Committee on the Elimination of Discrimination against Women, Mar. 10, 2020, available

athttps://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED AW/C/AFG/CO/3&Lang=En

Human rights defenders and journalists

35. The Committee is deeply concerned about the fact that women human rights defenders and journalists are targeted for their work on women's rights, face genderbased violence, threats and stigmatization, including by their communities, and lack protection, and that women journalists are subjected to targeted killing. It is also concerned about the restrictions placed on the freedom of movement of women human rights defenders and the adverse effect of violence and intimidation on their work and on their right to participate meaningfully in processes relating to women's rights.

36. The Committee urges the State party to protect the life, personal liberty and security of women human rights defenders and journalists, to guarantee their freedom of movement and expression, to prosecute acts of murder or gender-based violence and intimidation committed against them and to adequately punish the perpetrators of such crimes. The Committee recommends that the State party work with civil society organizations to raise the awareness of political leaders, communities and the media of the importance of the work of women human rights defenders.

• DFAT Country Information Report Afghanistan, Australian Government Department of Foreign Affairs and Trade, June 27, 2019, available at https://www.dfat.gov.au/sites/default/files/country-information-report-afghanistan.pdf

3.48 The continuing armed conflict frequently hampers the ability of CSOs and NGOs to conduct their operations in many parts of the country. CSO and NGO activists across the country have been vulnerable to intimidation, threats, abductions and targeted killings by AGEs, particularly the Taliban. In July 2016, UNAMA noted that a climate of fear had affected the ability of CSOs and NGOs to advocate for human rights. In its November 2018 submission to the UPR, JS1 (a collective of CSOs) recognised the continuing actions of violent non-state actors as largely to blame for the ongoing difficulties faced by CSOs and NGOs, but called on the government to do more to ensure their protection.

[...]

3.50 Since the fall of the Taliban, Afghanistan has seen a slow emergence of women's rights advocates, including high-profile female civil society representatives. Women's services and protection shelters have gradually spread across the country. However, these are sometimes viewed with suspicion within the conservative culture of rural Afghanistan. The Taliban in particular have long been averse to this trend and have directly targeted women's rights advocates and female CSO/NGO workers. UNAMA has previously reported that female CSO/NGO workers and those involved in advocating women's rights face a particular risk. In its annual report for 2016, UNAMA documented 54 incidents of targeted and deliberate killings against women civilian casualties carried out by AGEs in that year, a 25 per cent increase compared to 2015. DFAT assesses it likely that this risk remains significant.

• Afghanistan: Situation of Afghan citizens who work for NGOs or international aid organizations, and whether they are targeted by the Taliban; attacks against schools and incidents of violence against students, teachers, and the educational sector; state response (2012-January 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa, Feb. 22, 2016, available at https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=456381

According to the AAN analyst, the Taliban continues to target local aid workers and local staff of international organizations, though the organization's reputation with the community and local political climate impacts whether workers will encounter problems (AAN 20 Jan. 2016). The same source said that NGO employees are the targets of intimidation by the Taliban (ibid.). Similarly, Freedom House states that in 2015, civil society and human rights activists continued to "face threats and harassment" (28 Jan. 2015). Country Reports 2014 indicates that insurgents "deliberately targeted" aid workers for attack, threats and robbery (US 25 June 2015, 2, 19). According to the humanitarian coordinator for the UN in Afghanistan, interviewed by the Guardian, humanitarian workers are "'more vulnerable'" because "'[t]hey work on the frontline'" and because "'they are more noticeable in terms of what they do in the community'" (The Guardian, 4 June 2015). Sources report that aid workers face the risk of being labelled as "spies" by insurgents (UN 9 Sept. 2014; ODI Dec. 2012, iii), or as "foreign agents" (The Guardian 4 June 2015).

 Afghanistan: Their lives on the line: Women human rights defenders under attack in Afghanistan, Amnesty International, Apr. 7, 2015, available at https://www.amnesty.org/en/documents/asa11/1279/2015/en/

Who are women human rights defenders in Afghanistan? They are women and men who are peaceably engaged in activities to promote and protect nationally and internationally recognized rights of women and girls. While women comprise the vast majority of women human rights defenders in Afghanistan, men are also taking up this work, although they face their own unique challenges in doing so, including a lack of acceptance and recognition for their contributions. However, women working as women human rights defenders are targeted not only because of their words or actions in promoting and protecting women's rights, but also because of who they are – women in public life.

These women are perceived as defying cultural, religious and social norms concerning the role of women in society, regardless of whether they are doctors, journalists, educators, female police officers or elected representatives. This puts them at risk of sexual and other forms of gender-based violence. It can further restrict their movements. Also, they can be convicted of 'moral crimes', face gender-based attacks on their reputation and experience social isolation.

The issue of women's subordinate legal, social and political position in Afghan society and the failure of the government to meet its obligations to ensure gender equality and address discriminatory social attitudes forms the basis of this report. Cultural, religious and social norms are at the root of the various kinds of abuse experienced by women human rights defenders. As such, challenging those entrenched patriarchal patterns is central to the struggle to ensure that women and girls in Afghanistan are able to exercise their rights in full.

The nine case studies in this report illustrate the range of violence women human rights defenders are confronted with on a daily basis: from threats, harassment and intimidation to physical attacks on their family members and property and unlawful killings. Amnesty International has chosen these cases in order to fully represent the diversity of regions,

ethnicities, age groups and professions of women human rights defenders in Afghanistan. A common thread emerging from the interviews as well as from reports by NGOs and research organizations is that the pattern of abuse against women human rights defenders is matched by the government's systematic failure to provide an environment that protects them or to bring the perpetrators of abuses to justice.

One woman's rights activist told Amnesty International:

"The authorities here are trying to ignore women and their problems, and even if there is evidence of women being targeted ... no one will bother to do anything about it. They are fine with women being targeted."

This institutionalized indifference on the part of the authorities to the threats, harassment and attacks that women human rights defenders face is a result of weak state structures, particularly within the judiciary and law enforcement and security agencies. It is reinforced by an enduring culture of impunity, a judicial system based on the ability to wield power rather than on a concept of justice and a multiplicity of competing legal systems.

While the Taliban and other armed opposition groups are responsible for the majority of abuses against women human rights defenders, they are not the only perpetrators. Government officials and powerful commanders and warlords who are supported by local authorities have also been implicated in committing human rights abuses against women human rights defenders.

Amnesty International found that existing support and protection services for women human rights defenders are especially lacking. They are under-resourced, overstretched with limited capacity and lack adequate security provision. This is a particular concern for staff in the provincial departments of women's affairs (DOWAs) who, as the case studies demonstrate, are themselves at grave risk because of their role as frontline defenders.

As one DOWA head explained:

"I want to work in all 15 districts [of my province] but I don't even have enough fuel in my car to travel. It affects my performance and what I can achieve."... Another DOWA head shared her frustrations about her attempts to increase security for the DOWA: "I keep asking for a police checkpoint in front of the office but we still haven't been provided with one. If it was a powerful commander asking they would have been given one."

Women human rights defenders are afforded a degree of support from the international community, but up until now this has been on a limited and ad hoc basis. A recent strategy advanced by the European Union Plus (EU plus additional diplomatic missions) will, once operational, offer an additional protection mechanism for Afghan human rights defenders, including emergency protection and ongoing monitoring. However, the strategy has yet to be tested and questions remain concerning how successfully it will be implemented, including mainstreaming the particular needs of women human rights defenders and especially those in the rural areas of the country.

 Afghanistan: Night letters [Shab Nameha, Shabnamah, Shabnameh], including appearance (2010-2015), Research Directorate, Immigration and Refugee Board of Canada, Ottawa, Feb. 10, 2015, available at <u>https://irb-cisr.gc.ca/en/country-</u> information/rir/Pages/index.aspx?doc=455723&pls=1

4. Targets and Recipients

The Professor explained that the primary "target audience" for Taliban night letters is the "local population," specifically the population in Pashtun-dominated provinces of southern and eastern Afghanistan, regions that have traditionally been the support base of the Taliban (19 Jan. 2015). According to the independent analyst, the targets of night letters are generally "specific individuals believed by the Taliban to be transgressing Taliban rules or instructions, or more generally to local community groups, such as a small village" (Independent analyst 9 Jan. 2015). He explained that targets include people that could be perceived as "low-level" targets, such as "officials, women, teachers, junior employees working with international organizations," among others (ibid.). Sources report that targets of night letters also include the following

- Afghan government employees (International Crisis Group 24 July 2008, 12; AIHRC 17 Jan. 2015; Professor 19 Jan. 2015), including police, security personnel and people perceived by the Taliban to be "spies" (ibid.);
- people working for international forces (RFE/RL 21 Nov. 2012; International Crisis Group 24 July 2008, 12; AIHRC 17 Jan. 2015) and embassies (ibid.);
- religious and intellectual scholars (ibid.), such as Ulema Islamic scholars that do not adopt Taliban religious interpretations (Professor 19 Jan. 2015);
- human rights activists, defenders (AIHRC 17 Jan. 2015), and educators and students (Professor 19 Jan. 2015; International Crisis Group 24 July 2008, 12; Pajhwok Afghan News 8 Mar. 2013);
- individuals working for national and international de-mining organizations (AIHRC 17 Jan. 2015) or non-government organizations (Professor 19 Jan. 2015);
- tribal elders (AIHRC 17 Jan. 2015; Professor 19 Jan. 2015);
- political parties (ibid.);
- religious "personalities" (ibid.);
- "businessmen (for ransom)" (AIHRC 17 Jan. 2015)
- women who work outside the home, including those working as teachers, or for the government, or in civil society (RFE/RL 7 Dec. 2012; Human Rights Watch July 2010 25-27); and
- in the March 2014 presidential and provincial elections, Taliban night letters were aimed at voters (IWPR 2 Apr. 2014; Killid Weekly 29 Mar. 2014; WSJ 11 Mar. 2014), WSJ 11 Mar. 2014), election workers, and those involved in election campaigning (ibid.; Killid Weekly 29 Mar. 2014).
- Women's Refugee Commission Urges U.S. Not to Abandon Afghan Women Human Rights Defenders, Women's Refugee Commission, Aug. 24, 2021, available at https://www.womensrefugeecommission.org/press-releases/womens-refugee-commissionurges-us-not-to-abandon-afghan-women-human-rights-defenders/

"The Women's Refugee Commission is gravely concerned about President Biden's decision today to not extend his August 31 deadline to evacuate Americans and certain categories of targeted Afghans," said Gayatri Patel, vice president of external relations at the Women's Refugee Commission. "Despite efforts throughout the week to evacuate all of the individuals the president pledged to assist, WRC remains deeply concerned about the safety and rights of Afghan civilians, particularly women's rights activists, female journalists and educators, and other human rights defenders, who are unlikely to be evacuated by this deadline."

"While networks of activists, NGOs, and others from within and outside of Afghanistan have worked feverishly to urge the United States and allies to prioritize the safety of these women in light of Taliban threats and credible reports of violence and harassment against them, we believe that several thousand—if not more—remain urgently in need of evacuation or other protection," said Patel. "We strongly urge President Biden to reconsider this decision and extend the slated August 31 deadline to ensure a safe and sustainable evacuation of all persons at risk."